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2022 Trafficking in Persons Report: Kuwait

Kuwait (Tier 2 Watch List)

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 reporting disaggregated data for the first time, which highlighted a forced labor conviction under the anti-trafficking law and the identification of male victims. The government also continued to implement the “Tamkeen” program to increase oversight over foreign worker recruitment and provide greater protections to vulnerable migrants through the labor recruitment process. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government investigated fewer alleged trafficking crimes and prosecuted and convicted significantly fewer traffickers than in previous years; it also identified fewer victims compared with the previous reporting period. The government decreased funding for trafficking victim and domestic worker protection programs for the second consecutive year. Additionally, 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. Some officials continued to routinely use arbitration and administrative penalties to resolve grievances filed by migrant workers, including domestic workers, instead of investigating such cases as human trafficking crimes; protracted litigation and subsequent appeals processes led most potential victims to decline to file court cases. Finally, the government did not regularly use standard procedures for proactively identifying victims by all front-line officials and referring them to protection services; it continued to detain, prosecute, and deport potential or unidentified trafficking victims, including those fleeing forced labor, without screening for trafficking indicators. Therefore Kuwait was downgraded to Tier 2 Watch List.

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,” or those who flee abusive employers and face countercharges, to ensure victims are not wrongfully penalized or deported for unlawful acts traffickers compelled them to commit.
- 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, ensuring no recruitment fees are charged to workers and increasing oversight of recruitment agencies and companies.
- Increase the amount of training for all relevant officials and NGOs on the national referral mechanism (NRM) to strengthen proactive identification and referral procedures and ensure official guidelines are accessible to all frontline responders to routinely employ these procedures.
- Ensure unhindered access to the government shelter for victims who self-refer and do not require a complaint on file with authorities to be granted access at the shelter and provide adequate funding for shelter operations.
- Create protection services specifically for male victims, including accommodation 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 potential 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.
- 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 and increase inspections of registered and fraudulent recruitment agencies.
- Resume convening the full Permanent National Committee for the Implementation of the National Strategy for the Prevention of

Trafficking and strengthen implementation of the national anti-trafficking strategy.

- Expand efforts to raise awareness on existing protections for workers and penalties for traffickers, particularly among vulnerable populations, including migrant workers and domestic workers, as well as employers, company owners, and recruitment agencies.
- Given significant concerns about forced labor indicators in Cuban Medical Missions, screen Cuban medical professionals and refer them to appropriate services.

PROSECUTION

The government decreased law enforcement efforts; it reported significantly fewer trafficking investigations, prosecutions, and convictions than in previous years and continued to convict traffickers, including allegedly complicit officials, under other criminal laws instead of the anti-trafficking law. However, the government reported disaggregated law enforcement data for the first time, which highlighted a forced labor conviction under the anti-trafficking law. 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 and PPO continued to maintain specialized trafficking units within their respective organizations, and for the first time, the government provided disaggregated law enforcement data by type of trafficking. In 2021, the government investigated 23 potential trafficking cases, compared with 46 in the previous reporting period. Of these 23 cases, one was for sex trafficking involving one suspect, and 22 were forced labor cases, involving 29 suspects. Fourteen forced labor cases involving 21 suspects remained under investigation at the close of the reporting period. During the reporting period, officials initiated the prosecution of two forced labor cases involving eight suspects, compared with 35 cases involving 109 suspects in 2020. The government convicted two traffickers in one forced labor case under the anti-trafficking law,

compared with convicting 28 traffickers in 2020 under unspecified laws. The Criminal Court convicted and sentenced a Kuwaiti woman to 10 years' imprisonment with hard labor and her husband to one year of imprisonment for assaulting and torturing a domestic worker to death. The court charged both individuals with forced labor under the anti-trafficking law and assault under the penal code; this was the first time the government reported a forced labor conviction under its 2013 anti-trafficking law. In previous years, the government did not specify which laws it used to convict traffickers. Separately, two defendants were originally prosecuted under the anti-trafficking law for forced labor but were instead convicted under the penal code, labor law, and foreigner's residency law and sentenced to 3.5 years' imprisonment and hard labor. The government also overturned seven convictions in one case on appeal and acquitted 42 defendants in 2021, compared with acquitting 13 defendants in 2020.

