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2023 Trafficking in Persons Report: Kuwait

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

IN THIS SECTION / KUWAIT (TIER 2 WATCH LIST)

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The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included assisting more vulnerable migrant workers at the government shelter; launching an online platform for domestic workers to file grievances, rather than submitting a complaint in person; and continuing to hold fraudulent recruitment agencies civilly accountable. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government investigated fewer alleged trafficking crimes and did not prosecute or convict any traffickers; it also identified fewer victims compared with the previous reporting period. Some officials continued to routinely use arbitration and administrative penalties to resolve grievances filed by migrant workers, including grievances with trafficking indicators, instead of investigating such cases as potential human trafficking crimes. The government did not implement its NRM and its respective procedures to identify and prevent trafficking, and front-line officials did not regularly use SOPs to proactively identify victims and refer them to protection services. The government also continued to detain, prosecute, and deport potential trafficking victims, including those fleeing forced labor and those in commercial sex, without screening for trafficking indicators. The government shelter did not regularly accept workers who had criminal charges filed against them, including for “absconding,” which may have left some unidentified trafficking victims without care. Finally, the government did not take any new steps to reform its visa sponsorship system, which continued to render migrant workers highly vulnerable to exploitation, specifically trafficking. Therefore Kuwait remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

Continue to increase law enforcement efforts to investigate, prosecute, and convict traffickers, including Kuwaiti citizens and allegedly complicit officials, under the 2013 anti-trafficking law rather than other criminal laws, when applicable.

Proactively screen for trafficking indicators among vulnerable populations, including those in government and embassy shelters and those arrested for immigration violations or prostitution offenses, or those who flee abusive employers and face countercharges, to ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.

Ensure unhindered access to the government shelter for all potential victims, including those who self-refer, regardless of criminal charges, and do not require a complaint on file with authorities to be granted access at the shelter.

Fully implement the NRM, including by issuing a directive to execute its use, increase training for all relevant officials and NGOs on the mechanism and ensure official guidelines are accessible to all front-line responders to routinely employ these procedures.

Continue to strengthen enforcement of the domestic worker law to ensure domestic workers' rights are protected by increasing access for domestic workers to file a grievance with authorities, increasing inspections of registered and fraudulent recruitment agencies, and improving screening of domestic worker complaints to identify potential labor trafficking cases.

Institute reforms to the visa sponsorship-based employment system, including allowing all workers at any time to change employers and leave the country without requiring employer approval.

Create protection services specifically for male victims, including accommodations, and specify procedures for their access to care.

In adherence to Kuwaiti labor law, increase the number of investigations and prosecutions of employers who illegally confiscate migrant workers' passports, and strengthen penalties for passport confiscation to deter potential future perpetrators.

Strengthen efforts to prosecute allegations of forced labor crimes criminally instead of administratively, and refer cases with trafficking indicators, such as complaints of non-payment of wages, passport confiscation, and restriction of movement, for investigation as potential trafficking crimes.

Follow through on Article 10 of Law No. 6 of 2010 and issue a resolution which sets procedures for recruitment fees in private sector labor law to ensure workers are not subjected to fees related to their recruitment and establish penalties for non-compliant agencies and employers who subject workers to such fees.

Strengthen implementation of the Trafficking Committee's national anti-trafficking strategy.

Expand efforts to raise awareness on existing protections for migrant workers and penalties for traffickers, particularly among vulnerable populations, including domestic workers, as well as employers, company owners, and recruitment agencies.

Given significant concerns about forced labor indicators in Cuban Medical Missions globally, screen Cuban medical professionals and refer victims to appropriate services.

PROSECUTION

The government decreased law enforcement efforts. The 2013 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed penalties of up to 15 years' imprisonment for offenses involving an adult male victim and up to life imprisonment for those involving an adult female or child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In April 2019, the Constitutional Court annulled an article from the 2013 anti-trafficking law that required judges to issue a verdict in trafficking cases, arguing the stipulation undermined judicial independence and precluded judges from exercising discretion. As a result, judges retained broad discretion to defer and delay issuance of verdicts in trafficking cases, as they did in other cases. The Public Prosecutor's Office (PPO) and the Ministry of Interior (MOI) continued to require all cases of buying and trading of fraudulent visas, withholding of salaries and passports in excess of three months, or forcing individuals into jobs different from those contractually agreed upon be prosecuted under the anti-trafficking law rather than the labor law.

