

Permanent National Committee for the Prevention of Trafficking in Persons

National Referral Mechanism for the Prevention of Trafficking in Persons

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Preface

The phenomenon of trafficking in persons poses a challenge to world states that requires concerted national efforts to keep the state free from that crime in all its forms and manifestations and to confront it by developing eradication mechanisms thereof upon emergence of indications of its existence.

Trafficking in persons crimes constitute a violation of the basic principles related to the protection of human rights and the preservation of man's dignity as guaranteed by national legislations that provide or supporting those rights, in line with international conventions. For example, equality and non-discrimination foundations and principles established in the Constitution of the State of Kuwait, in addition to the Penal Law, as amended, in terms of criminalizing all acts that prejudice human rights in general, and, in particular, Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants, among other laws. Such crimes violate international human rights standards represented by a number of conventions and protocols, including the United Nations Convention against Transnational Organized Crime, organized by Kuwait under Law No. (05) of 2006 and the complementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography annexed to the Convention on the Rights of the Child.

To that end and stemming from Kuwait's belief in combating all aspects of trafficking in persons, efforts have been combined to reach an integrated national system to come up with a complete vision of a National Referral Mechanism (NRM) for victims of trafficking in persons, through cooperation among all relevant partners. Efforts at internal and external levels are coordinated, developing appropriate mechanisms to ensure identification of victims of trafficking in persons to protect and assist them, achieve justice thereto and preserve their rights.

Terms and Definitions

Trafficking in Persons	Article (1.4) of Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants defines “Trafficking in Persons” as: Recruiting, using, transporting, harboring or receiving a person by means the threat or use of force, as well as other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or in-kind benefits for the purpose of exploitation. Exploitation shall include prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.
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Explanation of some Definitions (Acts)

Recruitment	To subjugate, use and exploit persons as negotiable commodities to reap profits, whether by legal or illegal means and whether committed within any single state or across its regional borders. In such crime, the victim becomes subject to the offender’s control and voluntarily implements whatever he is asked to, where the offender obtains material benefits out of such exploitation of that victim.	
Transportation of Persons	Moving people from one place to another, whether international or local, regardless of the means used, whether legal or illegal. Such transportation takes two forms: Spatial Transportation and Occupational Transportation.	
	<u>Spatial Transportation:</u> Moving the victim from one place to another, whether across or within the borders of the state.	<u>Occupational Transportation:</u> Transferring the victim by the perpetrator, whether the person is natural or legal, from a legal to illegal occupation, with the intention of exploitation, regardless of the means used.
Reception	To receive persons transported across or within the national borders of the state, where the perpetrator or intermediaries meet the victims of trafficking in persons and identify them and attempt to overcome the obstacles that impede their presence in terms of residence, food and water to be able to exploit them, regardless the means used.	
Place of Detention	To arrange a safe place by the offenders or intermediaries affiliated therewith to accommodate the victims of trafficking during their stay. That shelter may also appear to include the provision of legal job opportunities for the victims, while, in fact, they are being exploited in illegal acts that may take place during or after the completion of the work they are assigned to undertake.	

Explanation of some Definitions (Means)

<p>Kidnapping</p>	<p>“Whoever kidnaps a person, by fraud or coercion, and flees therewith to any destination”. It also includes taking the victims of trafficking by force away from their homeland to force and coerce them to implement what is required therefrom. This means that the dominant feature here is force and the use of violence to take a person away from his permanent place of residence.</p>	
<p>Fraud and Deception</p>	<p>Within the scope of the crime of trafficking in persons, fraudulent methods are defined as "every lie supported by external appearances that would delude the victim (of trafficking) into helping the offender to fulfill his needs and requests in an illegal manner, contrary to the truth". The offender takes advantage of that person’s personal, social or economic conditions, so as to force him/her to commit a certain criminal behavior by means of deception and misleading, reaping profits out of exploiting that person. Deception comes in two forms, namely:</p>	
	<p><u>Total Deception:</u></p> <p>To lure the victims with false promises of providing job opportunities and achieving financial gains, contrary to the truth, fully deceiving and misleading them so that the true intentions of the trafficking offenders would not be deciphered thereto.</p>	<p><u>Partial Deceptive Recruitment:</u></p> <p>Victims of trafficking in persons may know that they will be employed in a specific activity without being aware of the circumstances they are subject to. This means that the victim of trafficking may be recruited in a specific job in the state of destination and then face the presence of certain pressures thereon that may amount to coercion and force to practice illegal work covered by that job.</p>
<p>Exploiting a Vulnerability</p>	<p>To exploit the persons’ economic, social, health and psychological conditions, through which the victims of trafficking in persons may be accessed.</p>	

Explanation of some Definitions (Purposes - Exploitation)

Forced Labor	Every work or service taken by force from any person, under the threat of any penalty, while that person did not volunteer to perform such work at free will.	
Slavery	As defined in the Slavery Convention signed in Geneva on 25 September 1926.	
	<u>Slavery:</u> <p>The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.</p>	<u>Slave Trade:</u> <p>Includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged.</p>
Removal of Organs	Removal of a member from the body of a living person in cases other than those prescribed by law.	
Prostitution	Sale of sexual services in all forms.	
Sexual Exploitation	Use of persons for the purpose of sexual activities in consideration for a remuneration or any other form of compensation.	

General Definitions and Terms

Victim	Any person subject to any of the cases of exploitation stipulated in Article (1.4) of Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants.
Potential victim of trafficking in persons	Any person who features clear signs or indicators that may lead him to exploitation at a later stage, who is being reached to pre-exploitation phases.
Presumed victim of trafficking in persons	Persons who are deemed victims of trafficking but have not been formally identified as victims by the competent authorities or who have refused to be formally or legally identified as such.

