

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Kuwait - 2023

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

Yes

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

91. When preparing its report, did the Government consult? [10.1]

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

92. To which employers organizations was the report sent? [12] Please provide the list

Kuwait Chamber of Commerce and Industry

93. To which workers organizations was the report sent? [13] Please provide the list

Kuwait Trade Union Federation

94. Please describe the consultation process(es). [10.2]

The questionnaire is sent by email.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	Cooperation between employer and worker representatives and the Government is ongoing; they are consulted on all matters and their views are taken into account in government reports.
95. Did employers organizations comment on the report? [11a]	Yes
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	When we receive responses, we will send them by email.

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	Cooperation between employer and worker representatives and the Government is ongoing; they are consulted on all matters and their views are taken into account in government reports.
96. Did workers organizations comment on the report? [11b]	No
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	When we receive responses, we will send them by email.

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	There are no impediments, and the issue of ratification will be a priority for the Government, which will adopt the legal measures for ratification in the future.
Existence of a policy and or plan of action for the suppression of forced or compulsory labour	
63. Is there a 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 sending the Government's annual replies by mail in order to seek their opinions and observations.
66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?	
67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]	
68. Is there a 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]	Yes
69. Please describe these measures. [1.5]	In the context of efforts to combat human trafficking and provide social security in accordance with the law and pursuant to Act No. 91/2013 on combating trafficking in persons and the smuggling of migrants, a residential centre for migrant workers was established with capacity for 500 workers. The centre contributes to helping residents at the centre to regularize their status, access their rights and return voluntarily to their home countries. During their stay, the centre provides them with healthcare, psychological and food services. In addition, it provides them with employment opportunities, through their rehabilitation, and ensures that they can access all of their legal rights. The Public Authority for Manpower ensures that international human rights laws are implemented, and that human dignity and workers' rights are upheld. In addition, it ensures legal protection for the three parties to the employment contract (worker, employer, agencies and companies for the recruitment of domestic

	workers), in accordance with Act No. 68 of on domestic workers. This Act seeks to defend the weaker party in the contractual relationship, namely, the worker, and defend the rights to which the worker is entitled in a confrontation with the employer, in the event that the employer fails to fulfil the obligations set forth in the provisions of Act No. 68 of 2015.
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Please describe these data. [1.6.1]	Through inspections and follow-up of employers' compliance with the law, and monitoring violations, in particular violations pertaining to wages and working conditions.
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	

Measures taken or envisaged for systematic and coordinated action

64. Please describe 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]	Those responsible are the Government (Kuwait Chamber of Commerce and Industry – Kuwait Trade Union Federation).
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Measures taken or envisaged to prevent forms of forced labour

74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes
75. If so, please indicate 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 the labour recruitment and placement process.
75.a. Please provide a description of measures taken or envisaged:	On 4 April 2017, a media and awareness-raising campaign was launched, the aim of which was to promote the concept of decent work in Kuwait and make the social partners aware of how development is served by the creation of a safe, stable and just working environment in which all are involved, including workers, recognizing the prominent role played by workers in the construction, development and advancement of the country. The campaign has a number of key objectives, encapsulated in the launch of an awareness campaign aimed at workers and employers on labour rights and obligations and occupational safety and health regulations. The campaign. In addition, one of its specific objectives is to increase rates of compliance with the law in order to achieve its mission of creating an informed workforce and a stable working environment. The campaign also

	seeks to familiarize the public with the various measures adopted by the Public Authority for Manpower, including measures relating to employers, to workers. The campaign was conducted in cooperation with government authorities and civil society organizations.
75.a. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	The beneficiaries are domestic workers and, also, private sector workers.
75.c. Please provide a description of measures taken or envisaged:	Memorandums of understanding have been signed with sending States to regulate the recruitment process.
75.c. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Workers from outside Kuwait who wish to work in the private sector.

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]	Yes
77. If so, please indicate the type of measures [3.2]	a) Training of relevant actors for identification of forced labour practices, b) Legal protection of 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, g) Appropriate accommodation.
77. a. Please provide a description of measures taken or envisaged:	The authorities concerned make every effort to enforce the law and impose deterrent penalties to prevent cases of forced domestic labour, the withholding and confiscation of domestic workers' passports, physical abuse and violence or trafficking in human beings. The competent investigators in the Department look for certain indicators during investigations, such as a worker showing signs that indicate that he is being monitored or controlled, and who: (i) appears afraid or anxious, or has injuries that indicate that he has been subjected to an assault; (ii) does not know where he works or his work address; (iii) is poorly paid or not paid; (iv) works long hours; (v) lacks access to healthcare; (vi) paid fees and monies to be transferred to the country of destination.
77.b. Please provide a description of measures taken or envisaged:	In the context of efforts to combat human trafficking and provide social security in accordance with the law and pursuant to Act No. 91/2013 on combating trafficking in persons and the smuggling of migrants, a residential centre for migrant workers was established with capacity for 500 workers. The centre contributes to helping residents at the centre to regularize their status, access their rights and return voluntarily to their home countries. During their stay, the centre provides them with healthcare, psychological and food services. In addition, it provides them with employment opportunities, through their rehabilitation, and ensures that