Corruption and official complicity in trafficking and trafficking-related crimes remained a significant concern during the reporting period. While the government made law enforcement efforts on cases involving allegedly complicit officials in trafficking-related crimes, it did not report any new investigations, prosecutions, or convictions of government employees under the 2013 anti-trafficking law. Some government officials allegedly sold work visas to illegal recruiters or directly to migrant workers, potentially facilitating trafficking. In May 2021, the government reported it upheld a conviction through a final ruling in the Court of Cassation from the previous reporting period with a sentence of three years' imprisonment with hard labor for a former MOI police colonel and his Egyptian partners for illegally facilitating the entry of hundreds of workers into Kuwait. The MOI colonel reportedly operated a front company that brought to Kuwait approximately 1,200 migrant laborers who did not have valid residence permits and were vulnerable to trafficking. The court upheld the ruling that the colonel and his accomplices violated the residency law—but it acquitted the defendants for human trafficking and money laundering for lack of sufficient evidence. In a separate case from the previous reporting period involving a former Bangladeshi MP and several Kuwaiti officials, media sources reported the Court of Cassation upheld the conviction of the former MP for bribing Kuwaiti officials to issue work visas and issued a final ruling in November 2021, increasing the sentence for the MP from four years to seven years' imprisonment and from a fine of 1.9 million Kuwaiti Dinar (KD) (\$6.29 million) to 2.7 million KD (\$8.94 million). According to media, the Criminal Investigative Department (CID) had originally charged the former Bangladeshi MP with human trafficking, money laundering, and torturing employees of his company, based on complaints from five Bangladeshi migrant workers. Media sources also reported that the court upheld the convictions for bribery and issued similar sentences to a top Kuwaiti official at the Public Authority for Manpower (PAM) and a former MOI Assistant Undersecretary, in the same case related to the Bangladeshi MP. The Bangladeshi MP's company bribed Kuwaiti officials

to bring in thousands of Bangladeshi workers on fake or expired government contracts, making them vulnerable to labor trafficking; victims paid up to 3,000 KD (\$9,930) each in exchange for visas, only to find they had no job upon arriving in Kuwait. The final ruling also included the conviction and sentencing of a former Kuwaiti MP, who was originally acquitted of all charges, to seven years' imprisonment and a fine of 740,000 KD (\$2.45 million).

Kuwaiti authorities did not routinely categorize or investigate labor violations as potential trafficking crimes and typically treated such cases as administrative infractions. During the reporting period, the MOI established a hotline specifically to receive trafficking-related complaints. Although the hotline received 95 calls since its establishment in October 2021, officials did not refer any complaints to the PPO for criminal proceedings. Moreover, officials reported that most calls received were regarding labor law violations that did not meet the threshold to qualify as a potential trafficking case. 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 due to lack of evidence or witness testimony; further, some domestic workers who were victims of abuse ultimately chose not to move forward with court proceedings due to inadequate government support and prolonged trials periods. 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 forced labor. One labor-source country reported that some domestic worker sexual abuse cases were dropped due to insufficient evidence collection by the MOI's Forensic Evidence Department. Moreover, one NGO reported in cases where trafficking charges were accompanied by other criminal charges, the government would choose to pursue other criminal charges against the defendants instead of the trafficking charge.

