



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: KUWAIT

THE ELIMINATION OF DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION (DISC)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the start of the Annual Review (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the Kuwait Chamber of Commerce and Industry (KCCI) and the General Federation of Trade Unions of Kuwait (GFTUK) through consultations and communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observation by the KCCI.	
	Workers' organizations	2008 AR: Observations by the GFTUK. 2007 AR: Observation by the GFTUK. 2006 AR: Observations by the GFTUK.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Kuwait ratified in 1966 the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (C.111). However, it has not ratified the Equal Remuneration Convention, 1951 (No. 100) (C.100).
		Ratification intention	YES since 2002 for the Equal Remuneration Convention, 1951 (No. 100) (C.100). 2008 AR: The GFTUK hoped that the Government would soon ratify C.100 and noted that in practice, equal pay for work of equal value is already being applied on workers. 2007 AR: According to the Government: Ratification of C.100 is still under consideration, despite divergences in points of view. 2001 AR: According to the Government: a study has been undertaken in order to compare the provisions of C.100 with national legislation, with a view to ratifying this Convention. Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intended to ratify C.100.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	Recognition of the principle and right (prospect(s), means of action, basic provisions)	Constitution	NIL	
		Policy, Legislation and/or regulations	According to the Government: (i) section 27 of the Labour Law; (ii) section 10 of the Labour Code for Private Sector, No. 38 of 1964; (iii) section 90 of 1964 Labour Act; (iv) section 92 of the same Act; (v) section 78 of Act No. 38 (1964); (vi) Ministerial Decision No. 110 of 1995.	
		Basic legal provisions	Labour Act	
		Grounds of discrimination	2003 AR: According to the Government: Discrimination in respect of employment and occupation is prohibited on grounds of race, colour, sex, religion, political opinion, national extraction and social origin.	
		Judicial decisions	2001-2002 ARs: Courts of law had made decisions on the PR in cases examined by the said courts on the basis of obligations specified in contracts, rules and domestic regulations concerning employers, but not on the implementation of the Convention in question which the State of Kuwait had not yet ratified.	
	Exercise of the principle and right	Special attention to particular situations	NIL	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Information/Data collection and dissemination	2002 AR: The Government stated that it did not collect statistics and information relevant to the principle and right (PR) on a regular basis, but planned to do so.	
	Monitoring, enforcement and sanctions mechanisms		2000-2001 ARs: According to the Government: The Ministry of Labour and Social Affairs is in charge of the implementation of legislative and administrative provisions concerning the PR. Measures for assessing rates of remuneration, and methods to ensure the application of the PR include monitoring the extent to which employers are complying with the labour law, through labour inspection, the review and endorsement of work contracts, the issuing of work permits and the adoption of domestic rules and regulations relating to employers.	
	Involvement of the social partners		2001-2002 ARs: According to the Government: Employers' and workers' organizations have been involved in discussions regarding the implementation of national legislation, labour standards and international labour Conventions within a high level consultative committee established by Decree N° 41/1995 for this purpose). They have provided suggestions and recommendations on these issues.	
	Promotional activities	Institutions to promote equality		2000, 2001 and 2004 ARs: According to the Government: the Ministry of Labour and Social Affairs.
		Other activities:		2008 AR: The Government indicated that it would organize an International Forum on rights and obligations for workers from GCC sending and receiving countries. 2007 AR: According to the Government: A Committee to strengthen national efforts in promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up has been established. Furthermore, a seminar on future visions towards implementing the new labour code in the framework of ILO Conventions was held in Kuwait (10-12 January 2004). Kuwait was the host country for the Fourth ILO/GCC Regional Workshop on the ILO Declaration and International Labour Standards (Kuwait City, April 2006). The Government, the KCCI and KGCTU participated in this workshop. The Government, the KCCI and KGCTU agreed to organize tripartite consultations on the distribution of social allowances to married persons. 2000-2001 ARs: According to the Government: Consultations were held with the social partners with respect to state legislation, international labour standards and other international conventions.
		Special initiatives/Progress		2007 AR: According to the Government, the KCCI and the KGCTU: A tripartite committee to promote and realize the ILO

		Declaration was set up in 2004. It has organized several promotional activities on the ILO Declaration. 2004 AR: According to the Government: Successful example in relation to the PR: The issuance of Ministerial Decree No. 142/2002 concerning the obligation for employers to transfer the remuneration of their workers to their bank accounts with no discrimination.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to the KCCI: The major obstacle in realizing this PR in Kuwait is the lack of education/understanding of ILO's role and the Declaration principles and rights.
		Workers' organizations	2007 AR: The KGCTU shared the KCCI's view concerning the major obstacle to the realization of the PR in Kuwait (i.e., lack of education/understanding of ILO's role and the Declaration principles and rights).
	According to the Government	2007 AR: According to the Government: Kuwait has not ratified C.100 because of: (i) divergences in points of view; and (ii) lack of education/understanding of ILO's role and the Declaration principles and rights.	
TECHNICAL COOPERATION	Request	<p>2008 AR: The KGCTU indicated that social dialogue on the FPRW is needed, particularly on the importance of ratification of the fundamental conventions by Kuwait.</p> <p>2007 AR: According to the Government, the KCCI and the KGCTU: A national workshop on how to better understand and realize the ILO Declaration should be organized by the ILO. The KCCI further requested special training for employers on the Declaration's follow-up.</p> <p>2006 AR: According to KGCTU: ILO technical cooperation is necessary to sensitise Government officials on C. 100 and other FPRW, in particular their relations with other economic and social issues.</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization the PR in Kuwait, in the following areas, in order of priority: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle, strengthening data collection and capacity for statistical collection and analysis, legal reform (labour law and other relevant legislation), capacity building of responsible Government institutions, developing labour market policies that promote equality of opportunity, developing policies regarding equal remuneration; (2) sharing of experiences across countries/regions, training of other officials (e.g. police, judiciary, social workers, teachers), strengthening capacity of workers' organizations, establishing or strengthening specialized institutional machinery, coordination between institutions (e.g. various ministries and relevant commissions); (3) awareness-raising, legal literacy and advocacy, strengthening capacity of employers' organizations.</p>	
	Offer	ILO	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted the intentions expressed by most governments, including the Government of Kuwait, to ratify or consider ratification of Conventions Nos.100 and/or 111. They encouraged the governments to accelerate this process so as to make an important step forward towards universal ratification (Cf. Paragraphs 12 and 66 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council. They listed Kuwait among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (Cf. Paragraphs 13 and 148 of the 2005 Annual Review Introduction – ILO: GB.292/4)</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (Cf. Paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>		

	<p>2003 AR: The IDEAs commended Kuwait and other GCC States for their continuing dialogue with the Office through the annual review process (Cf. Paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Qatar (Cf. Paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (Cf. Paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>