Victim Receiving Assistance	Any person identified as a victim of trafficking who agrees to receive assistance from a governmental or non-governmental entity.
First Recipients	Employees of the agencies who, according to the nature of their work, are most likely to meet victims of all kinds, as well as health service providers and the hotline service concerned with dealing with trafficking cases, in addition to other first recipients.
Case Management File	<p>A complete case management file for the victim to document the assistance steps and to record collected information.</p> <p>Cases shall include all or part of the following information:</p> <ul style="list-style-type: none"> • Victim’s personal information (including name, family place of residence, work, educational and employment experience). • Details of the victim's trafficking experience, including abuse suffered. • Security risk assessment. • Victim's voluntary written consent form. • Victim’s physical, medical and psychological condition and the needs related to that situation. • Assistance requested, goals and priorities, victim’s needs and desires, services requested and a schedule. • Assistance provided, current recovery and reintegration status, follow-up required and security risk assessment based on the criminal nature of trafficking in persons.
Case Management Group	A group of entities related to combating trafficking in persons, specialized in dealing with the case management file, consisting of government agencies, international organizations, civil society organizations and embassies, under the supervision of the Public Authority for Manpower (the Shelter Centre).

Phases of the National Referral Mechanism

Phase One
Identification of Victim of Trafficking in Persons

Phase One of the National Referral Mechanism (NRM), in which it is determined whether a person is a potential victim of trafficking in persons, by observing initial indicators and reporting to the competent authorities by the first recipient of the case.

Among the entities, places and persons concerned with identifying victims of trafficking in persons crimes (the First Recipients):

#	Entity	#	Entity
1	Judicial Authorities: (Public Prosecution Office (PPO)).	2	Ministry of the Interior: (Public Moral Protection & Anti-Trafficking in Persons Department, Security Outposts, Specialized Committees and frontier posts).
3	Public Authority for Manpower: (Expatriate Labor Shelter Center and Inspection Department - Domestic Labor Department).	4	Ministry of Health: (emergency departments - dispensaries, hospitals).
5	Ministry of Foreign Affairs - Department of Human Rights: (Diplomatic missions abroad, Department of International Organizations).	6	Ministry of Social Affairs.
7	National Diwan for Human Rights.	8	Permanent National Committee for Implementing the National Strategy for the Prevention of Trafficking in Persons and Smuggling of Migrants.
9	Embassies and diplomatic missions inside Kuwait.	10	Religious places.
11	Interested and cooperative citizens.		

Phase One Procedures: Identification of the Victims of Trafficking in Persons

Procedure 1	Upon receiving and organizing reports related to trafficking in persons crimes and identifying potential victims, they shall be transferred to the Expatriate Labor Shelter Center or the Protection of Public Morals and Combating Trafficking in Persons unit, which, in turn, shall provide specialized assistance by referring (potential) victims to the relevant authorities to obtain support and assistance, as necessary.
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Phase Two: Reporting, referral and documentation of victims of trafficking in persons

This phase is next to the phase of identifying and spotting (potential) victims by the concerned authorities. This phase includes reporting the place of exploitation or abuse, transferring and transporting them to a safe place (expatriate labor shelter) to provide the required protection and assistance according to the requirements of the (potential) victim's case, taking into account the physical, health and psychological situation, to provide the necessary assistance.

Among the authorities concerned with reporting and transferring victims of trafficking in persons:

1	Judicial Authorities: (PPO).	5	Ministry of Foreign Affairs - Department of Human Rights: (Diplomatic missions abroad, Department of International Organizations).
2	Ministry of the Interior: (Public Moral Protection & Anti-Trafficking in Persons Department, Security Outposts, Specialized Committees and frontier posts).	6	Ministry of Social Affairs.
3	Public Authority for Manpower: (Expatriate Labor Shelter Center and Inspection Department - Domestic Labor Department) Embassies and diplomatic missions inside Kuwait.	7	National Diwan for Human Rights.
4	Ministry of Health: (emergency departments - dispensaries, hospitals).	8	Permanent National Committee for Implementing the National Strategy for the Prevention of Trafficking in Persons and Smuggling of Migrants.

* According to Article (12/B) of Law No. (91) of 2013, the PPO is responsible for transferring victims to shelters.

Phase Two Procedures: Reporting, referral and documentation of victims of trafficking in persons

Procedure 1	Reporting and referral (to Expatriate Labor Shelter Center) the person supposed to be a victim of trafficking in persons.
Procedure 2	Reception and Evaluation
	<ul style="list-style-type: none"> • Receiving the case at the headquarters of the Expatriate Labor Shelter Center. • Providing translation when needed. • Determining the overall status of the case through the prominent preliminary indicators in the Indicators Appendix, according to the nature of exploitation. • Evaluating the case by the shelter center staff.
Procedure 3	Post Initial Evaluation
	<ul style="list-style-type: none"> • Initial acceptance of the case, stating the reasons for acceptance. • Providing urgent medical care when needed. • Obtaining the approval of the case to proceed with the procedures in the subsequent steps of the referral mechanism. • Notifying the competent security authorities in case a crime is suspected. • Referring the case to the competent authorities as required for the case.
Procedure 4	Initial Interview
	<ul style="list-style-type: none"> • Conducting the initial interview by filling out the interview part (Form No. 4), taking into account the instructions related to interviewing victims of trafficking in persons (Appendix 6). • Communicating the rights, duties and next referral steps. • Ensuring the availability of simultaneous translation, if necessary. • Preparing the case file (case management file) by the specialist in the shelter.

Procedure 5	Basic Needs and Temporary Shelter	
	<ul style="list-style-type: none"> • Securing urgent basic needs, including temporary shelter, if necessary. • Informing security authorities (Public Moral Protection & Anti-Trafficking in Persons Department). • Informing the concerned embassy of the presence of one of its nationals at the shelter. • Conducting medical examination and stabilizing the case: Stabilizing the physical and psychological status of the case through an official examination, ensuring that the case is free of infectious diseases and epidemics, isolating cases proved to be infected and taking action in their regard. 	
Procedure 6	Approving evaluation outcome taking case-related actions	
	<p><u>In the case of a victim:</u> Reporting to the Public Moral Protection & Anti-Trafficking in Persons Department, Ministry of Interior, of the possibility of a victim of trafficking in persons.</p>	<p><u>In labor cases and cases of vulnerability:</u> The NRM team adopts the (case file) and referral is to be made to the concerned authorities to deal with the causes of vulnerability and provide assistance to protect the case from being subject to trafficking (the preventive role).</p>

Phase Three: Investigation and Prosecution (Formal and Legal Identification)

Referring the (case file) to the relevant authorities to obtain support and assistance according to the nature of the case

#	Entity	#	Entity
1	Judicial Authorities: (PPO).	2	Ministry of the Interior: Public Moral Protection & Anti-Trafficking in Persons Department.

