

Born into uncertainty

Pandemic aggravates the woes of migrant mothers and their newborns

By Ali Mohamed | August 2020



The exclusionist nature of the Gulf countries, which provides no integrated social welfare system for migrants, is further endangering the health of those excluded during this pandemic.

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Mary, a 21-year-old who had worked for a cleaning company, recently gave birth in Salmaniya hospital in Bahrain. Like many unwed migrants, the pregnancy had not been planned, and her options were unclear.

"I was not expecting to have a baby, I went to the clinic and they said I was pregnant. When I told my boyfriend about it, he told me he can take me to an [illegal] abortion clinic. I got scared.

"I told him I don't want to take a risk, maybe it will go wrong? Maybe I will not have a baby again? Maybe I will bleed too much? The baby is in me, the risk is on me, I was too much scared. I decided to keep the baby."

Last year, the Bahraini parliament launched an inquiry into "organised abortion rings". The head of the inquiry, MP Bader Al Dossary, said, "The situation is alarming. We understand there have been efforts to stop this, but it is not enough and those clinics have mushroomed dramatically. We are speaking about painful operations that cause excessive bleeding. We need an urgent clampdown before someone dies."

Legalising abortion in the region's conservative climate is an ongoing challenge. Proposals to legalise abortions under some conditions were rejected by the Shura council in Bahrain earlier this year.

As abortion in Bahrain, like in the rest of the Gulf, is illegal (unless the mother's life is at stake), some women resort to unsafe methods to terminate their pregnancies. They can face [prosecution](#) for attempting an abortion, even in cases of [rape](#). Some women [travel to their home countries](#), even if abortion is illegal there too, because of easier access or reduced cost. But this option is no longer available due to Covid-19 restrictions.

Limited access to reproductive services and maternity care

Maternal care is also out of reach for many low-income migrant women in the Gulf.

Migrant-Rights.org spoke to Jane, a Filipina migrant worker in the UAE, who recently gave birth in Sharjah. The Covid-19 outbreak upturned her life when her company shut down and her husband was forced to accept a “no work no pay” arrangement by his employer.

“I was pregnant before Covid-19, then I lost my job, I had no health insurance, and we didn’t have any income. For many months into my pregnancy, I couldn’t afford to go for any check-up.”

UAE residents who do not have private health insurance or whose insurance doesn’t cover maternity care can apply for a health card, which gives them access to lower-cost medical treatment in public hospitals and clinics. Without a health card, delivery charges and prenatal care can cost up to AED 22,000 (USD 6,000).

But for Jane and her husband, who no longer have a source of income, the health card was still unaffordable. Just before delivery, they managed to obtain a loan to get one.

“We didn’t receive any salary for three months, my husband took a loan to pay for the health card fees and delivery charges. We are in debt with more than AED 9,000 now and we have to pay interest on our loan, I don’t know how we will repay that.”

Kala was in the UAE on a tourist visa to visit her husband. She was scheduled to fly back to Nepal in mid-March, before the start of her last trimester. However, because of Nepal’s closed borders, she had to remain in Dubai. Her husband, who works for a supermarket, did not have a health card nor the resources to pay for a private hospital. As her due date neared, Kala’s prenatal care suffered. Though Nepali community organisations rallied around her, and others like her, finding a hospital to cover the costs of delivery proved difficult. Eventually, a private hospital agreed to admit Kala on humanitarian grounds but others in the community who are pregnant, and not full term, continue without care.

For Sarala, the weeks she spent trying to secure a seat on a repatriation flight from Dubai to Colombo were fraught; if there had been any further delay, she would have been unable to fly and in grave despair without access to maternal care.

In Bahrain, several female migrant workers who had recently given birth told MR that they received free healthcare for the delivery, but now struggle to access postnatal care. They rely on community groups to afford checkups, shots, and treatments for themselves and their infants.

“I was in the hospital for a week because I got an infection after my caesarean delivery. The doctor told me that I need a check-up after a month, and I think my baby got an eye infection. I am struggling to go to the clinic,” says Faith, a domestic worker who gave birth in July.

Hospitals in the Gulf are required to admit women in labour when they arrive at the ER, regardless of their visa status or ability to pay the cost. However, they will not be able to obtain birth certificates, travel documents or immigration clearance for their infants until they pay their hospital debts or in some countries, provide marriage certificates. Those who have lost their jobs, like Jane, or who were unfairly dismissed due to their pregnancy (like Mary, below) struggle to pay for delivery charges and postnatal care.