As of November 2021, the MOI reported it conducted two training courses for officers at the CID. 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 that some police academy training included trafficking and human rights focused topics. As of November 2021, PAM conducted seven training courses in cooperation with two international organizations, funding trainings specifically on ethical recruitment, trafficking terminology, and the government's responsibility to protect trafficking victims. At the request of the government, members of the Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking (National Committee) and the Supreme Council for Planning and Development (GSSCPD) participated in two international organization-led workshops on victim identification, Kuwait's anti-trafficking law, the international legal framework for trafficking, the NRM, and techniques for victim interviewing. Due to the pandemic, the

Kuwait Institute for Judicial and Legal Studies within the Ministry of Justice did not conduct any trainings during the reporting period. The Domestic Workers Employment Department (DWED) reported that it requested trafficking-related training to improve its staff and investigators’ skills on victim identification, but the training was not implemented during the reporting period.

PROTECTION

The government decreased efforts to protect trafficking victims; it identified significantly fewer victims compared with the previous reporting period and decreased its funding to support the shelter and protection services. However, the government reported disaggregated victim identification data by gender for the first time, which highlighted the identification of male victims. The government identified 17 trafficking victims during the reporting period, including 11 adult males and six adult female victims; this was a significant decrease from its identification of 103 trafficking victims during the previous reporting period. The government referred two of these female victims to the government shelter, and three female victims were identified through the government shelter’s screening process after admission into care. The government did not report if the remaining 12 identified victims received services; as the shelter was only available for vulnerable female migrants, observers noted that in most cases, identified male victims sought assistance from their respective embassies or other support groups. As of November 2021, the government reported it assisted 160 vulnerable female workers at the government shelter, a decrease compared to 461 during the previous reporting period. This included 138 vulnerable female domestic workers referred to shelter by DWED; the other 22 vulnerable female workers either self-referred or were referred by NGOs. NGOs reported the majority of those admitted to the shelter were potential victims of forced labor and had fled poor working conditions, including excessive hours and delayed payment of wages, 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; during the reporting period, the government reported that of the 160 women admitted into the shelter, three potential trafficking victims were identified through this screening process and were referred to MOI’s anti-trafficking unit for further investigation. In contrast, an international organization identified 24 trafficking victims during the reporting year.

The National Committee implemented 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 the government reported that 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 that the mechanism was not systematically utilized by all officials. Furthermore, the government noted the NRM was not a publicly accessible document, likely limiting its use for stakeholders outside of the government. During the reporting period, the government-run shelter reported it received referrals from embassies, NGOs, international organizations, churches, private citizens, and other migrant workers. 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. An international organization reported the average number of residents in the shelter had decreased significantly over the last few years, from 200-250 daily residents to approximately 20-40 residents during the reporting period. Furthermore, one NGO reported the government shelter did not allow domestic workers who were potential victims to self-refer without filing a complaint with DWED first, which may have left some unidentified trafficking victims without adequate care during the reporting period. During the previous reporting period, the Minister of Economic Affairs and Social Affairs announced that companies referred to the PPO on charges of visa trading, whereby a company fraudulently hires a worker for a fake position, would be required to cover all costs associated with sheltering and repatriating their registered employees; however, the government did not report if this announcement was implemented or if any companies referred to the PPO paid for shelter and repatriation costs of their employees during the reporting period.

From January to November 2021, the government spent 77,017 KD (\$255,020) on domestic worker shelter operations and protection programs for trafficking victims; this was compared with 100,370 KD (\$332,350) in 2020 and 2 million KD (\$6.62 million) in 2019, although the government did not report whether these amounts were allocated as the total budget for shelter operations and protection programs or solely the amount spent during the year on such initiatives. 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. 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 providing the worker new employment through illegal channels and receiving kickbacks, which rendered 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. In the case of administrative

deportation of vulnerable migrant workers, officials provided airline tickets and worked to recoup associated costs from accused employers. 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 November 2021, the government repatriated 185 vulnerable migrants to their respective countries of origin and, as of March 2022, in cooperation with two international organizations, provided repatriation, reintegration support, and transition assistance to 115 vulnerable domestic workers from nations without diplomatic representation in Kuwait who needed to procure travel documentation. In comparison, during the previous reporting period, the government repatriated 617 shelter residents to their respective countries of origin.