The MOI continued to maintain a specialized trafficking unit; the PPO did not have a dedicated anti-trafficking unit but reported 57 PPO staff completed anti-trafficking training within the broader organization to handle such cases. In 2022, the government investigated 13 potential trafficking cases, compared with 23 in 2021 and 46 in 2020. Of these 13 cases, eight were for labor trafficking, involving eight suspects, and the other five were investigated by the PPO as "unspecified exploitation," involving five suspects. The government reported the five cases of "unspecified exploitation" involved fraud and companies inflicting recruitment fees on workers. During the reporting period, officials did not initiate prosecutions for any trafficking cases; the PPO reported the eight labor trafficking cases referred by the MOI and the other five cases of "unspecified exploitation" were closed and not referred to courts because they lacked the legal requirements to constitute trafficking; these cases were instead prosecuted under the residency or labor law. This compared with officials initiating prosecution of two labor trafficking cases involving eight suspects in 2021. The government did not convict any traffickers during the reporting period, compared with courts convicting two traffickers in one labor trafficking case under the anti-trafficking law in 2021. During the reporting period, courts acquitted three alleged labor traffickers in one case prosecuted under the anti-trafficking law in the previous reporting period; the government did not provide additional details on this case. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes; however, corruption and official complicity in trafficking and trafficking-related crimes remained a significant concern. Previously, some government officials allegedly sold work visas to illegal recruiters or directly to migrant workers, potentially facilitating trafficking. In the previous two reporting periods, the government made efforts to hold complicit officials accountable for trafficking and trafficking-related crimes; however, courts only convicted the officials on lesser crimes, such as illegally facilitating the entry of workers and bribery. In cases where trafficking charges were accompanied by other criminal charges, observers continued to report the government chose to pursue the lesser charges. Between 2017 and 2020, a Kuwaiti diplomat, posted to the Permanent Mission of the State of Kuwait to the UN in New York, and his wife allegedly engaged in criminal violations related to human trafficking. Because of diplomatic immunity, the United States could not commence prosecution, and the Government of Kuwait declined to waive immunity to allow the case to proceed. After the diplomat's departure from the United States in October 2022, a U.S. court charged the diplomat and his wife with forced labor and related crimes. The government did not report taking any action to hold the diplomat accountable.

Kuwaiti authorities did not screen cases of labor violations, including egregious cases, for trafficking indicators and therefore did not routinely categorize or investigate labor violations for potential trafficking crimes. Companies continued to force workers to pay for visas but not provide legitimate employment – a common and pervasive practice called visa trading – rendering the worker without status or legal protections and heightening their vulnerability to trafficking. Although authorities investigated, prosecuted, and convicted visa traders during the year, observers

reported the government conflated visa trading and human trafficking. While some cases of visa trading may have initially been prosecuted under the anti-trafficking law, judges usually rendered verdicts under the residency and labor law instead. The MOI continued to operate a hotline specifically to receive trafficking-related complaints; the government reported it received 17 calls from the hotline between January and October 2022 but did not identify any trafficking victims via the hotline or refer any complaints to the PPO for criminal proceedings during the year. Officials reported most calls received were regarding labor law violations or employers reporting recruitment agencies for violations that did not meet the threshold to qualify as a potential trafficking case. Observers reported workers were generally hesitant to seek MOI assistance, including through the hotline, on account of fear of detainment or deportation. If a complaint involved severe abuse, such as assault or domestic worker abuse, authorities transferred the case directly to the PPO. The government did not prosecute some domestic worker abuse cases because of a lack of evidence or witness testimony; furthermore, some domestic workers who were victims of abuse ultimately chose not to move forward with court proceedings because of inadequate government support and prolonged trial periods. One labor-source country embassy reported some domestic worker sexual abuse cases were dropped because of insufficient evidence collection by the MOI's Forensic Evidence Department. As a result, only severe cases of domestic worker abuse – usually involving significant bodily injury or death – were prosecuted as violations of other criminal laws and sometimes under the anti-trafficking law as labor trafficking. In January 2023, the media reported a Filipino domestic worker was raped, beaten, murdered, set on fire, and buried by her employer's 17-year-old Kuwaiti son; the 17-year-old confessed to sexually assaulting the domestic worker and murdering her because she was pregnant. Authorities arrested the alleged perpetrator after finding the worker's buried body in the desert; as of March 2023, the government had not provided details on the charges filed against the individual.