Of the GCC countries, only Saudi Arabia’s labour law requires employers to cover medical care costs for pregnancies ([Article 153](#) of the Labour Law). But since pregnancy out of wedlock is illegal, the provisions of this law do not apply to unwed women.

Pregnancy out of wedlock and travel restrictions

Unlike the rest of the Gulf countries, Bahrain’s does not specifically criminalise sex outside of marriages. However, unwed pregnancies can complicate matters when it comes to obtaining a birth certificate and travel documents, especially if the father of the child leaves the country. In such cases, embassy officials can secure the documentation required for women and their infants to travel back home. The situation becomes especially difficult for migrant women with no embassy representation in the country.

In order to assist undocumented Filipino migrant women with infants stranded in Bahrain, the Philippines embassy launched its ‘[Oplan Kabataan](#)’ campaign in December 2019 to help repatriate women and children, however, the campaign was suspended due to the pandemic.

For the rest of the Gulf countries, where sex and pregnancy out of wedlock is illegal, the challenges for women are more acute, carrying the risk of prosecution, imprisonment, and deportation.

According to social workers, many migrant women in this situation usually leave to give birth in their home countries. With the Covid-19 travel restrictions in place, this was no longer an option for most, including Mary.

Mary's boyfriend told her that he would sort everything out when he came back from his vacation in Kenya. He left days before Covid-19 travel restrictions began.

"He told me not to tell anybody about my pregnancy, I trusted him too much. I thought when he comes back at least I will be at peace and things will be easier for me. He went home, since then he switched all communication off. I never heard from him. He said he went for vacation but later on I discovered from his employer that he resigned, he just left me like that. And then all flights were cancelled and I couldn't go home."

Fear of reprisal

Afraid to lose her job, Mary didn't inform her employer of her pregnancy and continued to work until she was put on unpaid leave, when her cleaning company ceased operations due to the pandemic.

"We were staying at the company's accommodation and they were providing food and everything. The company didn't know I was pregnant, I stayed there until the day I gave birth at the hospital. When the company found out that I was giving birth, they called me and told me not to come back to the accommodation with the baby. Two days after I gave birth, I received a text message from LMRA saying that my visa has been cancelled."

Labour laws in the Gulf countries prohibit the dismissal of female workers, excluding domestic workers, due to pregnancy. Workers fired because they are pregnant have grounds to claim compensation, but many migrant women, especially those on the lower-income scale, are either not aware of the law or otherwise [lack the resources and](#)

[support](#) to file charges against the employer. Unfair dismissal claims can also take a long time to settle and must be filed in a limited time frame. In Bahrain for example, claims must be filed within 30 days of dismissal.

Additionally, protection against unfair dismissal may not apply to unwed women as pregnancy outside of wedlock is criminalised in most Gulf states and employers can dismiss workers if they have been found guilty of a crime.

[Dubai's government website](#) explicitly calls unmarried expectant mothers to return to their home countries for delivery if they are not able to obtain a marriage certificate, adding that pregnant women must show an original marriage certificate when they go for the first check-up at the hospital.

Fear of reprisals is particularly acute amongst domestic workers, and stories abound of pregnancies hidden until workers go into labour at their [employer's house](#). Additionally, undocumented women fear seeking medical assistance. In some cases, they give [birth at home](#) without assistance from medical practitioners, at great risk to themselves and their babies.

Faith told MR that when it was clear to her that she was pregnant, she ran away from her sponsor's house, fearing abuse.

"I was scared of madam, that she would harm me and the baby, she was shouting at me all the time and I thought she would do something if she found out."

Gaps in maternity care for domestic workers

For domestic workers, access to reproductive and maternal health care in the Gulf depends largely on their employer. In most cases, domestic workers are repatriated as soon as the employer discovers the pregnancy.

Domestic workers in all of the Gulf countries are excluded from the labour law and there are no specific provisions on maternity benefits in any of the region's domestic worker

laws. In part due to these protection gaps, pregnant domestic workers are acutely vulnerable to health risks and abuse.

Lydia, who unexpectedly became pregnant on her annual vacation home to visit her husband and family, said her employers were shocked when they found out.

“They couldn’t believe that I was pregnant. They wanted to get rid of me but there was travel restriction so I couldn’t go back home.” The sponsor still tried their best to get rid of her but the recruitment agency, police station and government shelter all refused to take her.

“The sponsor was always threatening me when they found out I am pregnant. They were making me work the whole time, they even kicked me out of the house once but the police forced them to take me back.” Lydia continued to stay at her employer’s home until she gave birth in Salmaniya hospital. After that, she never heard from her sponsor and she is now at the Labour Market Regulatory Authority’s (LMRA) shelter with her baby.

