

KUWAIT (2018-2019)
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2019 AR: The questionnaire was sent to the Kuwait Chamber of Commerce and Industry, and to the Kuwait Trade Union Federation. 2018 AR: Yes.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	Yes.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Kuwait has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2018-2019 ARs: The Protocol is likely to be ratified.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2019 AR: Yes. An automatic link system was created with labour-sending countries to recruit workers according to the prevailing regulations and legislation, in addition to the issuance of decisions to withdraw the power from the employer, such as decision No.535/2015 on the number of working hours in open places, decision No. 201/2011 prohibiting forced labor at work, decision No. 842/2015 on the conditions for the transfer from one employer to another, the administrative decision No. 522/2018, the administrative decision No. 14/2018 on fixing the minimum wage and the Ministerial decision No.P/2010 regarding passport confiscation. A sheltering center was established to harbour and protect domestic workers. The responsible authority is the Public Authority for Manpower, in addition to the Ministry of Justice and the Ministry of Interior. 2018 AR: There is a national policy and/or plan of action for the suppression of forced or compulsory labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour.	
	Measures taken or envisaged for systematic and coordinated action	2019 AR: Media campaigns are conducted to reach out migrant workers and inform them of all their rights and duties, in addition to the distribution of a brochure translated into different languages to raise awareness among workers. There is a competent department to receive workers' complaints.	
	Measures taken or envisaged to prevent forms of forced labour	2019 AR: The measures taken include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers and b) Regulation and supervision of the labour recruitment and placement process. 2018 AR: Measures of regulation and supervision of the labour recruitment and placement process have been taken or envisaged.	
	Measures taken or envisaged to protect victims of forced labour	2019 AR: The measures taken include: 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; and g) Appropriate accommodation.	

		<p>2018 AR: The following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Medical and psychological assistance for victims; d) Protection of privacy and identity; and e) Appropriate accommodation.</p>	
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2019 AR: The measures taken include: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; d) Development of forced labour indicators; 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, and h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.</p> <p>2018 AR: The following measures have been taken or envisaged: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; d) Development of forced labour indicators; 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; and h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.</p>	
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>		
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2019 AR: The State of Kuwait has signed a project to support the capacities of the General Authority for Manpower (2015-2017) with three international organizations: United Nations Development Program (UNDP), International Migration Organization (IMO) and International Labour Organization (ILO). The project included training courses on international labour standards, anti-forced labour and anti-human trafficking mechanisms, for representatives of governments, employers and workers, regarding the first national Agenda of Decent Work in the State of Kuwait, over a period of three years. The Agenda includes three main axes: enhancing the skills of foreign workers, improving the management of foreign labour, and strengthening social dialogue and tripartite cooperation, and its implementation is currently underway.</p> <p>2018 AR: The Government cooperates with other Member States as well as with international, regional and non-governmental organizations.</p>	
	<p>Promotional activities</p>		
	<p>Special initiatives/Progress</p>		
<p>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	
		<p>Workers' organizations</p>	
	<p>According to the Government</p>	<p>2019 AR: The main difficulties are: the lack of awareness among specific groups of workers recruited to work in the State of Kuwait; differences in cultures, customs and traditions recognized in the State of Kuwait with the sending countries, which may affect employment; and the role of recruitment agencies in labour-sending countries affects negatively in some cases. These agencies must raise awareness among workers, guide and train them before sending them to work abroad. There must be offices accredited by the State.</p> <p>2018 AR: Lack of awareness is an obstacle.</p>	
<p>TECHNICAL COOPERATION NEEDS</p>	<p>Request</p>	<p>2018-2019 ARs: The Government requires ILO technical cooperation in the following areas: most important: a) Collection and analysis of</p>	

		<p>data and information; b) Awareness-raising and mobilization activities; c) Capacity building for the competent authorities; d) Vocational training, job-creation and income-generation programmes for at-risk populations; e) Basic social security guarantees; f) Capacity building for employers' and workers' organizations; g) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and h) Exchange of experiences between countries or regions; international cooperation. Important: a) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) Guidance on the development of the national policy and plan of action; c) Inter-institutional coordination; d) Promotion of fair recruitment and placement practices; e) Promotion of fair migration policies; f) Strengthening the legal framework; and g) Guidance on supporting due diligence.</p>
	<p>Offer</p>	