

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Kuwait - 2022

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfilment of Government's reporting obligations

p29 Fulfilment of Government's reporting obligations

yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted [10.1]

a) The most representative employers' organizations, b) The most representative workers organizations, c) The competent authorities

92. The employers' organization to which the report was sent [12]

Kuwait Chamber of Commerce and Industry

93. The workers' organization to which the report was sent [13]

Kuwait Trade Union Federation

94. Description of the consultation process [10.2]

They are contacted by mail, and if necessary, invited to meetings to collect their views and observations.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' and workers' organizations

83. Consultation with employers and/or workers organizations in the development and implementation of adopted measures [6.1]	Yes
95. Employers' organizations' comments on the report [11a]	None
96. Workers organizations comment on the report [11b]	None
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	The report was shared with them, and their comments are expected to arrive and will be transmitted to you.

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification status

p29 Ratification status	Not ratified
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Ratification intention

61. Convention No. 29 is ratified, but not the 2014 Protocol to Convention No. 29. The prospects for ratification of the Protocol:	Likely
62. Impediments to the ratification of the 2014 Protocol to Convention No. 29.	Presently there are no impediments

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. National policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies [1.1]	Yes
65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]	By correspondence or through meetings if necessary.

<p>68. National policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour [1.5]</p>	<p>Yes</p>
<p>69. Please describe these measures. [1.5]</p>	<p>The Public Authority of Manpower has an action plan to combat human trafficking for forced labour. It has joined forces with several other governmental bodies to support the National Human Rights Commission in developing specific strategies to combat human trafficking and protect human rights. Training courses and programs have also been prepared focusing on human rights, human trafficking and smuggling of migrants, with a view to training employees and enhance their capacity to discern workers exposed to the risk of human trafficking and forced labour. Inspections have been intensified and contracts are monitored with a view to ensuring that they are wholesome, and workers are not exposed to forced labour.</p> <p>إن الهيئة العامة للقوى العاملة لديها خطة عمل من أجل مكافحة الاتجار بالبشر لأغراض العمل الجبري فقد أنضمت إلى عضوية اللجنة الوطنية لحقوق الإنسان مع عدة جهات حكومية أخرى حيث تقوم اللجنة بوضع استراتيجيات محددة في مجال مكافحة الاتجار بالبشر وحماية حقوق الإنسان، كما أنه تم اعداد دورات تدريبية وبرامج في مجال حقوق الإنسان وجرائم الاتجار بالبشر وتهريب المهاجرين من أجل تدريب العاملين وجعلهم أكثر قدرة على تمييز العمالة المعرضة للاتجار بالبشر والعمل الجبري، كما تم تكثيف الجولات التفتيشية ومراقبة عقود العمل والتأكد من مدى صحتها وعدم تعرض العمالة للعمل الجبري.</p>
<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
<p>71. Please describe these data. [1.6.1]</p>	<p>Data is collected based on the number and outcome of inspections, as well as annual statistics and statistics concerning the number of complaints and their results.</p> <p>من خلال القيام بجولات تفتيش وتسجيل عدد الجولات والنتائج المترتبة وعمل إحصائيات سنوية وإحصائيات بعدد الشكاوي ونتائجها.</p>
<p>Measures taken or envisaged for systematic and coordinated action</p>	
<p>64. Description of the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]</p>	<p>The Public Authority of Manpower has developed a plan to prevent the subjection of workers to forced labour, in coordination with States of origin, through monitoring of employment agencies, with a view to ensuring the conformity of recruitment procedures. The Authority has also established a unified work contract to guarantee workers' rights and to prevent their subjection to forced labour through the indication in the contract of the characteristics of the work they would have to perform so that it is agreed upon by both parties. The Authority also sought to hold meetings with the ambassadors of States of origin of migrant</p>

workers and certain labour ministers of those States. These meetings focused on the commitment of all parties to the requirements of labour migration and their monitoring by competent authorities. Accordingly, the Authority provides full protection to workers from the moment of their arrival in Kuwait, putting at their disposal booklets translated in several languages, where their rights and duties are indicated. The Authority has also launched many awareness-raising campaigns in several languages through online social networks to explain this. Any worker subjected to forced labour can communicate with the Authority using a hotline at any hour of the day to submit their complaint. They can also submit these complaints to the Authority through the competent administrative offices that can examine and settle them either by transfer to another employer, return to the country of origin if the worker so wishes, or referral to competent authorities in case the parties fail to reach an amicable settlement. Pursuant to Decision No. 19/2022, the Authority also joined the Higher Consultative Committee for Labour Affairs, for purposes of discussing every matter related to the labour market and debating proposals, including with regard to relocation of labour and regulation of movement and migration of workers. Members of the Higher Consultative Committee include representatives of the Ministry of Interior, Kuwait Trade Union Federation representing workers and Kuwait Chamber of Commerce and Industry representing employers as well as other competent authorities. However, the Public Authority of Manpower is the responsible authority.