Phase Three Procedures: Investigation and Prosecution (Formal and Legal Identification)

Procedure 1	Reporting to the competent official authorities (Public Moral Protection & Anti-Trafficking in Persons Department and the PPO) for formal approval and establishment, as well as to take official measures, pursuant to Article (11) of Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants, which states that: (The PPO is solely responsible for investigating, acting and prosecuting the crimes stipulated in this Law and related crimes). Article (12) provides that (The PPO or the competent court, while examining the crimes stipulated in Articles (2) and (3) of this Law, shall order to take the following two measures as it deems appropriate: (1) Referring the victims of the trafficking in persons or Smuggling of immigrants to medical authorities or social care shelters, as the case may be, to provide them with the necessary treatment and care. (2) Placement in one of the state-designated shelters for that purpose until the victim is returned to the state to which he/she belongs by nationality or in which he/she was residing at the time of committing the crime).
Procedure 2	<p style="text-align: center;">Role of the PPO and the (Public Moral Protection & Anti-Trafficking in Persons Department)</p> <ul style="list-style-type: none"> • Considering the case by the PPO and (Public Moral Protection & Anti-Trafficking in Persons Department) and verifying whether the person is a victim of trafficking or not. • Informing (the team of the Permanent National Committee for the Prevention of Trafficking in Persons) of the outcome of the investigation and the decision of the PPO.

Procedure 3	Investigation Outcome	
	<u>In case it turned to be a case of trafficking in persons:</u> <ul style="list-style-type: none"> • Issuing a judicial order for official sheltering of the victim (by the PPO). • The (PPO) undertaking procedures regarding the trafficking in persons crime. 	<u>In case the investigation resulted in the absence of a case of trafficking in persons:</u> <ul style="list-style-type: none"> • The team of the Permanent National Committee for the Prevention of Trafficking in Persons shall be assigned to follow up (the case management file) with the PPO to spot what has been conducted in the case. • The Public Authority for Manpower, represented by the Expatriate Labor Shelter Center, shall deal with the case, taking into account the humanitarian conditions associated therewith.
In labor cases and cases of vulnerability		
The NRM group shall have (the case file), provided that it shall be referred to the Department of Labor Relations at the Public Authority for Manpower.		

Phase Four: Protection and Assistance

This phase includes providing assistance during investigation and litigation processes until the (potential) victim decides to return voluntarily or is enabled to reintegrate into society. This includes providing possible assistance as required by the (potential) victim's condition.

The main objective is to provide an appropriate environment for the victim (recipient of assistance) by providing the necessary assistance until the victim is reintegrated into society or voluntarily return to their homeland.

The means of support and guidance that may be provided in this phase, as required by the victim's condition, are as follows:

First: Guiding elements established to obtain an effective remedy (protection and assistance)

Assistance	Entity	Assistance	Entity	Assistance	Entity
1. Sheltering	Sheltering Center	2. Period of Reflection	Sheltering Center	3. Preserving victim's identity	Sheltering Center
			Department of Protection of Public Morals and Combating Trafficking in Persons		Department of Protection of Public Morals and Combating Trafficking in Persons
			PPO		PPO
			Judiciary		Judiciary
4. Medical Assistance	Ministry of Health	5. Mental Assistance	Ministry of Health	6. Legal Advice	Ministry of Justice
	Sheltering Center		Sheltering Center		Public Authority for Manpower
	International organization		International organization		Ministry of Interior
					Bar Association

	Civil Society		Civil Society		Civil Society
					Diplomatic missions in the state
					National Diwan for Human Rights
7. Temporary residence	Ministry of Interior	8. Re-training and Qualification	Public Authority for Manpower	9. Translation Services	Public Authority for Manpower
	PPO		Vocational training institutions		Trade unions
	Judiciary		Embassies		Vocational training institutions
	Sheltering Center		Ministry of Education		Public Moral Protection & Anti-Trafficking in Persons Department
	Public Moral Protection & Anti-Trafficking in Persons Department		Ministry of Higher Education		PPO
			International Organizations		Embassies
			Civil Society		Ministry of Education
					Civil Society
					International Organizations

Second: Redressing the damages caused, if possible, and compensation for the victims of trafficking in persons

Assistance	Entity	Assistance	Entity
Restitution: Recovery of freedom, legal rights, social status and family life and citizenship, as well as returning to the place of residence, recovery of work and return of property.	PPO	Compensation and redressing of damage: It can be estimated economically, including physical or mental harm and loss of opportunities, including job opportunities, learning and economic benefits. Material damage and loss of earnings, including loss of possible earnings, moral damage and costs of legal or expert assistance, as well as medication and medical, psychological and social services.	PPO
	Judiciary		Judiciary
	Civil Society		Civil Society
	Embassies in the State		Public Moral Protection & Anti-Trafficking in Persons Department
	Public Moral Protection & Anti-Trafficking in Persons Department		Kuwait Bar Association
	Public Authority of Manpower		Embassies in the State
		Ministry of Social Affairs	

**Phase Four Procedures: Protection and Assistance
(Presumed) Victim of Trafficking in Persons**

Procedure 1	Official Sheltering
	Executing the PPO's order to shelter (the victim) by starting entry procedures at the sheltering center.
Procedure 2	Assistance, Investigation and Litigation
	<ul style="list-style-type: none"> Informing and involving (the victim) of and in the administrative, legal and judicial procedures regarding the case, subject to the judicial standards in the state, as well as his/her right to obtain compensation for the damages incurred thereby, benefitting from the relevant legal procedures.

