

# **National Strategy for the Prevention of Trafficking in Persons and Smuggling of Migrants**

## **First: Introduction**

Stemming from the Government of the State of Kuwait's belief that global spread of the trafficking in persons and smuggling of migrants phenomenon constitutes a challenge which defeat requires concerted national efforts to deal therewith, in all its forms and manifestations, it is, therefore, necessary to develop a national strategy concerned with combating trafficking in persons and smuggling of migrants as a cornerstone in case any indications of the existence of that phenomenon emerges.

It is no secret that the crime of trafficking in persons represents a clear violation of human rights and the preservation of man's dignity, in addition to being an infringement of Islamic Sharia principles, which is a main source of legislation, in accordance with Article No. (2) Of the Constitution of Kuwait and the national legislation for what it has declared of provisions supportive of those rights and consistent with international conventions ratified by Kuwait in this regard. This specifically incudes Penal Law No. (16) Of 1960, Law No. (06) Of 2010 regarding Labor in Private Sector, Law No. (109) of 2013 establishing the Public Authority for Manpower, Law No. (91) Of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants and Law No. (68) Of 2015 regarding Domestic Workers. Trafficking in persons constitutes a flagrant violation of international conventions and protocols ratified by Kuwait, including:

- Slavery Convention (1926), ratified on 28 May 1963.
- Supplementary Convention for the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, ratified on 18 January 1963.
- Convention for the suppression of the Trafficking in Persons and of the Exploitation of Prostitution of Others, ratified by Law No. (36) of 1968.
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified by Decree No. (78) of 2004.
- United Nations Convention against Transnational Organized Crime, and the two associated protocols: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against the Smuggling of Migrants by Land, Sea and Air, ratified by Law No. 5 of 2006 issued on 27 March 2006.

To reach an integrated national strategy to combat trafficking in persons and smuggling of migrants, the committee formed by Council of Ministers' Resolution No. (1454), passed in its meeting No. (49/2015), held on 26/10/2015, took the initiative to develop this Strategy to establish an integrated national system that ensures coordination of efforts at both national and international levels, with the aim of combating trafficking in persons and protection.

This Strategy has been developed in a flexible manner, taking into account the nature of these crimes and the developments that may occur thereon, given in three main pillars:

1. Prevention
2. Protection
3. Domestic, regional and international cooperation.

## **Second: Terms of Reference**

1. The committee assigned to formulate the Strategy shall work on developing a national strategy to combat trafficking in persons and smuggling of migrants, provided that the National Committee for Combating Trafficking in Persons and Smuggling of Migrants, once formed, shall follow up on the implementation of the strategy at the level of performance, in addition to the tasks of strategy evaluation, measurement of achieved goals, annual identification of deficiencies during implementation, development of procedures addressing such deficiencies and the strategy's annual development.
2. All parties concerned with the Strategy shall prepare their own implementation plan every three years, provided that the time frame for activities implementation shall be determined in line with this Strategy.

## **Vision**

Kuwait free from and against trafficking in persons and smuggling of immigrants and a society aware of the dangers of this phenomenon and seeks to eliminate it.

## **Mission**

Optimal application of the provisions of Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants, and relevant international conventions, through concerted efforts of all concerned state ministries, agencies and institutions, enhancing joint action.

Developing the necessary measures to protect and assist victims of trafficking in persons and smuggling of migrants.

Working to activate means of national, regional and international cooperation to combat these crimes.

### **Objectives**

The National Strategy for the Prevention of Trafficking in Persons and Smuggling of Migrants (the “**National Strategy**”) seeks to achieve the following main objectives:

1. Establishing a central national mechanism to prevent trafficking in persons and smuggling of migrants that coordinates efforts exerted among concerned authorities.
2. Enhancing the efficiency of investigation and prosecution authorities.
3. Preparing appropriate awareness, education and training programs for each of the groups concerned with preventing and combating such crimes and working to implement them.
4. Encouraging community mechanisms to protect victims of trafficking in persons and smuggling of migrants, providing them with the necessary care homes, including advisory, medical and legal services.
5. Considering conducting legislative amendments as necessary to address the deficiencies that may result from relevant laws.
6. Suggesting further mechanisms and control measures for foreign labor recruitment firms, intensifying efforts to spot fake firms that contribute to the commission of trafficking in persons crimes.
7. Proposing further border procedures and measures at air, sea and land ports to tighten the mechanisms set for detecting cases of trafficking in persons and smuggling of migrants.
8. Qualifying and training of all workers in law enforcement agencies to prevent trafficking in persons and smuggling of migrants, judges and public prosecutors.
9. Enhancing regional and international cooperation in preventing trafficking in persons and smuggling of migrants in the state of origin.
10. Determining the guarantees that ensure that trafficked persons or immigrants receive appropriate humane treatment, sparing them any treatment that degrades their dignity.
11. Dedicating national mechanisms through which reports related to crimes of trafficking in persons and smuggling of migrants may be received, with the consequent provision of the necessary measures to protect whistleblowers of these crimes.

## **Pillars of the Strategy for the Prevention of Trafficking in Persons and Smuggling of Migrants**

### **Pillar One: Prevention**

**First Strategic Objective:** To establishing a national central mechanism to combat trafficking in persons in persons and smuggling of migrants.

1. Coordinating efforts among all official and unofficial entities concerned with preventing crimes of trafficking in persons and smuggling of migrants.
2. Dedicating a national mechanism to receive reports related to crimes of trafficking in persons and smuggling of migrants.
3. Issuing and publishing a national guide that includes instructions and educational materials related to its work.

**Second Strategic Objective:** To draw up comprehensive policies to prevent trafficking in persons and smuggling of migrants.

1. Assessing and reviewing the reality of trafficking in persons and smuggling of migrants in Kuwait.
2. Proposing new legislations and amending those in force with regard to trafficking in persons and smuggling of migrants.
3. Benefiting from the best practices used in preventing trafficking in persons and smuggling of migrants.
4. Adopting preventive policies for the purposes of preventing trafficking in and exploiting persons, especially women, children and people with special needs.
5. Preparing studies and periodic reports related to the reality of trafficking in persons in Kuwait.
6. Establishing a central database by linking relevant authorities to provide data and statistics for early detection of such cases and preparing the necessary studies to combat the crimes of trafficking in persons and smuggling of migrants.

**Third Strategic Objective:** To Spreading Awareness.

1. Developing awareness programs that include all sectors and are based on religious and moral values.

2. Enhancing the role of state institutions in spreading awareness about human rights, in general, and preventing trafficking in persons and smuggling of migrants in its various forms in particular.
3. Including the provisions of the Law on Combating the Trafficking in Persons and Smuggling of Migrants and related legislation in law faculties, specialized national institutes, trade unions and related training programs.
4. Preparing awareness leaflets and booklets on preventing trafficking in persons and smuggling of migrants.
5. Preparing programs for field awareness campaigns for industrial facilities to prevent and combat trafficking in persons and smuggling of migrants.
6. Specifying a day to combat trafficking in persons and smuggling of migrants to work on spreading awareness.
7. Spreading awareness among employers and recruiters of workers and employees about matters related to preventing trafficking in persons and smuggling of migrants, through holding conferences, seminars, training and educational programs, etc.
8. Publishing final judicial rulings issued in crimes of trafficking in persons and smuggling of migrants.
9. Intensifying internal and external media presence.
10. Responding to international governmental and non-governmental reports and media-published materials.

**Fourth Strategic Objective:** To conduct specialized training courses in the field of preventing trafficking in persons and smuggling of migrants for concerned authorities.

1. Developing a general framework for the training programs and their contents according to the intended purpose of the training, working to update them in light of developments in the following topics:
  - A) Introducing the Law of Combating Trafficking in Persons and Smuggling of Migrants.
  - B) How to identify the victims and those affected by the crimes of trafficking in persons and smuggling of migrants and international cooperation in this regard.
  - C) Services provided to the victims and those affected by the crimes of trafficking in persons and smuggling of migrants.

2. Preparing a national training team in the field of preventing trafficking in persons and smuggling of migrants.

## **Pillar Two: Protection**

**First Strategic Objective:** To identify the victims and those affected by the crimes of trafficking in persons and smuggling of migrants.