Not all sponsors are like Lydia’s. Cynthia, a Kenyan domestic worker who recently gave birth was welcomed back to her employer’s house (the father of the baby has since left Bahrain). The sponsor, while willing to pay for Cynthia’s repatriation expense, told MR that she is not in a position to pay for the birth certificate and travel documents for Cynthia’s baby. With the gaps in maternity care for domestic workers, it is unclear who is legally responsible to cover the costs.

Care for refugees and migrants, specifically pregnant women, has been called for in numerous policy documents and in the wider context, such as within the Universal Declaration of Human Rights (11).

In 2015, the United Nations adopted the 2030 Agenda for Sustainable Development, and maternal and child care, access to health and nutrition, and elimination of all forms of violence figure prominently in the targets, across several goals. Some of these include:

SDG1 [Poverty \(1.3\)](#), SDG2 [Hunger \(2.2\)](#), SDG3 [Health and Wellbeing \(3.1, 3.2, 3.4\)](#), and SDG5 [Gender equality \(5.1, 5.2\)](#),

Key Recommendations

- GCC states must ensure pregnancies, planned or unplanned, receive due attention, and maternal and infant care is prioritised. Access to maternal and individual healthcare should be equitable for all, regardless of citizenship, ethnicity, class, or religion.
- According to CEDAW's [General recommendation No.35](#), "denial or delay of safe abortion and/or post-abortion care [...] are forms of gender-based violence that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment." Criminalising abortion has no deterrent value and only leads to unsafe abortions, which is one of the [leading causes of maternal morbidity](#). The Gulf governments must legalise abortion and provide quality medical care to all women.
- Decriminalise pregnancy out of wedlock and allow mothers to access maternal care and obtain birth certificates even if they are not married.
- Reduce the high costs of birth certificates, which may lead to infants becoming undocumented or stateless
- Gulf government shelter facilities should be expanded. Women with children should never be held in detention centres. Moreover, embassies of sending countries should facilitate shelter of migrants in distress, particularly for pregnant and neonatal cases.
- Primary healthcare centres should provide outpatient services to pregnant women, to ensure quality pre- and post-natal maternal health. Poor maternal healthcare has long-lasting effects on a woman's health, affecting family life and their productivity as professionals. The specific health profiles of migrant women, which are more likely to include factors such as undernutrition and violence, must be considered in the provision of care.
- Health insurance should be made mandatory for all migrant workers, and costs either borne by employers or included as an allowance above minimum wage.

Comparison of GCC laws regarding maternity

GCC	Maternity leave	Dismissal due to pregnancy	Abortion	Pregnancy out of wedlock	Domestic workers
Bahrain	<p><i>Article 32 of the Labour Law:</i> A female worker shall be entitled to maternity leave on full pay for 60 days including the period before and after delivery provided she produces a medical certificate retained by one of the governmental health centres or one of the clinics retained by the employer, indicating the expected delivery date.</p> <p>The female worker may obtain an unpaid maternity leave for fifteen days in addition to the abovementioned leave.</p> <p>b- The female worker shall not be employed during the forty days following the delivery.</p>	<p><i>Article 104 (A1) of the Labour Law</i> stipulates that dismissing a worker due to pregnancy is deemed arbitrary and the pregnant worker can claim compensation for unfair dismissal as according to <i>Article 111 of the Labour Law</i>.</p>	<p>Abortion is illegal under all circumstances except in cases where pregnancy is threatening the life of the pregnant woman.</p> <p>A prison sentence for a period not exceeding 6 months or a fine of no more than BD 50 shall be the penalty for any woman who commits an abortion without the advice and assistance of a medical practitioner</p>	<p>Bahrain's legal code does not criminalize pregnancy out of wedlock per se.</p> <p>Unmarried women aged over 21 can have consensual sex in private spaces according to <i>Article 345 of Bahrain's Penal code</i></p>	Domestic workers are excluded from all provisions of maternity in the Labour Law.
Saudi Arabia	According to <i>Article 151 of the Saudi Labour Law</i> , female workers are entitled to 10 weeks fully paid maternity leave, to commence	<i>Article 155 of the Labour Law</i> prohibits the employer from	Abortion is illegal under all circumstances except in	Pregnancy and sex outside marriage is prohibited under uncoded	Domestic workers are excluded from all provisions of maternity in the Labour Law.