	<ul style="list-style-type: none"> • Providing the necessary psychological, health, social and legal services, translation, re-qualification and training services. • Rehabilitation and recovery. • Removing the obstacles that hinder the work of the (victim) during this period if he/she so desires and providing work opportunities. • Facilitating providing (the victim) with travel and identity documents.
Procedure 3	Investigation Follow Up
	Updating the case file with the progress of the case and informing the (victim) of the relevant developments.
Procedure 4	Judicial Ruling
	Final Ruling.

Labor Cases and Vulnerabilities

Procedure 1	Preventive Protection
	Dealing with cases that are not classified as (presumed) victims of trafficking in persons, taking into account the reasons for vulnerability, and protecting them from being exposed to trafficking.
Procedure 2	Public Authority for Manpower Procedures
	<ul style="list-style-type: none"> • Referral to investigation authorities in cases other than trafficking in persons. • Referral to investigation competent authorities. • Providing what is necessary as required and within the procedures of the National Referral Mechanism.
Procedure 3	Sheltering
	Providing shelter when necessary.
Procedure 4	Provision of Required Assistance
	<ul style="list-style-type: none"> • Medical and psychological assistance • Legal assistance • Rehabilitation and recovery • Translation • Facilitating the provision of travel and identity documents

**Phase Five: Voluntary repatriation of the victims of trafficking in persons
Assisting (potential) victims and enabling them to voluntarily return to their
homelands**

Among the entities concerned with the voluntary return of victims of trafficking in persons are:

1	Public Authority for Manpower	2	Ministry of Social Affairs and Civil Societies
3	Ministry of Interior	4	Ministry of Foreign Affairs
5	Embassies and diplomatic missions in the state	6	International Organizations

Procedure 1	Phase Five: Voluntary Return
	Holding a counseling session for the victim in the presence of representatives from the Ministry of Foreign Affairs, Ministry of Interior and the Public Authority for Currency Forces, as well as the representative of the embassy and the relevant international organizations, in order to develop a plan for the return of the victim after assessing the relevant risks.
Procedure 2	In case of desiring to return to homeland
	<ul style="list-style-type: none"> • Ensuring the availability of a travel document. • Coordinating with the concerned embassy to arrange return procedures. • Coordinating with the International Organization for Migration to arrange travel procedures. • Evaluating the risks that may surround the case. • Providing a return flight ticket. • Exiting procedures from the sheltering center. • Coordinating with the Ministry of Health or health workers to accompany the victim to Kuwait ports if the victim's health condition so requires.

	<ul style="list-style-type: none"> • Arranging for reception in the homeland in coordination with the concerned embassy. • Coordinating with civil society organizations in the homeland to continue rehabilitation programs if victim’s condition so requires.
Procedure 3	In case of desiring to travel to a third state
	<ul style="list-style-type: none"> • Ensuring the availability of a travel document. • Coordinating with the United Nations High Commissioner for Refugees to search for a state to receive the victim. • Coordinating with the concerned embassy to arrange return procedures. • Coordinating with the International Organization for Migration to arrange travel procedures. • Evaluating the risks that may surround the case. • Providing a return flight ticket. • Exiting procedures from the sheltering center. • Coordinating with the Ministry of Health or health workers to accompany the victim to Kuwait ports if the victim's health condition so requires. • Arranging for reception in the third state in coordination with the concerned embassy. • Coordinating with civil society organizations in the homeland to continue rehabilitation programs if victim’s condition so requires.
Procedure 4	In case of desiring to state and work in the state
	<ul style="list-style-type: none"> • Coordinating with the Public Authority for Manpower to provide the victim with a job opportunity in the state, if possible. • Providing an opportunity to search for work. • Facilitating the procedures for applying for a work permit in the Public Authority for Manpower. • Exiting procedures from the sheltering center.

Phase Six: Reintegration

The reintegration phase is a long-term and multi-faceted stage that aims to enable the person to resume his life as an active member in all social, economic, civil and cultural aspects of society. Successful reintegration should work to reduce the vulnerability of the victims so that they would not fall again as victims of abandonment.

Among the entities concerned with the reintegration of victims of trafficking in persons are:

1	Public Authority for Manpower	2	International organizations
3	Ministry of Inter Ministry of Foreign Affairs	4	Embassies and diplomatic missions in the state
5	Ministry of the Interior (Public Moral Protection & Anti-Trafficking in Persons Department)	6	Ministry of the Interior (Public Moral Protection & Anti-Trafficking in Persons Department)

Phase Six Procedures: Reintegration

(National) Victim of Trafficking in Persons

Procedure 1	<p>Successful reintegration is achieved through a strengthening approach that provides support to trafficked persons with a view to developing their personal skills and resources, as well as to help them make decisions about their lives throughout the process. The key to successful reintegration includes victim assistance (giving victims the opportunity to participate in normal life). Types of reintegration assistance include:</p> <ul style="list-style-type: none"> - Health and medical services - Financial assistance - Legal assistance - Education assistance - Vocational training - Small projects and income generating activities - Job placement, subsidies and extended programs
Procedure 2	<p>(Non-National) Victim Staying and Working in the State</p> <ul style="list-style-type: none"> - Remove obstacles that hinder the work of the victim in the state, if possible. - Providing opportunity to search for work. - Facilitating the procedures for applying for a work permit at the Public Authority for Manpower. - Exiting procedures from the sheltering center.

