



**The National action plan to combat
Trafficking in persons and
smuggling of migrants**

Strategic framework

2028-2023

Kuwait



The general framework of the Kuwait plan In combating human trafficking and migrant smuggling

introduction

The Kuwaiti National Strategy to Combat Trafficking in Persons and Smuggling of Migrants is the basic pillar from which all concerned parties in combating trafficking in persons have started, which was issued by the esteemed Cabinet Resolution No. (261) at its meeting held on February 5, 2018, adopting the National Strategy to Prevent Trafficking in Persons and Smuggling of Migrants.

The work of the permanent national committee concerned with implementing the national strategy to prevent trafficking in persons and the smuggling of migrants was launched in light of the axes contained in that strategy, which do not differ in content from other global strategies. To increase interest in that committee, it was formed under the chairmanship of the Kuwaiti Minister of Justice, and its work plan was approved from the beginning of its formation. From all relevant internal authorities.

Kuwait is aware of the seriousness of this phenomenon, and the National Committee for Combating Trafficking in Persons and Smuggling of Migrants has developed its work during the period from 2024 to 2029, and has developed a plan based on the development of the crime and the use of modern methods to commit it, while at the same time helping victims in accordance with the transnational nature of the crime of trafficking in persons and according to a timetable. Specific to achieve desired goals

The primary goal of the action plan is to enhance cooperation between all parties and sectors within Kuwait concerned with combating this phenomenon and to lay the foundations for closer cooperation with stakeholders internally and externally. The implementation of this plan requires the implementation of all its activities on an annual basis and in accordance with specific indicators on which performance evaluation in combating trafficking in persons is based. .

The Kuwaiti government, through the permanent national committee concerned with combating trafficking in persons, will implement this plan in cooperation and coordination with the work teams and committees emanating from the concerned authorities, through the national committee monitoring and implementing the plan annually and evaluating it in line with the Kuwaiti constitution and activating the activities of all government agencies to ensure access to Principles of transparency and integrity in access to, accountability and management of information.

Since the permanent national committee concerned with combating trafficking in persons is not only responsible for implementing this plan, but also for following up and coordinating between



all relevant concerned parties internally and externally, an automatic link will be made between all concerned parties regarding the implementation of the plan.

Program funding

No program or plan can achieve success and achieve goals without sufficient financial funding, and the Kuwaiti Council of Ministers has agreed to allocate a special budget to implement the national strategy to combat trafficking in persons and smuggling of migrants in the amount of five hundred thousand Kuwaiti dinars, which can be increased annually.

Although this budget was allocated to the Ministry of Justice, what must be emphasized is that what is allocated in the field of combating trafficking in persons and smuggling of migrants and implementing the strategy is not limited only to what was allocated by the Council of Ministers, but there are relevant bodies that have a special budget to help victims such as those Budgets allocated for manpower to shelter centers for expatriate workers, including all decent and humanitarian requirements for the victims, such as food, clothing, and decent medical care

The next stage requires further financial strengthening to combat this phenomenon, not only in the field of prevention, but also in the field of protection, assistance to victims, and obtaining appropriate compensation and material and psychological support.

Although victims are the focus of attention and work in combating trafficking in persons, in the field of financial funding and budget allocation, we must not overlook in that plan what is required for training law enforcement agencies and the Public Prosecution on the challenges facing the special nature of this crime in the field of investigations, collecting evidence, spreading awareness, and providing Financial resource for interpreters.

In the field of financial financing also, the plan drawn up in the field of protecting victims and witnesses depends on finding a mechanism that ensures that victims quickly obtain appropriate financial compensation by establishing a compensation fund for victims of trafficking in persons and witnesses. Disbursements are made to the victim with the possibility of the fund returning to the person who caused the material and psychological damage to the victim through a board of directors. A judicial and medical problem accelerates the appropriate decision to compensate the victim.

Description of the phenomenon

The assessment of the extent of trafficking in persons in the State of Kuwait depends mainly on the fact that Kuwait is a country that attracts expatriate workers in various fields, and despite the presence of the contractual nature that governs the relationship between expatriate workers and owners of companies, businesses, and government agencies, there are some vulnerable sects that need protection from The oppression and deception of some companies through fraudulent



contracts and visas, or their failure to obtain their financial benefits and evasion of paying them, or laxity in obtaining these benefits until the workers leave their country, which makes the worker a victim of trafficking in persons

. Despite the widespread religious culture in Kuwait in the area of prohibiting illegal sexual relations and the exploitation of others in the sexual field, and the rejection of this phenomenon is not limited to legal legislation, but rather extends to the religious aspect, violation of the labor law, forced labor, and the failure of migrant workers to obtain their rights remains one of the biggest The challenges facing Kuwait at all stages in terms of identifying victims and confronting those with influence.