	<p>maximum four weeks before the expected date of delivery. The leave can also be extended for an additional month on an unpaid basis.</p> <p><i>Article 153 of the Labour Law</i> requires employers to provide medical care for female workers during pregnancy and delivery.</p>	<p>terminating or threatening to terminate work contracts of female workers during maternity leave</p>	<p>cases where pregnancy is threatening the life of the pregnant woman.</p>	<p>Islamic Law in Saudi Arabia</p>	
Qatar	<i>Article 96 of the Labour Law:</i>	<i>Article 98 of</i>	Abortion is	Sex outside	Domestic workers

	<p>The female Worker who has been working for an employer for a complete year shall be entitled to maternity leave with full pay for a period of fifty days, including the period before and after the delivery, provided that the period following the delivery shall not be less than 35 days.</p> <p>Such leave shall be granted upon a medical certificate issued by a Licensed Physician stating the potential date of delivery.</p> <p>If the remaining period of the leave after delivery is less than 30 days, the female Worker may be granted a complementary leave from her annual leave, otherwise, the complementary period shall be deemed to be a leave without pay.</p>	<p><i>the Labour Law</i> prohibits the termination of contract of a female worker due to marriage or the provisions set by Article 96.</p>	<p>illegal under all circumstances except in cases where pregnancy is threatening the life of the pregnant woman.</p> <p>Women who, without medical necessity, performs abortion can be punished with imprisonment for up to 3 years.</p>	<p>marriage is illegal.</p>	<p>are excluded from all provisions of maternity in the Labour Law.</p>
UAE	<p>According to <i>Article 30 of the Labour Law</i>, female workers in the private sector: 45 calendar days of full pay leave for those who have completed 1 year of continuous service as at the date of birth.</p> <p>Those who worked less than 1 year of continuous service as at the date of birth are entitled to 45 calendar days of leave at half pay.</p>	<p>The UAE Labour Law does not include any specific provisions regarding termination of employment during pregnancy.</p> <p>However, if a pregnant woman is dismissed without a legitimate reason (i.e. performance or conduct), she can file an</p>	<p>Abortion is illegal under all circumstances except in cases where pregnancy is threatening the life of the pregnant woman or there is evidence that the baby will be born with fatal deformities and will not survive.</p> <p>Pregnant women who illegally perform</p>	<p>Sex outside marriage is illegal.</p>	<p>Domestic workers are excluded from all provisions of maternity in the Labour Law.</p>

		employment claim in the UAE Labour Court and may be entitled to 3 months' gross salary as compensation.	abortion are sentenced to detention for a maximum period of 1 year and/or to a fine not in excess of AED 10,000.		
Oman	According to <i>Article 83 of the Labour Law</i> , female workers are entitled to 50 day maternity leave covering the period before and after delivery with full salary for not more than three times during her service with the employer.	<i>Article 84 of the Labour Law</i> stipulates that the employer is not permitted to dismiss a female employed for being absent due to sickness, which will be proved by a medical certificate to be attributable to pregnancy or delivery, and that she cannot resume her work, provided however that such a period of absence shall not in total exceed 6 months.	Abortion is illegal except when there are medical reasons that necessitate this and determined by a medical committee specialist. Article 244 of Oman's Penal Code states that pregnant women who illegally perform abortion are sentenced to Prison for a duration between 3 months to 3 years.	Sex outside marriage is illegal.	No domestic workers law in Oman and domestic workers are excluded from all provisions of maternity in the Labour Law.
Kuwait	According to <i>Article 24 of the Labour Law</i> , a pregnant female worker shall be entitled to a paid maternity leave of 70 days, not included in her other leaves, provided that she gives birth within this	<i>Article 24 of the Labour Law</i> stipulates: "The employer may not	Abortion is illegal under all circumstances except in cases where pregnancy is	Sex outside marriage is illegal.	Domestic workers are excluded from all provisions of maternity in the Labour Law.

	<p>period.</p> <p>After the end of the maternity leave, the employer may give the working woman, at her request, an unpaid leave for a period not exceeding 4 months to take care of the baby.</p>	<p>terminate the services of a working woman while she is on such leave or during her absence from work because of a sickness that is proved by a medical certificate that states that the sickness resulted from pregnancy or giving birth.”</p>	<p>threatening the life of the pregnant woman or there is evidence that the baby will be born with fatal serious deformities.</p> <p>Article 176 of Kuwait's Penal Code states that pregnant women who illegally perform abortion shall be sentenced to prison for a period of no more than 5 years and fine not exceeding 5000 Kuwait Dinars or one of the two penalties.</p>		
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**All names have been changed to protect the identity of the women*