ان الهيئة العامة للقوى العاملة قد وضعت خطة لوقاية العمالة من التعرض للعمل الجبري وذلك من خلال التنسيق مع الدول المرسله للعمالة للتركيز على مراقبة وكالات التوظيف لديهم لضمان صحة اجراءات الاستقدام، كما حرصت الهيئة على وضع عقد عمل موحد من أجل ضمان حقوق العامل وعدم تعرضه للعمل الجبري من خلال بيان طبيعة العمل الذي يقوم به في عقد العمل ليكون بالتراضي بين الطرفين، كما أن الهيئة سعت إلى عقد عدة لقاءات مع سفراء الدول المستقدمة للعمالة وبعض من وزراء العمل لديهم من أجل التركيز على التزام جميع الأطراف باشتراطات الاستقدام ومراقبة ذلك من خلال الجهات المختصة، كما أن الهيئة توفر الحماية الكاملة للعامل منذ وصوله لدولة الكويت حيث وفرت له البروشورات المترجمة لعدة لغات لبيان حقوقه وواجباته كما أن للهيئة العديد من الحملات الاعلامية من خلال مواقع التواصل الاجتماعي لتوضيح ذلك وبعده لغات كذلك ، وفي حال تعرض أي عامل للعمل الجبري فبإمكانه التواصل مع الهيئة من خلال الخط الساخن وذلك على مدار الساعة ليقدّم شكواه كما يمكنه تقديمها للهيئة مباشرة من خلال الإدارات المختصة بالنظر بها وحلها اما بالتحويل لصاحب عمل لآخر أو العودة الى بلاده في حالة رغبته بذلك أو إحالتها لجهات الاختصاص في حال عدم الوصول لتسوية ودية بين الطرفين، كما أن الهيئة انضمت الى اللجنة الاستشارية العليا لشئون العمل بموجب القرار رقم 19 لسنة 2022 وذلك لمناقشة جميع الموضوعات المرتبطة بسوق العمل وبحث المقترحات ومنها اجراءات انتقال الايدي العاملة وضبط حركة انتقال واستقدام العمالة وتضم اللجنة وزارة الداخلية والاتحاد العام لعمال الكويت ممثلا للعمال وغرفة تجارة وصناعة الكويت ممثلا لأصحاب الأعمال ووزارة الداخلية وغيرها من ذوي الاختصاص، أما السلطة المسؤولة فهي الهيئة العامة للقوى العاملة

Measures taken or envisaged to prevent forms of forced labour

74. Measures taken or envisaged for the prevention of all forms of forced or compulsory labour [2.1]	Yes
75. Indication of the type of measures [2.2]	a) Information, education and awareness raising targeting especially people in vulnerable situation and employers, c) Regulation and supervision of labour recruitment and placement process, e) Addressing the root causes that perpetuate forced labour, f) Promotion of safe and regular migration, g) Education/vocational training
75.f. Description of measures taken or envisaged:	<p>Through the signature of several bilateral memoranda of understanding with countries of origin of workers with a view to encouraging the exchange of skilled labour. The Public Authority of Manpower is currently considering several bilateral memoranda of understanding concerning labour exchange in preparation of their signature.</p> <p>من خلال توقيع العديد من مذكرات التفاهم الثنائية مع البلدان المرسله للعمالة لتشجيع على تبادل الأيدي العاملة ذات الخبرة وبإجراءات آمنة وتقوم الهيئة العامة للقوى العاملة حاليا بدراسة العديد من مذكرات التفاهم الثنائية في مجال تبادل الايدي العاملة تمهيدا للتوقيع عليها</p>
75.f. Indication of the population groups benefiting from these measures and the relevant forced labour practices:	<p>Private sector and domestic workers</p> <p>العمالة في القطاع الأهلي والعمالة المنزلية</p>

Measures taken or envisaged to protect victims of forced labour

76. Measures taken or envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour [3.1]	Yes
77. Indication of the type of measures [3.2]	a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection of privacy and identity

Measures taken or envisaged to facilitate access to remedies

78. Measures taken or envisaged to provide victims of all forms of forced or compulsory labour with access to remedies [4.1]	Yes
79. Indication of the type of measures [4.2]	a) Information and counselling for victims regarding their rights, b) Free legal assistance, e) Access to remedies and

	compensation, f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges, g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit, h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons
80. Whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes

Non-prosecution of victims for unlawful acts that they would have been forced to carry out

79.g. Description of measures taken or envisaged:	<p>When a case of human trafficking is detected, pursuant to the provisions of the Law on Human Trafficking (No. 19 of 2013), while they examine cases involving the offences in sections 2 and 3 of the law, the public prosecutor or the competent court can take one of the following two measures (section 12): 1) refer the victim of human trafficking or smuggling of migrants to medical authorities or social care homes with a view to providing them with the necessary care and treatment; 2) place them in one of the relief centres designated by the State for this purpose pending their return to their state of nationality or of residence at the time of the perpetration of the offence.</p> <p>في حال الكشف عن حالة للاتجار بالبشر فإن الضحية حسب ما نص عليه قانون التجار بالبشر رقم 91 لسنة 2013 المادة (12) تتولى النيابة العامة أو المحكمة المختصة أثناء نظر الجرائم المنصوص عليها في المادتين (2،3) من هذا القانون الأمر باتخاذ ما تراه من التدبيرين الآتيين: 1- إحالة المجني عليه في قضية الاتجار بالأشخاص أو من تم تهريبه من المهاجرين إلى الجهات الطبية أو دور الرعاية الاجتماعية لتقديم العلاج والرعاية اللازمة له. 2- الإيداع بأحد مراكز الإيواء التي تخصصها الدولة لهذا الغرض حتى يتم إعادته إلى الدولة التي يتبعها بجنسيته أو التي يقيم فيها وقت ارتكاب الجريمة</p>
79.g. Population groups benefiting from these measures and the relevant forced labour practices	All groups