Kuwait has joined many international treaties related to trafficking in persons, smuggling of migrants, and prevailing legislation, but we cannot deny the presence of victims in Kuwait who suffer from overwork, physical assault, non-payment of wages or payment of them less than necessary, poor working conditions, and reduced access to health and support services. In fact, there is sometimes discrimination between victims and citizens in obtaining the lowest levels of health and educational protection that the employer must bear according to the contractual relationship.

Continue to strengthen enforcement of the Domestic Workers Law to ensure the protection of domestic workers' rights, by increasing access for domestic workers to file a complaint with authorities, increasing inspections of registered and fraudulent recruitment agencies, and improving screening of domestic worker complaints to identify potential workers.

current situation

Through the implementation of the National Strategy to Prevent Trafficking in Persons and Smuggling of Migrants, the State of Kuwait has begun to take serious steps to achieve the desired goals in confronting this phenomenon through the stages of protection, prevention and international, regional and local cooperation.

Although the State of Kuwait is classified on the second list under surveillance with regard to combating trafficking in persons, the US State Department considered, in its report, that "the government of Kuwait does not fully meet the minimum standards for eliminating trafficking in persons, but it is making great efforts to achieve this."

Therefore, it is important for the government to make great efforts and demonstrate funding for activities aimed at combating trafficking in persons and to form committees and work teams within all relevant authorities to implement the strategy. The government has made some efforts



aimed at implementing the Anti-Trafficking in Persons Law No. 91 of 2013 and some provisions were issued in implementation thereof. During all stages of litigation, in addition to the committee concerned with implementing prevention, protection and rehabilitation programs for victims.

The Government of Kuwait also conducted a course for first responders in identifying, protecting and assisting victims of trafficking in persons, which was held during the period from March 3-4, 2024, in the presence of law enforcement agencies at the Ministry of Interior and in cooperation with the Ministry of Foreign Affairs and the United Nations Office on Drugs and Crime for the Gulf Cooperation Council countries. A number of 68 participants were enrolled. Employees of the Ministry of Interior (for various security sectors in direct contact with expatriate workers) under the auspices of the Deputy Prime Minister, Minister of Defense and Acting Minister of Interior.

Gaps

The confusion and lack of accurate understanding and distinction between trafficking in persons, residency trading, and all forms of violation of labor law, and the lack of an accurate definition of trafficking in persons are one of the most important challenges. Therefore, it is important to enhance understanding and legal awareness of the distinction between trafficking crimes and residency crimes, considering that the latter is one of the means of committing human trafficking crimes whether By forcing the worker to work without pay or not paying him his dues or paying his wages, or the employer exploiting his authority to expose the worker and place him in a position of violating the residency law by not renewing his residency or renewing it in exchange for financial sums such as bribery And others, which requires further legislative amendment to keep pace with these phenomena and gaps, in addition to the lack of research, studies and databases and the lack of legislation imposing penalties such as confiscation of fraudulent companies or fining them.

The comprehensive direct legal framework for trafficking in persons:

1) The Constitution

The Kuwaiti Constitution stipulates in (Article 29): People are equal in human dignity, and they are equal before the law in public rights and duties, with no discrimination between them on the basis of gender, origin, language, or religion.

It also stipulates in (Article 30) that personal freedom is guaranteed, and (Article 31) stipulates that no person may be arrested, imprisoned, searched, his residence restricted, or his freedom of residence or movement restricted except in accordance with the provisions of the law, and no person may be subjected to torture or ill-treatment. Degrading to dignity.



Article 42 stipulates that compulsory labor may not be imposed on anyone except in the circumstances specified by law for national necessity and in return for fair compensation.

Article 70 of the Constitution stipulates that the Emir concludes treaties by decree and informs them immediately to the National Assembly, accompanied by an appropriate statement. The treaty shall have the force of law after its conclusion, ratification, and publication in the Official Gazette.

Previous constitutional texts and obligations under conventions and treaties related to human rights represent the general and comprehensive framework for protecting people from violations to which they are exposed, such as killing, torture, inhuman or degrading treatment, discrimination, restriction of movement, or low wages, and despite the constitutional guarantees that represent the general framework. Directly, which addresses the problem of trafficking in persons, because the Constitution represents a high standing before all levels of litigation, basic principles on which the country is run, and represents the general framework for all other legislation that must be consistent with and implement those principles.