As of December 2022, Public Authority for Manpower (PAM) and MOI staff attended a training program arranged by another government in the region focused on combating human trafficking; the MOI also fully funded a training facilitated by an international organization on countering human trafficking and the NRM in February 2023. The MOI conducted training for officers in the anti-trafficking unit on the hotline, including how to identify trafficking cases from calls received. It also included trafficking topics in its general quarterly training, including on the anti-trafficking law, victim identification, and evidence collection strategies. Furthermore, the MOI reported some police academy annual training included trafficking and human rights focused topics. The PPO, in cooperation with Kuwait's Institute for Judicial and Legal Studies, provided training on improving prosecutors' and judges' understanding of the anti-trafficking law.

PROTECTION

The government decreased efforts to protect trafficking victims. The government identified four adult male labor trafficking victims all during law enforcement investigations, a decrease compared with the government's identification of 17 trafficking victims during the previous reporting period, which was not on par with the noted scale of trafficking in the country. While the PAM referred four women from the government shelter to the MOI after conducting its admission screening process, the MOI did not identify these women as trafficking victims. The government did not report if the four identified male victims received services; as the shelter was only available for vulnerable female migrant workers; observers noted in most cases identified male victims sought assistance from their respective embassies or other support groups. As of December 2022, the government assisted 576 vulnerable female migrant workers at the shelter, a significant increase compared to 160 during the previous reporting period. This included 426 vulnerable female domestic workers referred to shelter by the PAM's Domestic Workers Department (DWED); the other 150 vulnerable female workers either self-referred or were referred by their embassies. NGOs and labor-source country embassies reported the majority of those admitted to the shelter were potential forced labor victims who had fled poor working conditions, including excessive hours, delayed payment of wages, and passport confiscation, or desired to return to their respective countries of origin. The shelter employed a screening process to identify and categorize types of abuse and determine whether a resident was a trafficking victim; of the 576 women admitted into the shelter, the government identified four potential trafficking victims through this screening process and referred them to the MOI's anti-trafficking unit for further investigation. In contrast, an international organization identified four labor trafficking victims, and two prominent NGOs identified 43 forced labor victims, 30 sex trafficking victims, and 165 trafficking victims (150 domestic workers and 15 nurses) during the reporting year.

The National Committee reportedly worked to implement the NRM, adopted in 2019, to identify and prevent cases of trafficking; the mechanism contained six stages ranging from proactive identification of victims to their safe repatriation. Although front-line officials and investigators continued to follow prescribed procedures regarding victim identification and used the NRM to refer abused workers and possible trafficking victims to the shelter, an international organization reported the mechanism was not systematically utilized by all officials; other observers noted the NRM was inadequately implemented and asserted most Kuwaiti officials were unaware or did not know how to use the mechanism. The Ministry of Justice (MOJ) did not report efforts to issue the necessary directive to adequately implement the NRM. Furthermore, the NRM was not a publicly accessible document, likely limiting its use for stakeholders outside the government. In addition, because authorities did not universally or adequately employ identification procedures among vulnerable groups, such as undocumented migrant workers – including those who fled their employers or faced “absconding” charges – and individuals in commercial sex, authorities likely detained and deported some unidentified trafficking victims during the year. For example, in November 2022, local media reported authorities referred approximately

3,000 male workers, mostly from Asia and employed in massage parlors, for deportation on charges of “violating public morals and providing immoral services.” However, observers reported workers in this field were sometimes forced to consume drugs and hormones and were likely sex trafficking victims; the government did not report screening these individuals for trafficking indicators prior to their deportation. Between April and December 2022, the government deported 13,526 workers who had violated the residency law; it did not report screening these individuals for trafficking indicators before deportation.