1. Determining the mechanisms for identifying the victims and those affected by the crimes of trafficking in persons and smuggling of migrants, in accordance with international standards.
2. Designing and conducting training programs for workers in law enforcement authorities in terms of the procedures set for identifying victims of trafficking in persons and smuggling of migrants and the principles of appropriate dealing therewith.
3. Conducting studies and research on the methods and means used by the perpetrator and the crimes of trafficking in persons and smuggling of migrants at every stage of the crime.
4. Preparing specialists to identify the victims and those affected by the crimes of trafficking in persons and smuggling of migrants at border points.
5. Distributing awareness leaflets at land, sea and airports to introduce trafficking in persons and smuggling of migrants.

**Second Strategic Objective:** To protect and support the victims and those affected by the crimes of trafficking in persons and smuggling of migrants.

1. Establishing one or more shelters, and having them approved, to house the victims and those affected by the crimes of trafficking in persons and smuggling of migrants in a safe and temporary manner.
2. Facilitating the process of reporting cases of trafficking in persons and smuggling of migrants and protecting whistleblowers.
3. Preparing qualified cadres to work in the shelter to provide guidance, advice and assistance to victims of trafficking in persons and smuggling of migrants.
4. Ensuring that the media takes into account the privacy of the victims and those affected by the crimes of trafficking in persons and smuggling of migrants.

5. Adopting a human rights approach consistent with international standards in protecting and assisting victims and those affected by trafficking in persons crimes, especially women, children and people with special needs, taking into account the best interests of children.
6. Providing the necessary protection for victims of trafficking in persons and smuggling of migrants.
7. Ensuring the protection of witnesses and whistleblowers in cases of trafficking in persons and smuggling of migrants.
8. Concerned authorities fulfilling their role in closing fake firms that contribute to the recruitment of workers.
9. Obliging labor recruitment offices and firms to not to recruit labor unless the concerned authorities confirm that the firm or office is serious and that they are not fake recruiters, through applying the relevant procedures.

**Third Strategic Objective:** To activate the Law of Combating Persons Trafficking and Smuggling of Migrants and enhance the capabilities of those working to enforce it.

1. Enhancing the capabilities of the judiciary and the Public Prosecution to ensure the application of the law and to take the necessary legal measures to prosecute the perpetrators of the crimes of trafficking in persons and smuggling of migrants.
2. Training workers in the authorities concerned with combating trafficking in persons and smuggling of migrants on how to deal with organized criminal groups.
3. Proposing the necessary legislation for work and residence permits.
4. Coordinating efforts to prevent child labor and exploitation.
5. Proposing the necessary legislation to exempt trafficked persons or immigrants from criminal prosecution.

### **Pillar Three: Building Partnerships and Internal, Regional and International Cooperation**

**First Strategic Objective:** To promote a culture of transparency:

1. Strengthening communication channels among government institutions and international agencies and entities in dealing with cases of trafficking in persons in a way that does not conflict with the privacy of the parties involved.
2. Enhancing cooperation among the relevant authorities to prevent trafficking in persons and smuggling of migrants.

**Second Strategic Objective: Regional and International Cooperation:**

1. Enhancing local, regional and international cooperation, activating communication channels and exchanging information and experiences.
2. Coordinating efforts and cooperation with regional organizations in the field of combating trafficking in persons and smuggling of migrants.
3. Enhancing police cooperation in international and regional arenas to detect organized criminal groups.
4. Coordinating and cooperating with diplomatic missions locally and abroad to disseminate information on preventing trafficking in persons and related legislation.
5. Exchanging information, legislation and expertise with concerned international organizations and institutions in the field of combating trafficking in persons and smuggling of migrants.

**Third Strategic Objective: Bilateral Cooperation:**

1. Conclusion of agreements or memorandums of understanding with states that have ratified the Convention on Transnational Organized Crime and its two additional protocols on combating trafficking in persons and smuggling of migrants.
2. Enhancing bilateral cooperation with source states to facilitate the return of migrants or trafficked persons to their home states.
3. Exchanging information, legislation and expertise with leading states in the field of combating trafficking in persons and smuggling of migrants.