2) International protocols:

A) Law No. 5 of 2006 approving the United Nations Convention against Transnational Organized Crime and its two associated protocols.

It addressed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which was adopted by the General League in its resolution 55/25. This Protocol included achieving many purposes, not only preventing and combating trafficking in persons, but also protecting and assisting the victims of such trafficking. Enhancing cooperation between state parties in order to achieve these goals, and ensuring that there is no trace of the trafficking victim's consent on the crime being committed

b) Kuwait has acceded to seven of the organization's human rights conventions, namely Convention No. 87 on freedom of assembly and collective bargaining in 1961, Conventions No. 29 and 105 on forced labor and compulsory labor in 1968, Convention No. 111 on the elimination of discrimination in employment in 1966, and Conventions No. 138 and 182 on preventing... Employment of children and minors in 1999 and Convention 98 on the right to organize unions and collective bargaining in 2007.



3) Anti-Trafficking in Persons Law No. 91 of 2013

In implementation of Kuwait's commitment to the Constitution and the agreements and treaties related to combating trafficking in persons, including the protocol referred to above, Kuwait issued Law No. 91 of 2013. This law covers the crime of trafficking in persons and other crimes related to it and all procedures related to that crime and stipulates that the prosecution alone has jurisdiction to investigate that crime. Crimes because of their specificity and special seriousness, and all assistance that guarantees the protection of victims, whether by placing them in health centers or shelter centers

4) Penal Code

The Penal Code is the main law, and although it does not explicitly stipulate the crime of trafficking in persons, it includes a detailed list of criminal activities related to trafficking, such as kidnapping, and criminalizing every public employee, employee, or worker who used workers in work for the state or for one of the public bodies as forced labor, or who unjustifiably withheld all their wages. Or some of them and sexual crimes related to prostitution

5) Law No. 63 of 2015 regarding combating information technology crimes

Articles 8, 9, and 10 stipulate punishment for anyone who uses any of these means to promote trafficking in persons or narcotic substances, or to facilitate contact with terrorist organizations and promote their ideas, or to launder money.

6) Witness protection, confidentiality, and the provision of an interpreter

Article (166) of the Code of Criminal Procedure stipulates that the witness is obligated to take an oath if he is sane and over the age of fourteen full years. However, if the witness is young, or suffers from a disease or serious disability that makes reaching an agreement with him impossible or the results are not guaranteed, then he is not He may be sworn in and his statements are not considered testimony. However, if the court finds that it is useful to hear it, it may hear it as a matter of reference, and in this case it may seek the help of movements or signs that can be used to reach an understanding with such persons, and seek the assistance of people who can reach an understanding with them. This text applies to all crimes, whether they are trafficking crimes. persons or any other crimes.

Regarding the confidentiality of trial procedures and the protection of privacy and confidentiality of victims' identities, this is legally permissible in accordance with the Code of Criminal Procedure, as Article (136) stipulates that court sessions are public, and the court may, with exception, hear a



case in a secret session if this is necessary for the truth to emerge or out of consideration for public order and public morals. The ruling is always pronounced in a public session, and this applies to all crimes, including crimes of trafficking in persons.

National Action Plan:

Article 9 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which was adopted by the General League in its resolution 55/25, obligated

Since the strategic plan to combat trafficking in persons is based on three basic axes: prevention, protection, and international, regional, and local cooperation, these axes are the basic frameworks used by governments all over the world to combat trafficking in persons, including the United States of America, in accordance with what is stated in the Protocol on Prevention and Suppression. And punishing trafficking in persons, especially women and children, in Article 2 by stating the purposes of the Protocol, which are to prevent and combat trafficking in persons, with special attention to women and children, protecting and assisting victims of such trafficking with full respect for their human rights, and enhancing cooperation between States Parties to achieve those goals.

Since the development of work in developing a plan for Kuwait to prevent, suppress and punish trafficking in persons requires achieving prevention, protection and prosecution of traffickers, the development of the plan will depend on achieving those goals, taking into account the comprehensive issues that help in achieving the previous goals and are linked to all of them.



The first goal: prevention:

Preventing and combating trafficking in persons and preventing the occurrence of this crime is one of the most important priorities and purposes on which international treaties and internal laws are based, which are an essential element for monitoring and combating trafficking in persons. If awareness campaigns are based on educating communities about trafficking in persons, and if Article 10 of the Protocol to Prevent, Suppress and Punish Trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, which was adopted by the General League in its resolution 55/25, included an obligation for States to strengthen the training of law enforcement and immigration officials and other officials concerned with the prevention of trafficking in persons and new methods in committing such crimes.