	they can access all their legal rights that are guaranteed by the laws and international Conventions in force in Kuwait.
77.d. Please provide a description of measures taken or envisaged:	Psychological, legal and social services and also healthcare are provided around the clock and throughout the week, free of charge, to all residents of the centre.
77.e. Please provide a description of measures taken or envisaged:	The centre contributes to helping residents to regularize their status, access their rights and return voluntarily to their home countries.
77.f. Please provide a description of measures taken or envisaged:	Security is provided for all residents under the supervision of specialists at the centre.
77.g. Please provide a description of measures taken or envisaged:	The centre welcomes any case wishing for or seeking asylum there around the clock and throughout the week.
77.a.,b.,d.-g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Workers residing in the residential centre.

Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
79. If so, please indicate the type of measures, [4.2]	i) Other
80. Please indicate 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.i. Please provide a description of measures taken or envisaged:	All facilities are provided in order to provide the necessary treatment to victims.
79.i. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Workers residing (in the residential centre)

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

81. Does the Government cooperate 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

81.1. Please specify

(a) Other Member States, b) International and regional organizations, (c) Non-governmental organizations.

82. Please briefly describe the modalities of this cooperation. [5.2]

Cooperation takes the form of] participation in courses and exchange of experiences in this area with other States and accession to organizations and ratification of relevant Conventions in this area, in addition to the signature of the project to support the capacity of the Public Authority for Manpower during the period 2015–17.

A memorandum of understanding was signed with the ILO on the first Decent Work Country Programme for Kuwait.

Promotional activities

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]

No change.

Special initiatives or Progress

85. Please describe any significant changes which have taken place since your 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]

Ministerial Decision No. 177 of 2021 prohibiting discrimination in the private sector and prohibiting sexual harassment in the workplace was issued.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners

Employers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

a) Lack of awareness, c) Social values, cultural traditions, m) Other.

86.a. Briefly describe the obstacle and the relevant forced labour practice.

Lack of awareness among specific groups of workers recruited to work in Kuwait.

86.c. Briefly describe the obstacle and the relevant forced labour practice.

Differences in culture and between accepted customs and traditions in Kuwait and those of the sending State, which may have an impact on workers.

86.m. Please specify. Briefly describe the obstacle and the relevant forced labour practice.

The role of recruitment agencies in sending States. The role of recruitment agencies in labour-sending countries has a negative impact in some cases. Workers must be informed and given guidance and training before being sent to work abroad.

Workers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

a) Lack of awareness, c) Social values, cultural traditions, m) Other.

86.a. Briefly describe the obstacle and the relevant forced labour practice.

Lack of awareness among specific groups of workers recruited to work in Kuwait.

86.c. Briefly describe the obstacle and the relevant forced labour practice.

Differences in culture and between accepted customs and traditions in Kuwait and those of the sending State, which may have an impact on workers.

86.m. Please specify. Briefly describe the obstacle and the relevant forced labour practice.

The role of recruitment agencies in sending States. The role of recruitment agencies in labour-sending countries has a negative impact in some cases. Workers must be informed and given guidance and training before being sent to work abroad.

According to the Government

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour

a) Lack of awareness, c) Social values, cultural traditions, m) Other.

through prevention, victim protection and access to remedies? [8]	
86.a. Briefly describe the obstacle and the relevant forced labour practice.	Lack of awareness among specific groups of workers recruited to work in Kuwait.
86.c. Briefly describe the obstacle and the relevant forced labour practice.	Differences in culture and between accepted customs and traditions in Kuwait and those of the sending State, which may have an impact on workers.
86.m. Please specify. Briefly describe the obstacle and the relevant forced labour practice.	The role of recruitment agencies in sending States. The role of recruitment agencies in labour-sending countries has a negative impact in some cases. Workers must be informed and given guidance and training before being sent to work abroad.

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]	Yes
88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	b) Awareness-raising and mobilization activities => Important c) Collection and analysis of data and information => Most Important d) Guidance on the development of the national policy and plan of action => Most Important e) Strengthening the legal framework => Important f) Capacity building for the competent authorities => Important g) Inter-institutional coordination => Most Important h) Promotion of fair recruitment and placement practices => Important i) Promotion of fair migration policies => Important j) Vocational training, job-creation and income-generation programmes for at-risk populations => Important

	k) Basic social security guarantees => Most Important l) Guidance on supporting due diligence => Most Important m) Capacity building for employers' and workers' organizations => Important n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Most Important o) Exchange of experiences between countries or regions; international cooperation => Most Important p) Other => Most Important
89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.	Sending States should inform workers and send trained and qualified workers to work abroad.