The government-run shelter received referrals from embassies, NGOs, international organizations, the DWED, the MOI’s anti-trafficking unit, churches, private citizens, and other migrant workers; it reported all referred workers were accepted into the shelter. The shelter served as a one-stop facility, providing medical and psychological care, food, rehabilitation support, and access to officials from various ministries to facilitate legal and repatriation assistance. International organizations and NGOs continued to have access to victims and reported the shelter assisted workers with repatriation or finding new employment. Residents at the shelter had access to cell phones and legal assistance, as well as freedom of movement. Shelters were staffed by supervisors, medical staff, and investigators 24 hours per day. In contrast to officials’ claims that all vulnerable workers and potential trafficking victims were accepted at the shelter, NGOs continued to report specific access restrictions for female domestic workers. Labor-source country embassy representatives reported the PAM’s acceptance of workers who self-referred was inconsistent. In particular, domestic workers who had charges filed against them, such as “absconding,” and sought assistance at the shelter (including through referrals from foreign embassies) were rarely accepted and, if found by law enforcement, could be detained and deported. The shelter continued to implement a policy that rejected a worker’s admission into the shelter if they had an “absconding” charge against them that was three months old or older; given that it was not uncommon for sponsors to file counter-grievances, such as “absconding,” against workers who reported abuse, the shelter’s policy may have prevented unidentified trafficking victims from receiving adequate care during the year. If a domestic worker had criminal or “absconding” charges filed against them that were less than three months old, the shelter accepted them for a maximum of three days, during which PAM shelter staff worked with the MOI to get charges dropped. Experts noted this limited amount of time was insufficient to process such cases and remove charges and may have resulted in the detainment or deportation of unidentified victims.

According to the Domestic Workers Law (68/15), the government could charge a domestic worker with “absconding” seven days after the employer’s registration of the charge, unless the worker notified the DWED or presented themselves at the government shelter. For domestic workers who did not or were not able to notify the government that they had left their employer, the worker was subject to arrest, detention for up to six months, fines, and deportation; deportation was usually accompanied with at least a six-year entry ban from Kuwait. During the year, the DWED repatriated 265 domestic workers charged with “absconding.” In addition, NGOs and labor-source country embassy representatives continued to report domestic workers had difficulty physically reaching the DWED to file a complaint or seek assistance and that the government shelter did not allow domestic workers who were potential victims to self-refer without filing a complaint with the DWED first. These bureaucratic requirements may have left some unidentified trafficking victims unable to receive specialized care. However, in January 2023, the government launched an online platform for domestic workers to submit complaints instead of physically traveling to the DWED; this platform may make grievance mechanisms more accessible for workers and reportedly allowed the DWED to track recruitment agency inspections and complaints.

From January 2022 to December 2022, the government provided 35,460 KD (\$115,882) for domestic worker shelter operations and protection programs for trafficking victims, compared with 77,017 KD (\$255,023) in 2021; this amount was the total spent during the year on such initiatives and was dependent on the number of vulnerable workers assisted. Embassies of the Philippines and India maintained their own domestic worker shelters and worked with the Kuwaiti government to seek compensation and legal redress for their nationals subjected to exploitative working conditions in the country. During the year, the Embassy of the Philippines reported overcrowding at its shelter because the Kuwaiti government did not permit representatives to refer workers to the PAM shelter if they faced criminal or “absconding” charges; the embassy periodically referred domestic workers at its shelter who were not facing criminal charges to the Kuwaiti government shelter to alleviate overcrowding. International organizations and civil society reported other embassies had unofficial shelters for their nationals and reported allegations remained that embassy staff inappropriately facilitated the employment of workers from these shelters by receiving kickbacks for providing the worker new employment through illegal channels, rendering an unknown number of workers vulnerable to trafficking or re-trafficking. In cooperation with international organizations and foreign embassies, the government could assist victims in retrieving documentation and funding for repatriation; however, one labor-source country embassy reported the government was slow to process exit clearances for foreign nationals seeking repatriation, and, in some cases, other foreign governments funded repatriation of their own nationals.