Authorities continued to arrest, detain, and administratively deport some workers who fled their employers without permission. 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 addition, it was not uncommon for sponsors to file counter-grievances, such as "absconding," against their employees, including trafficking victims who reported abuse. This sometimes resulted in administrative deportation or detention of the employees and 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 DWED or presented themselves at the government shelter. During the reporting period, one NGO and a labor-source country reported domestic workers had difficulty physically reaching the DWED to file a complaint or seeking assistance, and some workers were denied access to the government shelter without first filing a complaint with the DWED. 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, payment of fines, and deportation; deportation was usually accompanied with at least a six-year entry ban to Kuwait. Within worker communities, there existed a persistent fear that confiding in authorities would result in deportation, imprisonment, or forced return to their employers. The government reported public prosecutors willingly tried cases on victims' behalf using their oral 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. 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, although it did not take any new steps to reform the visa sponsorship system, which continued to render migrant workers highly vulnerable to exploitation, including trafficking. The National Committee, established in 2018, did not convene during the reporting period; however, the working group within the committee tasked with implementing the government's anti-trafficking strategy and the NRM convened three times during the reporting period. The National Committee included representatives from the Ministry of Justice, 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 the PPO. The government reported that agencies tasked with combating trafficking, including those on the National Committee, continued to operate during the reporting period, although their operations were limited by pandemic restrictions, as most government entities remained staffed at only 30 to 60 percent capacity. The government, in collaboration with an international organization, financially supported and conducted public awareness campaigns at shopping malls and the international airport to raise awareness of trafficking and warn against using illegal labor recruitment companies. Various officials also took part in anti- trafficking awareness messaging on local television, radio, and social media platforms. The government continued to disseminate pamphlets to educate migrant workers on their rights, which were published in seven languages and disseminated in airports, embassies, and labor- recruitment agencies. In July 2021, the government, in coordination with an international organization, reported it organized a campaign to raise awareness on trafficking during World Day Against Trafficking in Persons through an SMS campaign and questionnaire contest.

In the last reporting period, PAM announced a collaborative program with the GSSCPD and two international organizations, entitled "Tamkeen," which included the creation of an International Recruitment Integrity System (IRIS), a voluntary accreditation mechanism that connects employers, employees, and recruiters to promote ethical recruitment. The government reported it continued to implement the Tamkeen initiative with the aim to digitize PAM's labor files in order to make the files trackable to prevent trafficking-related corruption and bribes by government officials and increase the transparency of the government's

regulation of foreign worker recruitment. An international organization reported it provided training to the five private sector recruitment agencies licensed by PAM on ethical recruitment and IRIS. In December 2021, PAM announced a new initiative to regulate the licenses and files of recruitment companies under the auspices of a specialized team within PAM. PAM planned to screen commercial licenses to regulate the number of workers companies were allowed to hire—including for government contracts—to prevent companies from fraudulently hiring large numbers of workers for fake positions or positions different than contractually agreed upon. If violations occurred, PAM planned to suspend the company and refer it to court for legal action; however, PAM did not report what action it had taken to implement the new initiative by the end of the reporting period.

Authorities continued to employ the services of the government's Mobile Labor Disputes Office to help workers in remote areas of the country file complaints against employers for labor law violations. The mobile unit was run by an emergency team of investigators, inspectors, interpreters, lawyers, and volunteers. Officials also advertised to migrant laborers online services that allowed workers and employers to dock and track workplace issues electronically, receive alerts if an employer filed an "absconding" charge, notify the respective source country embassy, and challenge legal settlements incurred. PAM maintained a hotline and social media accounts to receive general workplace grievances and potential trafficking cases, while DWED had an email address for the same purpose. Both hotlines remained operational during the year, and PAM reported it received 53 complaints through its hotline from January 2021 to November 2021, although it did not report if it referred any calls for criminal investigation or prosecution as a potential trafficking crime. In comparison, one NGO also ran its own hotline focused on labor exploitation, which received 4,808 calls and 391 inquiries through its online platform. In 2021, the NGO reported it received a call from a female worker who stated that a relative of her employer raped her and allegedly sold her to different employers; the NGO coordinated with MOI's anti-trafficking department to refer the worker to her embassy for care.