	Appendix (1) Indicators of Forced or Compulsory Labor in Domestic Work	Answers Alternatives	
		Yes	No
1	Cannot leave their work environment.		
2	Show signs that their movements are being controlled.		
3	They seem afraid or anxious.		
4	Their employer reports them missing even though they are still living in his house.		
5	Exposed to the use of violence or threats of violence against themselves or their family members.		
6	Suffer injuries that appear to be the result of an assault.		
7	Subject to the threat of being handed over to the authorities.		
8	Mistrust the authorities.		
9	Do not have travel documents.		
10	They don't know local language.		
11	Allow others to speak on their behalf when they are addressed directly.		
12	Receive little or no wages.		
13	Work excessively for long hours over long periods.		
14	Do not have any days off.		
15	Live in poor or substandard housing.		
16	Do not receive medical care.		
17	Intermediaries pay the fees necessary to transport them to destination state, where such costs shall be reimbursed thereby either by work or by providing services in that state.		
18	Believe that they are in debt.		
19	Do not have private spaces to live or sleep.		
20	Subjected to insults, abuse, threats or violence.		

	<p style="text-align: center;">Appendix (2)</p> <p style="text-align: center;">Indicators of Forced or Compulsory Labor in Domestic Work</p>	Answers Alternatives	
		Yes	No
1	Cannot leave their work environment.		
2	Show signs that their movements are being controlled.		
3	They seem afraid or anxious.		
4	Exposed to the use of violence or threats of violence against themselves or their family members.		
5	Suffer injuries that appear to be the result of an assault.		
6	Subject to the threat of being handed over to the authorities.		
7	Mistrust the authorities.		
8	Do not have travel documents.		
9	They don't know local language.		
10	Allow others to speak on their behalf when they are addressed directly.		
11	Receive little or no wages.		
12	Work excessively for long hours over long periods.		
13	Do not have any days off.		
14	Live in poor or substandard housing.		
15	Do not receive medical care.		
16	Intermediaries pay the fees necessary to transport them to destination state, where such costs shall be reimbursed thereby either by work or by providing services in that state.		
17	Believe that they are in debt.		
18	Only know words related to sex in the local language or the language of the class of clients they deal with.		
19	Most of their clothing is of the type normally worn by sex workers.		
20	Have tattoos or other markings indicating being "owned" by their exploiters.		
21	Evidence exists that suspected victims cannot refuse unprotected sex and/or sex with violence.		
22	Of any age, although age may vary by location and market.		

	Appendix (3) Indicators of Victims of Labor Exploitation	Answers Alternatives	
		Yes	No
1	Live in groups in the same place where they work and rarely or never leave those places.		
2	Live in humiliating and improper places, such as agricultural or industrial buildings.		
3	Are not dressed appropriately for the work they do, e.g., they may lack protective equipment or warm clothing.		
4	Do not have an employment contract.		
5	Excessively long working hours.		
6	Suffer injuries that appear to be the result of an assault.		
7	Subject to the threat of being handed over to the authorities.		
8	Mistrust the authorities.		
9	Do not have travel documents.		
10	They don't know local language.		
11	Allow others to speak on their behalf when they are addressed directly.		
12	Receive little or no wages.		
13	Work excessively for long hours over long periods.		
14	Do not have any days off.		
15	Depend on their employer for a number of services, including work, transportation and housing.		
16	Unable to receive medical care.		
17	Intermediaries pay the fees necessary to transport them to destination state, where such costs shall be reimbursed thereby either by work or by providing services in that state.		
18	Believe that they are in debt.		
19	Punished by paying fines.		
20	Lack basic training and professional licenses.		

Appendix (4)

Interview Form

Day	Date	Hour	Name:		
Address:					
Document Type	Doc. No.	Issuance Place % Date	Religion	Tel. No.	Nationality
Civil ID No.	Academic Certificate	Mother's Name	Birthplace and Date	Occupation	Marital Status
Brief of Interview					
Indicators Brief Based on Forms (1 – 3)					
Immediate Required Assistance Decision					
Interviewer's Name & Signature	Name:			Signature:	

Appendix (5)

List of Case Management Group

Case Management Team						
#	Entity	Rep.	Title	Tel. No.	Email	Fax
1						
2						
3						
4						
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Appendix (6)

Guidelines for Interviewing Victims of Trafficking in Persons

First: Interview Main Objective: To obtain information related to the crime of trafficking in persons, so as to collect as much information as possible to answer the several queries occurring in the interviewer's mind.

Second: Interview main elements pursuant to the form: For the interviewer to be a good interlocutor, able to obtain good information, he is required to use a number of physical and mental skills to influence the person interviewed, thus obtaining all information required thereby. There are a set of main elements for conducting interviews with the victims, as follows:

1. **Preparation and Planning:** The interviewer shall set a plan for the interview in order to link the events to each other. There are some elements necessary for good planning and preparation for the interview, including:
 - Understanding and determining the purpose of the interview
 - Understanding and distinguishing the points of establishment
 - Evaluating available evidence when possible
 - Evaluating any questions that need clarification
 - Preparing for interview mechanism in terms of (stationery, photos, websites, etc.)
 - All the above renders the interview process a dynamic and sequential process
2. **Participation and Clarification:** These two terms are (introductory), where good personal interview is applicable through arranging and presenting a proper interview environment. This builds a kind of good relationship between the interviewer and the interviewee, which is a necessary requirement. For example, the interviewer informs the interviewee and prepare him to respond to the interview by providing some unexpected luxury items, clarifying the reasons for the interview, educating the person to be interviewed about the mechanism of conducting the interview, the general idea thereof and the matters to be achieved through that interview.

3. **Analysis:** The interviewer reviews the events clarified in the interview by adopting methods that help to retrieve memories, including, for example, the remedial method, which involves asking questions that help to restore memory and retrieve events. This starts from the investigator, as the interviewer should not spoil the sensitivity of the interview by leading the questioning process, but rather by allowing the interviewee to speak and recall the memory. When the interview is arranged, it should be initiated by asking about and evaluating the events, thus focusing on simple questions about the details.
4. **Conclusion:** In this stage, the interviewer avoids any problems with the interviewee, ensuring that the interview is included at this point. Also, during planning for the interview, the interviewer shall prepare to obtain a summary on the subject of the interview while concluding it. The interviewee may ask questions about his fate or the fate of the information he gave. At that stage, the interviewer shall thank the interviewee before leaving and shall ensure that he understands the events taking place during the interview and the events that may occur thereafter.
5. **Evaluation:** This stage comes after each interview, where events shall be matched and evaluated and observations and information received from the interview shall be recorded. The key important in the evaluation process is reviewing all investigations and matching them with the available information, as indicated:
 - Points that establish the incident
 - Evidence established against the perpetrator
 - The matters required and should be simulated during the interview

Evaluation of the interview also helps to develop the skills of the interviewer and reflects personal performance, self-development and knowledge.