The risk of penalization, coupled with protracted litigation processes and exorbitantly high legal fees, discouraged workers from appealing to police or other authorities for protection and adequate legal redress for their exploitation. In the case of administrative deportation of vulnerable migrant workers, officials reportedly provided airline tickets and worked to recoup associated costs from accused employers; however, observers noted in cases where workers had been arrested for immigration violations or other alleged crimes, they were deported quickly, and embassy representatives would only become aware of such cases when the Kuwaiti government sought travel documents of

workers pending deportation. The government allowed victims residing in its shelter to either change their employers and visa sponsors or be repatriated to their country of origin once their residency status was resolved or pending the resolution of a legal case or unpaid bills, without approval by their former visa sponsor. Also, once the shelter admitted a victim, employers could not press “absconding” charges. The government did not report deporting those who faced retaliation or retribution in their respective home countries. Rather, the government allowed all trafficking victims to change employers and maintain residency in Kuwait or otherwise be resettled to a third country at the victims’ request; however, most shelter residents chose to be repatriated to their home country. As of December 2022, the government repatriated 503 vulnerable migrants to their respective countries of origin; an international organization repatriated 21 vulnerable workers, including four trafficking victims. The government reported public prosecutors willingly tried cases on victims’ behalf using their verbal and written statements; however, the government did not have privacy laws to protect victims against potential retribution and often did not provide adequate care for victims throughout the duration of legal proceedings. The government reported victims could obtain restitution from defendants in criminal cases and file suits against traffickers for damages, but most chose instead to settle their claims and return to their country of origin. The media reported the government directed settlements in response to individual civil suits against employers, but the government did not report the amount in civil damages or restitution paid out during the reporting period.

PREVENTION

The government maintained efforts to prevent human trafficking. The National Committee, tasked with implementing the government’s anti-trafficking strategy, convened once during the reporting period, and several working groups convened six times. The National Committee included representatives from the MOJ, Ministry of Foreign Affairs, Ministry of Information, Ministry of Awqaf and Islamic Affairs, Ministry of Social Affairs, Ministry of Education, Ministry of Health, MOI’s Anti-Trafficking Department and Residency Affairs Division, PAM, and PPO. The National Committee, in collaboration with an international organization, financially supported and conducted public awareness campaigns in July 2022 at shopping malls during World Day Against Trafficking in Persons; the PAM also presented to labor-source country embassies in Kuwait to educate staff on the PAM’s services for migrant workers and how to access them; it also presented on the government’s mechanisms to combat human trafficking and discussed areas of cooperation with diplomatic missions. Various officials also took part in anti-trafficking awareness messaging on local television, radio, and social media platforms in Arabic and English, including educating employers on trafficking penalties. The government continued to disseminate pamphlets to educate migrant workers on their rights, which were published in seven languages and disseminated in airports, embassies, the PAM shelter, and labor-recruitment agencies.

Although the private-sector labor law no. 6 of 2010 prohibited employers from recruiting foreign workers unless authorized by PAM, the law did not explicitly prohibit worker-paid recruitment fees. Article 10 of the labor law stated the government “shall issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer”; however, it did not issue such a resolution. The government reported, in practice, cases where workers paid recruitment fees would be considered fraud under the penal code. Nonetheless, migrant workers were regularly subjected to recruitment fees in their home country and, coupled with Kuwait’s employment-based visa sponsorship system, many workers were forced to remain in abusive employment situations to pay off debt incurred from illegal recruitment fees. The PAM continued to regulate foreign-worker recruitment, recruitment agency licensing, and labor relations, including disputes among workers, employers, and recruitment agencies. In 2022, the PAM continued the *Tamkeen* program with two international organizations, which included the creation of a voluntary accreditation mechanism, the International Recruitment Integrity System, to connect employers, employees, and recruiters to promote ethical recruitment. The government reported it continued to implement the *Tamkeen* initiative with the aim to digitize the PAM’s labor files to make the files trackable, prevent trafficking-related corruption and bribes by government officials, and increase the transparency of the government’s regulation of foreign-worker recruitment.

