## 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

<table>
<thead>
<tr>
<th>Fulfilment of Government’s reporting obligations</th>
</tr>
</thead>
<tbody>
<tr>
<td>p29 Fulfilment of Government’s reporting obligations</td>
</tr>
</tbody>
</table>

### Involvement of Employers’ and Workers’ organizations in the reporting process

<table>
<thead>
<tr>
<th>91. When preparing its report, the Government consulted [10.1]</th>
<th>a) The most representative employers’ organizations, b) The most representative workers organizations, c) The competent authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>92. The employers’ organization to which the report was sent [12]</td>
<td>Kuwait Chamber of Commerce and Industry</td>
</tr>
<tr>
<td>93. The workers’ organization to which the report was sent [13]</td>
<td>Kuwait Trade Union Federation</td>
</tr>
<tr>
<td>94. Description of the consultation process [10.2]</td>
<td>They are contacted by mail, and if necessary, invited to meetings to collect their views and observations.</td>
</tr>
</tbody>
</table>

### OBSERVATIONS BY THE SOCIAL PARTNERS

**Employers’ and workers’ organizations**
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>83. Consultation with employers and/or workers organizations in the development and implementation of adopted measures [6.1]</td>
<td>Yes</td>
</tr>
<tr>
<td>95. Employers’ organizations' comments on the report [11a]</td>
<td>None</td>
</tr>
<tr>
<td>96. Workers organizations comment on the report [11b]</td>
<td>None</td>
</tr>
<tr>
<td>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</td>
<td>The report was shared with them, and their comments are expected to arrive and will be transmitted to you.</td>
</tr>
</tbody>
</table>

**EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL**

**Ratification**

<table>
<thead>
<tr>
<th>Ratification status</th>
<th>Not ratified</th>
</tr>
</thead>
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<tr>
<td>p29 Ratification status</td>
<td>Not ratified</td>
</tr>
</tbody>
</table>

**Ratification intention**

<table>
<thead>
<tr>
<th>61. Convention No. 29 is ratified, but not the 2014 Protocol to Convention No. 29. The prospects for ratification of the Protocol:</th>
<th>Likely</th>
</tr>
</thead>
<tbody>
<tr>
<td>62. Impediments to the ratification of the 2014 Protocol to Convention No. 29.</td>
<td>Presently there are no impediments</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>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]</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>65. Please also indicate the manner in which employers’ and workers’ organizations have been consulted. [1.3]</td>
<td>By correspondence or through meetings if necessary.</td>
</tr>
</tbody>
</table>
68. National policy and plan of action setting out measures and specific action for combating trafficking in persons for the purposes of forced or compulsory labour [1.5]

Yes

69. Please describe these measures. [1.5]

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.

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]

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.

Measures taken or envisaged for systematic and coordinated action

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]

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
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: 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. |
| 75.f. Indication of the population groups benefiting from these measures and the relevant forced labour practices: Private sector and domestic workers |
| 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 |
| 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 |

**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**

<p>| 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 |</p>
<table>
<thead>
<tr>
<th><strong>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.</strong> [4.3]</th>
<th>Yes</th>
</tr>
</thead>
</table>

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

| **79.g. Description of measures taken or envisaged:** | 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. |
| **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 |
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.

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
interaction with victims and provision of protection and support to them.

زيادة الرقابة على استقدام العمالة الوافدة وتوفير حماية أكبر لعمالة المستضيفة من خلال عملية استقدام العمالة وبناء قدرات القضاة ووكالات النيابة والمحققين والشرطة لبذل المزيد من الجهد وذلك بتدريب مكثف وحث وكالات الإعلام لنشر الوعي والتعريف بخطورة جريمة الاتجار بالبشر وتعزيز القوانين المستندة وللإفصاح العمالة الوافدة وعمالة الموالية. كما أن اللجنة الوطنية التي يرأسها وزير العدل وتشمل كافة الجهات المعنية والتي تعمل على تحقيق رؤية استراتيجية (كونت خالية منabajo الأشخاص)، كما يتم كذلك نشر الوعي واستقبال الشكاوى إعدادها للجهات المعنية في سبيل لعمالة الوافدة وتحقيق حقوقهم، كما تم اعتماد آلية الإحالة الوطنية وتعزيز نظام متكامل تراعي الجوانب القانونية وغيرها للتعامل مع الضحايا وتوفير الرعاية والحماية والمساعدة لهم.

**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