Third: Some aspects to consider prior to initiating interview with victims of trafficking in persons:

Victims of trafficking in persons are people who have been subjected to persecution and cruelty or have been mistreated. They are persons who have been deceived or taken advantage of and who have suffered harm, either individually or collectively.

Such harm includes (abuse and physical violence, such as being beaten, tortured, deprived of food, sleep or basic needs, as well as sexual abuse; e.g., being raped, or forced to practice certain sexual acts (nudity, for example), or being forced to work in prostitution, in addition to being exposed to psychological abuse and violence, by being lied to constantly, controlled or exposed to deception, cheating, retaliation, extortion, threats, marginalization, isolation and restriction of movement, wholly or partially, detention or placement under constant surveillance, denial of access to medical care, continuous transportation, confiscation of identification documents, social isolation due to language barriers, deprivation of interaction with others or contacting friends or family, force to use drugs and alcohol leading to addiction, in addition to exploitation as forced labor, domestic hard labor, prostitution and other services intended to earn someone's profits, in poor working and living, conditions such as being kept in an unsafe place, an unclean place or an over-crowded place, along with economic loss or infringement of basic human rights).

Despite all the above, victims of trafficking in persons are often terrified, whether from what they were exposed to in the past or because they do not trust the police. They also fear committing acts that constitute crimes according to local laws. Here comes the investigator's ability to break their fear barrier by taking into account some matters before interviewing victims of trafficking in persons. Among the most important of these matters are:

- Victims of trafficking in persons always has a sense of dread when entering a police or security station, in which case the criminal investigator should break the barrier of dread and fear by receiving them well and dealing therewith nicely.
- Confusion, imbalance and distracted thoughts are characteristic of the victims of trafficking in persons due to being affected by the bitter experience they have lived. Hence, the criminal investigator should relieve them, help them restore their balance, calm them down and support them in focusing and redeeming their thoughts.
- The interviewer needs to remember that, due to the nature of his work, he may deal with victims who may be strangers in terms of customs, traditions and language. He needs to deal with each person in a manner commensurate with the nature of this character, through the assistance of translators when necessary.

- 1. Interview Physical Location:** Interview location impacts its success largely, where circumstances and settings that enable interviewers to properly perform their duty should be available. The ideal location provides interviewers with all that is required to achieve the best results and helps them focus on the main subject of the interview. Interviews should be conducted in a separate room, independent from other offices, to maintain a quiet space and avoid others' interference. It is also advisable to have a clean and comfortable room with some cozy cushions and seats, beverages, etc. Interview room should have no telephones to avoid interruption. The place should also be confidential, and if possible, it is advisable to provide a room for meetings and consultations with victims, and to keep no space for the executive authorities' facilities, except where no other facilities are available or for security reasons and where this is the only option. Rooms designated for child victims shall be different from those designated for other victims, i.e., their rooms should be provided with furniture suitable for their age, toys, and other similar supplies.

- 2. Successful interviews' Guidelines:** When conducting interviews with trafficking in persons victims, criminal investigators should apply some guidelines, the most prominent of which are:

 - Interviewer shall welcome the victims and invite them to have a seat and then introduce himself.
 - Interviewer shall make up a simple personal dialogue with the victims to break the ice and create a sense of familiarity therewith.
 - Interviewer shall allow the victims to speak about the complaint, ensure being alone therewith and confirms to them that he is listening to them carefully. He shall record all key notes stated by the victims and shall never interrupt them until they provide all information they have.
 - Once the victims finish stating their complaints, the interviewer shall re-phrase their statements in a simple way to highlight their content, after which he shall ask some questions to cover any missing points.
 - Interviewer shall focus on the key information provided by the victims to confirm, negate or correct them. In case of confirmation or negation, the interviewer shall ask for clarification.
 - For certainty, the interviewer shall ask certain questions to check and examine how honest and intelligent the victim is. In some cases, the

interviewer should verify the victim's ability to see or hear during the interview, if any of the provided information so requires.

- Interviewer shall always remember that not everything said by victims is true. A good interviewer shall not let his feelings or emotions be impacted by what he hears or sees during the interview.
- Interviewer shall encourage the victims to remember more facts during the interview, as it is normally difficult for them to remember all details in the first session. The interviewer may ask the victims to re-narrate the incident and may also fix another appointment to complete the interview, in accordance with the victim's personal conditions.
- Concluding the interview, the interviewer shall ensure to the victims that he will do his best to help them, arrest the traffickers and restore their rights. He shall also encourage them to contact him or come again to provide any information they may recollect.

3. The following questions shall be included in the interviews to be conducted with the trafficking in persons' victims:

As previously explained, three elements are essential to form a trafficking in persons violation, namely: act, means and purpose. Therefore, the interviewer's questions with the trafficking in persons victims shall focus on proving or negating these elements. For example:

A) **Acts:** Questions asked by the interviewer shall be related to the mechanisms of attraction, recruitment, transfer and transport, receipt or shelter. Examples of these questions include:

- How did the victim enter the state?
- Was the victim accessed through an offer of assistance by a third party, and what was the form of that assistance?
- Did the victim pay any amounts for the person that had attracted him?
- Did the victim obtain the travel documents and tickets by himself?
- Did the victim travel alone, with other companions or with other victims?
- Was the victim offered a job?
- Did the victim sign an employment contract, and was there a difference between the actual work and the signed contract?

- Was the victim received by any person on arriving to the county of destination?
- What are the conditions of the accommodation where the victim stays?