PAM officials commonly used arbitration, administrative fines, and closure of recruitment firms and companies to resolve most disputes and complaints. If a settlement could not be agreed upon, officials referred the case to the labor courts. The PAM utilized 43 inspectors to conduct 17,522 workplace and recruitment agency inspection visits during the year; the media reported in January 2023 the PAM had closed 3,000 fraudulent companies and had referred 800 others to the PPO for investigation for corruption, visa trading, and violating the labor law; these companies allegedly engaged in fraudulent practices by sponsoring workers and failing to provide legitimate employment. Although the government did not report whether it referred any of the company owners for criminal investigation or prosecution, the media reported in June 2022 two individuals were convicted by the Court of Cassation and sentenced to one year imprisonment with hard labor for deceiving workers into paying for visas and not providing employment upon arrival to Kuwait; in August 2022, a criminal court sentenced a Kuwaiti national to five years imprisonment for a similar scheme. As of December 2022, the PAM had received 21,505 official grievances from foreign migrant workers, the most common of which included pay discrepancies, passport confiscation, employer denial of job transfers after the required three years with a visa sponsor, and overtime pay disputes. Of the 21,505 complaints, authorities reported they resolved 304 cases directly through arbitration, referred 8,111 complaints to the courts, referred 419 companies to either the PPO or the MOI, and issued administrative penalties to 1,419 companies for committing labor violations, including being blacklisted for five years. The government did not report if it referred any potential trafficking cases identified from submitted labor cases for criminal investigation under the anti-trafficking law during the year.

The domestic worker law (Law 68/15) guaranteed domestic workers one day off per week, a maximum 12-hour workday with rest, minimum wages paid per month, paid annual leave, end-of-service benefits, and access to file formal grievances at the MOI, among other protections. The 2016 bylaws regulated implementation of this law. Amendments to the ministerial resolution of the 2010 labor law, passed in 2016, increased penalties for non-payment of wages, made mandatory documentation of all paid wages, and required prison time and fines for employers and government officials who failed to adhere to provisions of this law. Authorities continued to apply the amended provisions of the domestic worker law, which required recruitment agencies to build a monetary reserve to adjudicate cases of labor law violations to pay unpaid wages and cover the costs of repatriation. In December 2022, the DWED reported it had collected a total of 16,050 KD (\$52,450) from employers to pay unpaid or delayed wages back to workers since January 2022, compared with 42,216 KD (\$137,960) the DWED collected for unpaid wages in the previous reporting period. For issuance or renewal of a license for a domestic worker recruitment firm, the DWED enforced the rule that single offices must submit financial deposits of 40,000 KD (\$130,718) with a two-year validity and larger companies must present a letter of guarantee worth 100,000 KD (\$326,797). The DWED continued to investigate domestic worker recruitment agencies to ensure compliance with the domestic worker law. In addition, it initiated investigations based on grievances filed by domestic workers, employers, recruitment offices and companies, and embassies of labor-source countries. The government arbitrated such grievances either through extrajudicial administrative proceedings or through the labor courts. The DWED reported it could refer suspected trafficking cases to the MOI for further investigation but did not report doing so during the reporting period. From January to December 2022, DWED officials received 4,899 work-related complaints, resolved 2,485 in extrajudicial administrative proceedings, and referred 1,064 to the labor courts; the government did not report the outcome of the other 1,350 complaints at the close of the reporting period; however, most received complaints were from employers about domestic worker recruitment agencies. As of December 2022, the DWED had conducted 212 inspection campaigns of domestic worker recruitment firms that resulted in 121 violations (compared with two in 2021) against registered recruitment agencies, which were subsequently suspended from one to three months. The DWED also reported identifying one fake recruitment office (compared with 17 in 2021) and referred it to the MOI for criminal investigation. In addition, the DWED suspended 117 recruitment firms for three to six months for violations of the domestic worker law, compared with 13 suspensions the previous year; officials did not report referring any of these for criminal investigation or prosecution. The DWED was not permitted to inspect the conditions inside employers' homes and could only inspect recruitment offices and companies, which limited the enforcement of the domestic worker law. NGOs noted accessibility to the DWED for domestic workers was limited, as there was an expectation a worker needed to physically travel to the department to file a complaint. Domestic workers who did not have the freedom to leave their employer's home may not have been able to file a complaint with the government against their employer during the reporting period, rendering them vulnerable to further exploitation, including trafficking. However, in January 2023, the government launched an online platform for domestic workers to submit complaints instead of physically traveling to the DWED; this platform could make grievance mechanisms more accessible and reportedly allowed the DWED to track recruitment agency inspections and complaints.

