

Kuwait: Law No. 91 of 2013 on Trafficking in Persons and Smuggling of Migrants

Title	Kuwait: Law No. 91 of 2013 on Trafficking in Persons and Smuggling of Migrants
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Abstract	

In Art. 1 the terms "cross-national crime", "organized crime group", "child", "trafficking in persons", "smuggling of migrants", "illegal entry", and "forged passport or travel document" are defined.

Art. 2 states that anyone who has committed the crime of trafficking in persons shall be sentenced to 15 years in prison and to lifetime imprisonment if the crime was carried out in any of the following circumstances:

1. If the crime was committed by an organized crime group and the defendant has contributed to the establishment, organization or running the group or joined it willingly
2. If the crime had a non-national element.
3. If the defendant is married to the victim, related to the victim or has any authority over the victim.
4. If the crime was committed by two or more people or by a person carrying a weapon.
5. If the victim was significantly harmed or permanently disabled.
6. If the defendant holds a public position in the country or any of the countries where the crime was 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 defendant shall be sentenced to the death if the victim is killed as a result of the crime.

Art. 3 deals with the smuggling of migrants. Any person convicted of committing the crime can be sentenced to up to 10 years of imprisonment and given a fine of 3,000 – 10,000 KD. The sentence is increased to up to 15 years of imprisonment and a fine of 10,000 – 20,000 KD in the following circumstances:

1. If the crime was committed by an organized crime group and the defendant has contributed to the establishment, organization or running the group or joined it willingly
2. If the crime had a non-national element.
3. If the crime was committed by two or more people or by a person carrying a weapon.
4. If the defendant holds a public position in the country and he used that position to commit the crime or if the defendant has any influence over authorities responsible for the entry of foreigners into the country, borders, and ports.
5. If in committing the crime, the defendant used forged ID card or travel documents.

Art. 4 sets the penalty for hiding a person who has committed the crimes mentioned in articles 2 & 3 and for participating in the concealment of the crime.

Art. 7 defines the penalty for having knowledge of plans to commit any of the crimes set out in articles 2 & 3 and failing to report it to the authorities.