B) **Means:** Questions asked by the interviewer shall focus on the victim's exposure to use or threat of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or abuse of a position of vulnerability. Examples of these questions include:

- Was the victim exposed to any form of coercion?
- Was the victim exposed to threat or use of force?
- Were any benefits given to or received by a person to allow trafficking?
- Was a position of vulnerability exploited? What was that vulnerability?
- Was there any abuse of power in implementing the trafficking act?
- Was the victim deceived? What was the deception method?
- Was the victim exposed to fraud? What was the fraudulent method?
- Was the victim kidnapped?

Purpose of Exploitation: Questions asked by the interviewer shall focus on victim's exploitation in forced labor, slavery, servitude, removal of organs, prostitution or other forms of sexual exploitation. Questions may relate to sexual or psychological abuse, salary maintenance, leaving workplace, moving to another workplace, deprivation of food or medical care, ability to keep in touch with family or exposure to sexual harassment or abuse, among others. We have previously explained the forms of exploitation and presented how to ask questions that reveal the purpose of exploitation.

Appendix (7)

Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants

Articles Provisions

Article (1) Definitions

Definitions: The following words shall have the meanings respectively ascribed thereto:

1. “Transnational Crime”:

A crime that is committed in any of the following circumstances:

- a) Committed in more than one state.
- b) Committed in a certain state, yet it is prepared, planned, directed or supervised in another state.
- c) Committed in one state through an organized criminal group engaged in criminal activities in more than one state.
- d) Committed in one state, but its effects extend to one or more other states.

2. Organized Criminal Group:

An organized group consisting of three or more persons that carries out a premeditated act to commit any of the crimes of trafficking in persons, with the intent of obtaining a financial or other material benefit, directly or indirectly.

3. Child:

Every person under the age of eighteen.

4. Trafficking in Persons:

Recruiting, using, transporting, harboring or receiving a person by means the threat or use of force, as well as other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or of the giving or receiving of payments or in-kind benefits for the purpose of exploitation. Exploitation shall include prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

5. Smuggling of Migrants:

Facilitation of a person’s illegal entry into a state, where this person is not a national or resident, for a financial or other material benefit, whether directly or indirectly.

6. Irregular Entry:

Crossing borders or entering through land, sea or air ports in violation of the conditions and terms stipulated for legal entry into the receiving state.

7. Fraudulent Travel or Identity Document:

Any travel or identity document that: (i) has been falsely issued or essentially altered by any person other than the person or agency lawfully authorized to issue such travel or identity document on behalf of the relevant state; (ii) has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or (iii) is being used by a person other than the rightful holder.

**Article (2)
Trafficking in Persons**

Without prejudice to any other stricter penalty imposed by any other law, any person who has committed the crime of trafficking in persons, as stipulated in Article (1) of this Law, shall be sentenced to fifteen (15) years in prison. A penalty of lifetime imprisonment shall be imposed if the crime is carried out in any of the following circumstances:

1. If the crime is committed by an organized crime group and the accused has contributed to the establishment, organization or running the group or joined it willingly.
2. If the crime has a non-national element.
3. If the accused is married to the victim, related to the victim or has any authority over the victim.
4. If the crime is committed by two or more people or by a person carrying a weapon.
5. If the victim is significantly harmed or permanently disabled.
6. If the accused holds a public position in the state or any of the states where the crime is committed or planned and if that position played any role in facilitating the commission or the execution of the crime.
7. If the victim is a child, a woman or a person with special needs.

The accused shall be sentenced to death if the victim is killed as a result of the crime. In all cases, the victim's consent to the acts of exploitation in such crimes shall not be taken into account.

**Article (3)
Smuggling of Migrants**

Without prejudice to any other stricter penalty imposed by any other law, any person convicted of committing the crime of smuggling of migrants, as stipulated in Article (1) of this Law, shall be sentenced to up to ten (10) years of imprisonment and shall be subject to a fine of not less than KD 3000 (Three Thousand Kuwaiti Dinars) and not more than KD 10,000 (ten thousand Kuwaiti Dinars).

The sentence shall be increased to up to fifteen (15) years of imprisonment and a fine of not less than KD 10,000 (ten thousand Kuwaiti Dinars) and not more than KD 20,000 (Twenty Thousand Kuwaiti Dinars), in the following circumstances:

1. If the crime is committed by an organized crime group and the accused has contributed to the establishment, organization or running the group or joined it willingly.
2. If the crime has a non-national element.

3. If the crime is committed by two or more people or by a person carrying a weapon.
4. If the accused holds a public position in the state and uses that position to commit the crime, or if the accused has any influence over authorities responsible for the entry of foreigners into the state, its borders and ports.
5. If in committing the crime, the accused used forged ID card or travel documents.

Article (4)
Penalties

Any person who hides one or more persons that have committed the crimes mentioned in Articles (2) and (3) of this Law or participated in committing them, or hides the victims, with the intent to flee from justice or for any other purpose, despite of knowing that, and whoever contributes to concealing shall be sentenced to imprisonment for a period not exceeding five (5) years of the crime, shall be sentenced to imprisonment for a period not exceeding five (5) years. The court may exempt the accused from punishment in case of hiding a spouse or one of his/her ascendants or descendants, provided that the accused is not one of those who have committed or participated in any of the crimes stipulated in the two previous articles. Any person who conceals or disposes of something obtained from this crime shall be punished by imprisonment for a period not exceeding three (3) years and a fine of not less than KD 1000 (One Thousand Kuwaiti Dinars) and not more than KD 3000 (Three Thousand Kuwaiti Dinars), or by either penalty.

Article (5)
Confiscation

In all cases, movable property, means of transportation and seized items that were used or were likely to be used in committing the crimes specified in the previous articles, as well as the proceeds generated therefrom, shall be confiscated, without prejudice to the rights of bona fide third parties.