Although the withholding of workers' passports was prohibited under the labor and domestic worker law, the practice remained commonplace among visa sponsors and employers of foreign workers. During the year, the DWED received 1,177 complaints of passport confiscation, resolved 975 complaints by returning the passports to workers and referred the remaining 202 to the labor courts. The DWED did not report how many employers it blacklisted for passport confiscation. The PAM received 3,980 complaints of passport confiscation and referred 2,677 to the labor courts; it did not report how many complaints it resolved through arbitration or if any cases were referred to the MOI for further investigation as a potential trafficking case. The domestic worker law did not specify penalties for passport confiscation; however, the DWED continued to treat the practice as a contractual violation and a violation under the domestic worker law – which imposed penalties that blacklisted an employer for six months, prohibiting the employer from being able to sponsor new workers and referring the complaint to the courts. However, the domestic worker law allowed employers to take a worker's passport with the approval of the domestic worker, which limited the effectiveness of the prohibition. Experts noted that because the anti-trafficking law did not include any article prohibiting passport confiscation with criminal penalties, instances of this practice remained pervasive in Kuwait and rendered many workers vulnerable to exploitation, specifically trafficking.

In adherence to the labor law regulating employment of domestic workers, the government's centralized recruitment company, Al-Durra, worked to reduce recruitment costs, curb illegal recruitment fees, provide greater oversight of recruiting practices, hire male domestic workers, and secure labor agreements for female employees. After pandemic-related shutdowns, Al-Durra again began recruiting workers in 2022 – primarily from the Philippines, India, and Sri Lanka. Al-Durra only recruited domestic workers from countries with which it had MOUs. Al-Durra reported in cases where a domestic worker suffered abuse or maltreatment from an employer, the agency filed a complaint against the employer and reported the complaint to the "competent authorities." Separate from Al-Durra, other private recruitment agencies operated in Kuwait, and the government also maintained agreements with several other labor-source countries specific to domestic worker recruitment. The Commerce Ministry capped employer-paid recruitment fees for agencies to recruit domestic employees at 890 KD (\$2,908); employers frequently illegally charged a portion of the fee to domestic workers through salary deductions or debt bondage. The government made efforts to reduce the demand for commercial sex acts by targeting consumers at places of worship and raising awareness of sexually transmitted diseases contracted during commercial sex. The government provided annual anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit foreign victims in Kuwait. Men and women migrate primarily from Bangladesh, Egypt, India, Pakistan, the Philippines, Sri Lanka, and other countries in South and Southeast Asia and the Middle East to work predominantly in the service, sanitation, construction, transportation, security, hospitality, and domestic service sectors and, most recently, nurses working for medical supply companies, with the vast majority arriving voluntarily. Unskilled laborers and female domestic workers are especially vulnerable to forced labor and physical and sexual abuse as they often have limited access to assistance outside their worksite or employer's home. *Bidoon* (stateless residents of Arab heritage) without government-issued identification documents face challenges obtaining lawful employment opportunities and remain vulnerable to trafficking. In some cases, limited access to assistance is due to the absence of diplomatic representation in Kuwait, especially for undocumented workers who need consular services. As conditions for many remain perilous, numerous labor-source countries, including Bhutan, Burundi, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Ethiopia, Ghana, Guinea, Guinea-Bissau, Indonesia, Kenya, Madagascar, Malawi, Niger, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Uganda, and Zimbabwe, continue to restrict their female nationals from employment in domestic work in Kuwait. The Kuwaiti government has continued its recruitment of domestic workers from African labor-source countries, and many workers continue to defy the respective bans by transiting through third countries before arriving in Kuwait. After the murder of a Filipino domestic worker in January 2023, the Government of the Philippines suspended the accreditation of new recruitment agencies and first-time workers who sought employment in Kuwait but did not impose a complete ban on other workers traveling to Kuwait. Murders of Filipino domestic workers in Kuwait occurred in 2018 and 2020 and resulted in temporary bans on domestic workers from the Philippines working in Kuwait.