However, prevention efforts should not be limited to training only, but rather among those priorities for achieving prevention is increasing the level of awareness of the dangers arising from trafficking in persons at the official level and the level of victims and all the effects resulting from this crime in order to address the payment points.

Whereas human trafficking crimes are mainly based on employing the poorest categories of workers who are most in need of work from the areas of poverty, disease and ignorance in which they live in order to improve their living conditions, which makes them vulnerable to exploitation by fraudsters, which may sometimes require amending legislation to protect these vulnerable groups. From the clutches of exploitation and trafficking, whether through forced labor or forced sex work, especially women and children, due to their lack of equal opportunities and access to the appropriate amount of life's minimum requirements.

Therefore, the national action plan in the field of prevention was based on achieving strategic objectives that meet and achieve the requirements of that prevention, which included raising competencies and building capabilities, increasing the level of awareness of risks, and confronting fraudulent job opportunities, as follows:

Strategic Priority No. 1: Raising competencies and building capabilities:

Practice1:

Raising the efficiency of law enforcement officials, public prosecutors, judges, the workforce, immigration officials, shelters, and all those working in the field of protection and providing



services to victims are among the first groups who can accurately identify people at risk of being trafficked.

Implementation date: Immediate and ongoing:

Strategic Priority No. 2:

Increase risk awareness:

Practice1:

All media and social media are used to reach groups and individuals at risk of falling victim to trafficking in persons, with the aim of raising the level of awareness. This is not limited to educating the victim only about the dangers, but also includes educating fraudsters and traffickers about the seriousness of the crime, its legal impact, and the criminal and civil liability for it. Such actions and the announcement of the trials that take place, as this achieves a general deterrence for anyone who dares to commit such crimes, as well as publishing and announcing all fraudulent recruitment companies, those responsible for them, and those dealing with them internally and externally, as well as raising awareness of the means of reporting possible cases of trafficking in persons.

Practice2:

-Evaluating the activities of media campaigns and the level of awareness:

Implementation date ongoing:

Strategic Priority No. 3: Countering Fraudulent Job Opportunities

The most important means that traffickers resort to is the use of fraudulent means to make the victim believe that there is work that is not true by recruitment companies within the exporting countries (the source) in coordination with companies within the country on whose territory the crime of trafficking in persons occurs. Therefore, these companies must be exposed and legislation must be amended to ensure It ensures that the necessary legal measures are taken against every company that exploits vulnerable workers in the field of human trafficking.

Practice1:

The existence of a database of companies involved in human trafficking



Practice2:

Legislative confrontation and legal measures against fraudulent companies involved in trafficking.

Implementation date: Ongoing



The second goal is protection:

The second purpose of that convention is to protect and assist the victims of such trafficking, with full respect for their human rights

Article 6 of the Protocol also includes the protection of victims and gives the States Parties the mandate to protect their privacy and identity and to ensure that the legal and administrative system has sufficient measures to protect them at all stages of litigation and to ensure that they are not subjected to harm again.

Therefore, this protection comes through achieving strategic goals in providing direct support and assistance to victims, as well as raising the efficiency of those providing protection for victims and providing and enhancing judicial support and human rights for victims.

Strategic Priority No. 1: Providing direct support and assistance to victims:

The interest of the victim, protecting them, providing assistance to them, and respecting their rights are among the first goals that must be achieved, given that the victim is the weak element and is vulnerable to abuse, abuse, psychological intimidation, being homeless, or using all means to pressure him. Therefore, identifying the victim, facilitating his recourse to the judiciary, and empowering him From reporting without being bound by documents and protecting the victim is also linked to protecting witnesses, in addition to facilitating procedures for obtaining his rights, preparing shelters, and creating a fund to compensate those victims to face the lengthy judicial procedures to obtain their rights.

1) Practice

Enabling the victim to report crimes without being bound by documents.

2)Practice

Supporting shelters and facilitating the procedures for the victim to enter these centers.

3)Practice

Increasing the victim's awareness that there is no harm or responsibility if crimes are reported.

4)Practice

Establishing a fund to compensate victims of trafficking in persons.



Strategic Priority No. 2: Raising the efficiency of protection providers:

Adequate protection for the victim cannot be achieved without those concerned with its implementation and carrying out having a high degree of competence and training to deal with these cases, whether at the legal level or at the social, health and psychological level, as the Public Prosecution and law enforcement agencies must be sufficiently knowledgeable about protecting victims. In all stages of the investigation and trial, refrain from using any means of pressure on the victim or subjecting her to torture in exchange for a concession, as well as providing all psychological and health services in complete confidentiality and not subjecting them to any pressure.