Article (6)
Legal Persons

The penalties prescribed for the crimes stipulated in the previous articles shall be imposed to both the legal representative and the actual manager of the legal person if the crime was committed on behalf or in the name of the legal person and with the latter's knowledge, without prejudice to the perpetrator's individual criminal responsibility. In addition, a ruling shall be issued to dissolve the legal person and to close its headquarters and branches which practice its business, permanently or temporarily, for a period of not less than six (6) months and not exceeding one (1) year.

Article (7)
Knowing about the Crime

Any person who has knowledge of plans to commit any of the crimes specified in Articles (2) and (3) of this Law and fails to report it to the competent authorities shall be sentenced to

imprisonment for a period not exceeding three (3) years and a fine of not less than KD 1000 (One Thousand Kuwait Dinars) and not more than KD 3000 (Three Thousand Kuwaiti Dinars), or by either penalty. The Court may exempt a person from this penalty if he refuses to report a spouse of the criminal, one of his ascendants, descendants or relatives up to the fourth degree.

Article (8)
Abuse of Employees

Any person who abuses or resists, by force or violence, one of the employees in charge of implementing this Law while performing their job shall be punished with imprisonment for a period not exceeding fifteen (15) years. Penalty may be life or temporary imprisonment for a period not exceeding fifteen (15) years if the abuse or resistance results in a permanent disability or a sever deformation that cannot be treated, or if the criminal possesses a weapon or belongs to a security authority. The criminal shall be sentenced to death if the abuse or resistance leads to death.

Article (9)
Use of Force or Threat against Victims & Giving or Promising of Gifts

Any person who uses force or threat or offers or promises a donation or benefit of any kind to induce a person to give false testimony or false information before the investigation authority or the court of jurisdiction with regard to committing the crimes provided for in this Law, shall be sentenced to imprisonment for a period not exceeding five (5) years.

Article (10)
Immediate Reporting to Authorities

Any criminal who undertakes to inform the competent authorities of what he knows before the commencement of the crime shall be exempted from the penalties provided for in Articles (2) and (3) of this Law. The court may apply the said exemption if the same is reported after the completion of the crime and before the investigation, or if the criminal enables the authorities to arrest the other perpetrators of the crime.

Article (11)
Investigations are entrusted to PPO

The Public Prosecution Office shall be solely responsible for investigating and prosecuting the crimes provided for in this Law and the related crimes.

Article (12)
Measures taken by PPO and Court to protect and help Victims

The Public Prosecution Office or the Court of Jurisdiction, while considering the crimes stipulated in Articles (2) and (3) of this law, may take any of the following two measures as it deems appropriate:

1. Referring victims of trafficking in persons or smuggling of migrants to medical authorities or social care homes, as the case may be, to be provided with the necessary treatment and care.
2. Placing victims in one of the shelters designated by the State for this purpose until they are returned to the state to which they belong by nationality or where they were residing at the time of committing the crime.

Article (13)
Reducing or Suspending a Penalty

Notwithstanding the provision of Article (83) of the Penal Law, in applying the provisions of this Law, death penalty shall not be reduced to life imprisonment penalty and life imprisonment penalty shall not be reduced to the maximum term of temporary imprisonment penalty. The Court shall not direct the stay of execution or refrain from pronouncing the judgment in any of the crimes stipulated in this Law.

Article (14)
Council of Ministers' Role in Implementation of this Law

The Prime Minister and Ministers, each in his jurisdiction, shall implement this Law once published in the Official Gazette.

Appendix (8)

Chapter One References

1. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime of 2000.
Article (3), paragraphs (a) and (c). Website:
<http://www1.umn.edu/humanrts/arab/P1orgCRIME.html>
2. Forced Labor Convention (No. 29), adopted by the International Labor Conference in 1930, and which entered into force in 1932.
Article (2), paragraph (1). Website:
<http://www1.umn.edu/humanrts/arab/b031.html>
3. Slavery Convention signed at Geneva on 25 September 1926, and which entered into force in March 1927.
Article (1), paragraphs (1) and (2). Website:
<http://www1.umn.edu/humanrts/arab/b028.html>
4. The Supplementary Convention on the Abolition of Slavery and Practices Similar to Slavery of 1956.
Article (1). Website:
<http://www1.umn.edu/humanrts/arab/b030.html>
5. Kuwait Law No. (91) of 2013 regarding Combating Trafficking in Persons and Smuggling of Migrants.
Official Gazette – Issue 1123
Article (1), paragraph (4). Website:
http://www.protectionproject.org-wp-content/uploads/2010/09/kuwait_TIP_Law_20131.pdf

Practical Steps of the National Referral Mechanism of Trafficking in Persons' Victims

	Identifying Trafficking in Persons Victims	Reporting – Transfer – Documentation	Investigation and Prosecution	Protection and Assistance		Voluntary Return	Reintegration
Start of NRM	<p>Judicial authorities MOI Embassies and diplomatic missions Ministry of Health Religious sites Citizens MOFA Public Authority of Manpower National Diwan for Human Rights MOSA The Permanent National Committee for the Implementation of the National Strategy for the Prevention of Trafficking in</p>	<p>Reporting trafficking in persons victims and transferring them</p>	<p>Reporting to the official authorities (PPO, Public Moral Protection & Anti-Trafficking in Persons Department affiliated to MOI).</p>	<p>Shelter Reflection period Safeguarding victims' identity Medical assistance Psychological assistance Legal advice and assistance</p>	<p>Redressing the trafficking in persons victims and compensating them</p>	<p>Return to homeland</p>	<p>Various assistances for reintegration</p>

Persons and Smuggling of Migrants							
	Receipt and Initial Assessment	Issuing a judicial order for providing an official shelter for victims if investigations prove a Trafficking in persons case.	The Permanent National Committee assigns a team to follow up on the case file with the PPO, while the Public Authority of Manpower handles the case			Traveling to a third state Staying and work in the State	Allowing victims to stay and work in the State
	Initial interview and adoption of the assessment results.						
	Securing essentials and temporary shelters						
	In case of claiming trafficking in persons Victims shall be referred to Labor Relations Department in the Public Authority of Manpower						

