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**Law No. (1) of 2008 regarding Combating Trafficking in Persons**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended;

Legislative Decree No. (16) of 1991 regarding the Accession of the State of Bahrain to the United Nations Convention on the Rights of the Child, adopted by the General Assembly in November 1989;

Legislative Decree No. (5) of 2002 Approving the Accession to the Convention on the Elimination of All Forms of Discrimination against Women;

Criminal Procedures Law promulgated by Legislative Decree No. (46) of 2002 amended by Law No. (41) of 2005;

Law No. (4) of 2004 Approving the Accession of the Kingdom of Bahrain to the United Nations Convention against Transnational Organized Crime and two of its supplementary Protocols;

Law No. (19) of 2004 Approving the Accession of the Kingdom of Bahrain to the two Optional Protocols regarding the Involvement of Children in Armed Conflicts, the Sale of Children, Child Prostitution, and Child Pornography, which are annexed to the United Nations Convention on the Rights of the Child;

Law No. (19) of 2006 regarding the Regulation of the Labour Market;

And Decree No. (7) of 1990 regarding the Accession to the Slavery Convention signed in September 1926, amended by the Protocol signed in 1953, and to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956;

The Shura Council and the Council of Representatives have approved the following Law, which we have ratified and enacted:

**Article One**

a- In applying the provisions of this law, "trafficking in persons" shall mean recruitment, transport, transfer, harbouring, or receipt of a person for the purpose of exploitation, achieved through coercion, threats, deception, abuse of power or authority, or by means of any other unlawful method, whether direct or indirect.

Exploitation encompasses, but is not limited to, the exploitation of the individual in prostitution or any form of exploitation or sexual assault, forced labour or services, slavery or practices akin to slavery, servitude, or the removal of organs.

b- The recruitment, transport, transfer, harbouring, or receipt of individuals under the age of eighteen, or those in a situational or personal condition that negates the validity of their consent or free choice, shall be classified as trafficking in persons, provided that such actions are undertaken for the purpose of exploitation, even if none of the means specified in the previous paragraph are applied.

c- The perpetrator shall be presumed to possess knowledge of the true age of the victim if the victim is under the age of eighteen.

**Article Two**

Without prejudice to any more severe penalties stipulated by the Penal Code or any other law, any individual who commits the offence of trafficking in persons shall be subject to a term of imprisonment and a fine not less than two thousand dinars and not exceeding ten thousand dinars.

In the event of a conviction, the offender shall be required to bear the costs associated with the proceedings, including the expenses related to the repatriation of the victim to their country of origin if the victim is a foreign national.

The Court shall, in all circumstances, mandate the confiscation of any funds, property, tools, or other items that were utilised or prepared for use in the commission of the offence or that were obtained as a result thereof.

**Article Three**

A fine of not less than ten thousand and not more than one hundred thousand dinars shall be imposed on any legal entity in whose name, account, or for whose benefit the offence of trafficking in persons is committed by any president, board member, or other official of the legal entity or affiliated therewith, or who acts in such capacity.

This provision shall not prejudice the criminal liability of natural persons who operate under or on behalf of the legal entity in accordance with the provisions of this Law.

The court shall have the authority to order the dissolution of the legal entity or its closure, whether permanently or temporarily, and this ruling shall extend to its branches.

The Court shall, in all circumstances, mandate the confiscation of any funds, property, tools, or other items that were utilised or prepared for use in the commission of the offence or that were obtained as a result thereof.

The legal entity shall be jointly liable with the natural person for all incurred costs, including expenses associated with the repatriation of the victim to their country of origin if the victim is a foreign national.

**Article Four**

Subject to the provisions of Chapter Five of Part Three of the Penal Code, the following circumstances shall constitute aggravating factors in the offence of trafficking in persons:

1- The commission of the offence by an organised criminal syndicate.

2- If the victim is under the age of fifteen, female, or a person with disabilities.

3- If the offence possesses a transnational character.

4- If the offender is related to the victim or is one of those responsible for the victim's upbringing, supervision, or has authority over the victim, or if the victim is in a servile relationship with the offender.