1)Practice

Conducting training courses for law enforcement agencies, the Public Prosecution, and the judiciary in dealing with the victim.

2)Practice

Conducting training courses for administrative staff in shelter centers and health workers.

3)Practice

Conduct research and studies and spread awareness among these groups in dealing with victims.



Third goal: Prosecution of perpetrators of trafficking in persons.

Deterrence, whether general or private, for the perpetrators of the crime or achieving psychological satisfaction for the victim cannot be achieved except through a fair trial for the perpetrators of the crime of trafficking in persons and their obtaining fair compensation through a legal framework capable of achieving this and a high development of the skills and capabilities of those responsible for enforcing the law, and such prosecution must not be limited to Judicial action against the perpetrators of the crime through criminal and civil liability only, but rather through reviewing all related legislation committed by some economic entities, such as fraudulent recruitment companies, and what is required of imposing penalties on those companies, whether by imposing fines or confiscations, or reaching the highest levels of punishment, with caution regarding the activity of those companies. Companies and preventing them from practicing their activities, and also by creating a blacklist of companies involved in the field of human trafficking.

However, the problems regarding judicial prosecution do not lie only with the perpetrators of that crime. Rather, it must be taken into account that the beginning of the judicial prosecution begins with informing the victim of the crime and then taking all judicial measures against the perpetrators of those crimes, which requires finding mechanisms that enable the victim to report and provide All legal guarantees necessary to protect it.

Strategic Priority No. 1: Developing the legal and legislative framework for human trafficking crimes:

Practice No. 1:

Amending legislation related to trafficking in persons to meet the maximum levels of prosecution.

Practice No. 2:

Building the capabilities of public prosecutors, employees, and law enforcement personnel to implement anti-trafficking legislation.

Practice No. 3:

Compiling judicial precedents related to the perpetrators of this crime.

Strategic Priority No. 2: Developing judicial work mechanisms to enable reporting of crimes



Practice No. 1:

Developing crime reporting methods using modern technological means and the possibility of remote reporting.

Practice No. 2:

Enabling the parties related to the crime to report it and not limiting this to the victim only.

Practice No. 3:

Developing mechanisms to hear victim and witness statements remotely and maintain their confidentiality.



Cross-cutting issues:

There are some critical issues that coincide with all the previous goals, and a framework must be established to implement those goals in a way that serves the achievement of the plan

Strategic Priority No. 1: Data, research and studies:

No business plan can be successful without being based on sound statistical information that contributes to making decisions and achieving maximum benefit. However, collecting information alone cannot fulfill the purpose, but rather it must be based on research, analysis and study.

Practice 1)

Facilitating the availability of data among concerned parties.

Practice 2)

Cooperation between relevant authorities and research bodies in conducting studies of victims' cases.

Practice 3)

Encouraging the conduct of research on human trafficking in Kuwait

Practice 4)

Establishing a unified system to collect data on trafficking in persons, victims and traffickers.

Practice 5)

Facilitate data collection and storage.

Strategic Priority No. 2: Strengthening consultation

The National Committee for Implementing the Strategic Plan for Trafficking in Persons:

Practice 1)

Providing reports and advice to the Council of Ministers on joint activities between the authorities concerned with combating trafficking in persons.

Practice 2)

Preparing annual reports from the ministries and relevant authorities concerned with combating trafficking in persons and submitting them to the committee.

Practice 3)

Preparing a periodic report measuring the efforts made to traffic in persons.



Practice 4)

Preparing an annual report on policies, programs and activities related to implementing a strategy for trafficking in persons and submitting it to the Council of Ministers.

Practice 5)

Forming work teams in all ministries concerned with trafficking in persons to implement the action plan and put it into effect.

Strategic Priority No. 3: Strengthening international cooperation to achieve the goals.

Since the crime of trafficking in persons is a transnational crime that can be committed through the source, transit and destination countries, and Kuwait is the destination country for labor that can be exploited in the field of trafficking in persons, in addition to benefiting from successful and pioneering international experiences in confronting this crime, which requires achieving an international partnership in Confronting this crime, through law enforcement agencies and prosecuting criminals.

Practice 1)

An international partnership against crime.

Practice 2)

Benefit from international experts specializing in this field to train law enforcement agencies.

Practice 3)

Cooperating with the embassies of the victims' countries and coordinating with them to ensure that their victims obtain all rights and protection.

Practice 4)

Developing ways of international cooperation in confronting crime.

Practice 5)

International judicial cooperation in prosecuting perpetrators of human trafficking crimes.

Practice 6)

Exchanging information between States Parties about this crime and those involved in it.