Cooperation with other Member States, international / regional organizations or NGOs

81. Government cooperation with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour [5.1]	Yes
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82. Brief description of the modalities of this cooperation.
[5.2]

Member States cooperate by exchanging information and methods of detection of human trafficking and participation in seminars, conferences and national and international meetings concerning fight against human trafficking. There is also a partnership between organizations and the Government of Kuwait to strengthen the capacities of relevant national agencies and ministries in charge of protecting victims of trafficking and there is also cooperation with UN agencies and NGOs and the private sector primarily through corporate social responsibility initiatives. Several agreements were signed with a view to provide protection and victim assistance. Furthermore, an awareness-raising campaign was launched by the delegation of the International Organization for Migration (IOM) on prevention, protection and prosecution to support the implementation of the national strategy for prevention of human trafficking and smuggling of migrants. Additionally, in cooperation with civil society organizations and the Return and Reintegration Program of IOM, and in coordination with Ministry of Interior and ambassadors of the States concerned, assistance was provided to more than 400 persons to facilitate their voluntary repatriation.

يتم التعاون بين الدول الأعضاء بتبادل الخبرات وفي طرق الكشف على جرائم الاتجار بالبشر والمشاركة في الندوات والمؤتمرات والاجتماعات داخليا وخارجيا في مجال مكافحة الاتجار بالبشر كما أن هناك شراكة بين المنظمات وحكومة دولة الكويت لتعزيز قدرات الجهات الوطنية ذات الصلة والوزارات المكلفة بحماية ضحايا الاتجار وهناك تعاون مع وكالات الأمم المتحدة والمنظمات غير الحكومية والقطاع الخاص بشكل أساسي من خلال مبادرات المسؤولية الاجتماعية للشركات كما تم التوقيع على العديد من الاتفاقيات من أجل الوقاية وحماية الضحايا، كما أن هناك كما تم اطلاق حملة توعوية من قبل بعثة المنظمة الدولية للهجرة بعنوان المنع والحماية والمقاومة لتنفيذ الاستراتيجية الوطنية لمنع الاتجار بالبشر وتهريب المهاجرين، بالإضافة لذلك تم مساعدة أكثر من 400 شخص وتسهيل اجراءات العودة الطوعية الى بلادهم وذلك بالتعاون مع منظمات المجتمع المدني وبرنامج العودة الطوعية واعادة الاندماج التابع لمنظمة الهجرة وبالتنسيق مع وزارة الداخلية وسفارات الدول

Special initiatives or Progress

85. Description of significant changes which have taken place since the last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]

Supervision of recruitment of migrant workers is enhanced and greater protection is provided to vulnerable workers throughout the recruitment process. Building the capacity of judges, defence attorneys, investigators, and the police through intensive training to achieve greater diligence and urging the news agencies to spread awareness and to inform on the gravity of the crime of human trafficking and to inform target groups, in particular migrant and domestic workers. The National Committee headed by the Minister of Justice and includes all concerned parties works for the realization of the strategic vision (a Kuwait free from human trafficking). In this way, awareness is also being spread, and reception of complaints and their referral to competent authorities is simplified for migrant workers with a view to protecting their rights. The approval of the National Referral Mechanism is finalized. This is an integrated system that takes into account every legal aspect as well as other considerations for

	<p>interaction with victims and provision of protection and support to them.</p> <p>زيادة الرقابة على استقدام العمالة الوافدة وتوفير حماية أكبر للعمالة المستضعفة من خلال عملية استقدام العمالة وبناء قدرات القضاة ووكلاء النيابة والمحققين والشرطة لبذل المزيد من الجهد وذلك بتدريبهم تدريب مكثف وحث وكالات الإعلام لنشر الوعي والتعريف بخطورة جريمة الاتجار بالبشر وتوعية الفئات المستهدفة وبالاخص العمالة الوافدة والعمالة المنزلية، كما أن اللجنة الوطنية التي يرأسها وزير العدل وتضم كافة الجهات المعنية والتي تعمل على تحقيق رؤية استراتيجية (كويت خالية من الاتجار بالأشخاص)، كما يتم كذلك نشر الوعي واستقبال الشكاوي واحالتها للجهات المختصة تسهيلا للعمالة الوافدة ولحفظ حقوقهم، كما تم اعتماد آلية الاحالة الوطنية وتعد منظومة متكاملة تراعي الجوانب القانونية وغيرها للتعامل مع الضحايا وتوفير الرعاية والحماية والمساعدة لهم.</p>
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TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

No