Upon arrival, some visa sponsors subject migrants to forced labor, and to a much lesser extent, sex trafficking through the following illegal measures: non-payment of wages, protracted working hours contrary to contractual agreements, deprivation of food, substandard housing, threats or harassment, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and passport confiscation. Although unlawful under Kuwaiti private-sector labor law and the domestic worker law, passport withholding by employers is pervasive in Kuwait and is usually undertaken to prevent a worker from fleeing to another position, exercise control over an employee's conduct, or compel a worker to remain in a job through coercive conditions that may violate contract terms, such as working long hours without rest days or adequate breaks. Furthermore, many migrant workers pay exorbitant fees to recruiting agents in their countries of origin and/or are coerced into paying labor broker fees in Kuwait, thereby plausibly rendering workers vulnerable to forced labor, including debt bondage. Visa trading continues to be a common manifestation of trafficking in Kuwait. In 2021, local media reported nursing companies traded residence permits of dozens of nurses without their approval and required the nurses to pay upwards of 4,530 KD (\$15,000) to remain in Kuwait. In some cases, officials do not provide workers copies of their contracts, or the contracts are not written in a language they can read. Some illegal labor-recruiting companies facilitate trafficking by using deceptive techniques to bring in migrant workers via unenforceable contracts, fraudulent visas, and nonexistent positions. Some officials allegedly take bribes or overtly sell work permits to illegal labor-recruiting companies or directly to migrant workers. As in most countries, Cuban nationals working in Kuwait may have been forced to work by the Cuban government.

Kuwait's sponsorship law, which ties a migrant worker's legal residency and valid immigration status to their employer, restricts workers' movements and penalizes them for leaving abusive workplaces. Despite a 2016 reform that allows private-sector workers to transfer visa sponsors without employer permission after three years of consecutive service and with three months' notice to the employer, employers and recruiters are also known to illegally charge workers for transferring a visa or residence permit from one sponsor to another. Given these impediments, workers routinely leave their original sponsors and take other jobs without transferring sponsorship, risking being fined, deported, or blacklisted for falling out of legal residency status, thereby increasing their vulnerability to trafficking. In 2021, there were increased reports of employers allegedly selling their workers to other employers on social media and online platforms like Instagram, Twitter, Facebook, WhatsApp and Haraj. In 2022, there were increased reports of persons searching for and selling residence permits and work permits on social media. With the suspension of family and tourist visit visas, there were reports companies were selling commercial visit visas under the false promise that workers could easily transfer a commercial visit visa to a work visa. Domestic workers are particularly vulnerable to forced labor inside private homes. Many workers report experiencing work conditions substantially different from those described in the contract. In addition, sources report domestic workers who flee their abusive employers are sometimes exploited in sex trafficking by recruitment agents or criminals who utilize the worker's undocumented status to ensure workers will not report illegal activity to authorities.

Due to the pandemic, many migrant workers were dismissed from employment and temporarily stranded in Kuwait because of travel restrictions and expensive flights without any means of support, rendering them undocumented and heightening their risk of trafficking. Others faced increased risk of abuse by employers as curfews and lockdowns left them confined to their employer's homes. In the previous reporting period, the government established two separate amnesty campaigns for undocumented workers between March 2020 and May 2020 and December 2020 and February 2021 and provided government-funded flights for workers to their home countries. In March 2020, the government halted issuing new work permits for domestic workers, and, in January 2021, the MOI announced it would begin issuing new work permits for domestic workers. However, the government issued most new work permits only to workers from India, the Philippines, and Sri

Lanka. The governments’ amnesty campaigns, coupled with the limited number of new domestic worker permits being issued and the outflow of documented and undocumented, because of the pandemic, workers, caused a domestic worker shortage in Kuwait. Between December 2020 and December 2021, the government reported at least 60,000 domestic workers departed the country; as of December 2022, 753,000 remained in Kuwait. Furthermore, due to shortages in the domestic worker labor market, the last two reporting periods have seen an increase in press reports in which employers physically prevented their domestic workers from leaving the country or transferring to another employer.

TAGS

- Bureau of Near Eastern Affairs
- Human Trafficking
- Kuwait
- Office to Monitor and Combat Trafficking in Persons

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