In the previous reporting period, the Minister of the Interior announced the formation of an interagency task force to investigate employers and recruiting companies that use deceptive techniques to lure migrant workers to Kuwait through unenforceable contracts, fraudulent visas, and nonexistent positions, leaving these workers highly vulnerable to trafficking; however, the government did not report on the actions of the task force during the current reporting period. Officials commonly used arbitration, which resulted in monetary compensation and repayment of back-wages to victims, administrative fines, and closure of recruitment firms to resolve such cases. If a settlement could not be agreed upon, officials referred the case to the labor courts. Although the withholding of workers' passports was prohibited under Kuwaiti labor law and the domestic worker law, the practice remained commonplace among visa

sponsors and employers of foreign workers. During the year, DWED received 1,170 complaints of passport confiscation, resolved 407 complaints by returning the passports, blacklisted 29 employers, and referred the remaining 734 to the labor courts; as of November 2021, 189 cases of passport confiscation remained under review by the courts, and the government did not report on the verdicts of these cases at the close of the reporting period. PAM did not report how many complaints of passport confiscation it received, resolved through arbitration, and referred to the labor courts or if any cases were referred to MOI for further investigation as a potential trafficking crime. The domestic worker law did not specify penalties for passport confiscation; however, DWED continued to treat the practice as a contractual violation and a violation under the domestic workers law, which imposed penalties that blacklisted an employer for six months and referred 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.

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 by building a monetary reserve to adjudicate cases of labor law violations to pay unpaid wages and cover the costs of repatriation. In November 2021, DWED reported it collected a total of 42,216 KD (\$139,790) from employers to pay unpaid or delayed wages back to workers since January 2021. For issuance or renewal of a license for a domestic worker recruitment firm, it enforced the rule that single offices must submit financial deposits of 40,000 KD (\$132,450) with a two-year validity and larger companies to present a letter of guarantee worth 100,000 KD (\$331,130). The DWED continued to investigate domestic worker recruitment agencies to ensure compliance with the 2015 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 also 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

November 2021, DWED officials received 2,533 work-related complaints, resolved 1,154 in extrajudicial administrative proceedings, and referred 1,307 to the labor courts, while 72 remained pending. As of November 2021, the DWED conducted seven inspection campaigns of domestic worker recruitment firms that resulted in two violations against registered recruitment agencies, which were subsequently suspended from one to three months. DWED also reported identifying 17 fake recruitment offices (compared with six in 2020) and referred them to MOI for criminal investigation. Additionally, DWED suspended 13 recruitment firms for three to six months for violation of the domestic worker law, compared to 37 suspensions the previous year; officials did not report referring any of these for criminal investigation or prosecution. 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 workers law. An NGO noted that 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.

Separately, as of November 2021, PAM received 21,473 official grievances from foreign migrant workers, the most common of which included pay discrepancies, denied requests to transfer employers after the required three years with a visa sponsor, and disputes regarding overtime pay issuances, a significant increase compared with 10,498 complaints received in 2020. Authorities reported they resolved 412 cases directly through arbitration, referred 6,139 complaints to the courts, referred 119 companies to either the PPO or MOI, and issued administrative penalties to 2,929 companies for committing labor violations. Additionally, PAM identified hundreds of companies that engaged in fraudulent practices by sponsoring workers yet failed to provide legitimate employment. Local media reported from March 2020 to September 2021, the government closed 800 fake companies for visa trading, but the government did not report whether it referred any of the company owners for criminal investigation or prosecution. However, in June 2021, media reported the Court of Appeals sentenced a business owner to seven years' imprisonment for bringing migrant workers from abroad to work on a fraudulent government project. PAM continued to utilize the crisis and emergency teams in addition to the existing inspection teams to monitor the conditions of expatriate workers during the pandemic. In December 2020, PAM announced that it would no longer conceal the types of violations and crimes by companies found guilty of trafficking by removing obscure codes for 10,000 companies' files and replacing the codes with clear information on their violations and crimes, such as violating workers' rights, failure to pay salaries, and visa trading. The government reported

that this information would eventually become accessible to the public via a website.

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. However, *Al-Durra* stopped recruiting domestic workers in early 2020 due to pandemic-related shutdowns and had not resumed recruiting at the close of the reporting period. In 2019, *Al-Durra* stopped working with expatriate employers after complaints suggested the mechanism was established to help Kuwaitis and was subsequently made available for Kuwaiti citizens only. The most common nationalities hired previously through *Al-Durra* included those from the Philippines, India, Sri Lanka, and Burkina Faso; *Al-Durra* only recruited domestic workers from countries with which it had a memorandum of understanding (MOU). *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." Kuwait maintained its agreement with the Philippine government to regulate the recruitment and employment of Filipino domestic workers in Kuwait to better safeguard their legal protections. Separately from *Al-Durra*, 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 to agencies to recruit domestic employees at 890 KD (\$2,950); a portion of the fee was frequently illegally transferred from the employer to the domestic worker through salary deduction or debt bondage. The government made efforts to reduce the demand for commercial sex acts by continuing to enforce the law that makes prostitution illegal and by carrying out raids on entities allegedly engaged in commercial sex practices. The government provided annual anti-trafficking training for most of its diplomatic personnel, but not all diplomats received training during the reporting period.

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, hospitality, and domestic service sectors, 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. 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. In October 2018, Kuwait and India signed an agreement on broader protections for domestic workers that resulted in the end of India's 2014 ban on Indian female domestic workers working in Kuwait. However, 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 domestic employment 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 arrival 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 in contravention of Kuwaiti law stating fees should be paid by the recruitment agency or employer 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, and illicit visa trading markets increasingly expanded into social media in 2020 and continued during the current reporting period. In 2021, local media reported nursing companies traded residency 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 through the use of deceptive techniques to bring in migrant workers on the basis of 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. Civil society groups, press outlets, and members of parliament called for the government to increase its efforts to protect victims and punish traders and their enablers. 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 residency permit from one sponsor to another. Moreover, 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, increasing their vulnerability to trafficking. During the reporting period, reports of employers allegedly selling their workers to other employers on social media and online platforms like Instagram, Twitter, Facebook, WhatsApp, and Haraj increased. 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 due to travel restrictions and expensive flights without any means of support, rendering them undocumented and heightening their risk to 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 and May 2020 and between December 2020 and February 2021. The first campaign allowed residency violators to return home without paying overstay fines and provided free airline tickets, and the second allowed undocumented workers the opportunity to legalize their stay or leave the country (by paying fines for both options) without being blacklisted in the future if the worker wanted to return to Kuwait. Since March 2020, the government halted the issuance of new work permits of domestic workers, and in January 2021, the MOI announced it would begin issuing new work permits to domestic workers; however, most new work permits were issued only to workers from India, the Philippines, and Sri Lanka. At the close of the reporting period, the government had not yet begun issuing new domestic worker permits to other countries' nationals. The governments' amnesty campaigns, coupled with the limited number of new domestic worker permits being issued and the outflow of documented and undocumented workers due to the pandemic, 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. Furthermore, due to shortages in the domestic 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. The use of fraudulently obtained visas and fake work permits remains common. The current reporting period saw more sit-ins and protests by employees who had been subcontracted to work for Kuwaiti ministries or companies than in 2020, but not as many as prior to the pandemic. These employees alleged their wages were withheld for up to several months by contractors and the respective officials and company representatives ignored their grievances.

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