5- If the victim incurs an incurable illness as a result of the commission of the offence.

Article Five

The following procedures shall be implemented during the investigation or trial phase concerning the offence of trafficking in persons:

1- The victim shall be informed of their legal rights in a language that is comprehensible to them.

2- The victim shall be afforded the opportunity to articulate their status as a victim of trafficking in persons, as well as their legal, physical, psychological, and social circumstances.

3- The victim shall be referred to a qualified medical professional upon their request, or if it is ascertained that they require medical or psychological care.

5- The victim shall be placed in a medical or psychological rehabilitation centre or a care facility if it is determined that their medical, psychological, or age-related condition warrants such action.

5- The victim shall be provided with accommodation in a specialised shelter or rehabilitation centre, or with an accredited entity that commits to ensuring their housing, if it is established that they require such assistance.

6- Arrangements shall be made for security protection for the victim whenever deemed necessary.

7- Communication shall be established with the Chairperson of the committee referred to in Article Seven of this Law if the victim is a foreign national, and it is determined that they require employment. This is to ensure they can address any potential obstacles they may encounter in obtaining employment.

**Article Six**

Without prejudice to the authority conferred upon the committee referenced in Article Seven of this Law regarding the recommendation for the victim's continued residency in the Kingdom, the Public Prosecution or the court before which the criminal lawsuit is adjudicated shall possess the authority to ascertain whether there exists a necessity for the victim to remain in the Kingdom throughout the duration of the investigation or trial proceedings.

Moreover, the Public Prosecution or the court shall be responsible for executing the procedures delineated in the preceding article and documenting such actions in the investigation records or session minutes, as appropriate, ensuring that all reports related to the victim are annexed. The Public Prosecution shall subsequently submit a certified copy of the criminal lawsuit file to the aforementioned committee upon the conclusion of the proceedings.

**Article Seven**

A committee shall be established by a decision of the Minister of Social Development, designated as the "Committee for Assessing the Status of Foreign Victims of Trafficking in Persons." This committee shall consist of representatives from the Ministry of Foreign Affairs, the General Directorate of Nationality, Passports and Residence within the Ministry of Interior, the Ministry of Social Development, and the Labour Market Regulatory Authority. Each entity shall nominate two representatives. The committee shall appoint a chairperson selected by the Minister of Social Development, and decisions and recommendations shall be rendered by an absolute majority; in the event of a tie, the vote of the chairperson shall prevail.

The committee shall be empowered to review all reports pertaining to the victim and shall have the authority to hear statements from the victim or their legal representative.

The committee shall be tasked with the following responsibilities:

1- Implementing Clause (7) of Article Five of this Law.

2- Coordinating with the Ministry of Interior for the repatriation of the victim to their country of origin based on their nationality, or to their residence in any other country upon request.

3- Recommending whether there exists a necessity for the victim to remain in the Kingdom and to regularise their legal status to enable them to seek employment, with such recommendations submitted to the Minister of Interior for approval.

These recommendations, once approved, shall be reviewed every six months at most, following the same procedures.

**Article Eight**

A committee shall be established by a decision of the Minister of Foreign Affairs, designated as the "National Committee for Combating Trafficking in Persons." This committee shall consist of representatives from the official entities specified in the decision, following appropriate coordination therewith. In particular, it shall include representatives from the Ministries of Interior, Justice, Foreign Affairs, Social Development, and Information, as well as the Labour Market Regulatory Authority. Furthermore, representatives from three non-governmental organisations shall be nominated by the Minister of Social Development.

The committee shall be tasked with the following responsibilities:

1- Formulating comprehensive programmes aimed at preventing and combating trafficking in persons, as well as safeguarding victims from further harm.

2- Promoting and supporting the development of research, information dissemination, media campaigns, and social and economic initiatives directed at preventing and combating trafficking in persons.

3- Ensuring coordination among state agencies concerning information related to trafficking in persons.

5- Collaborating with relevant entities to prepare reports for international organisations on measures taken to combat trafficking in persons.

5- Monitoring the adherence of concerned government entities to the recommendations and directives outlined in agreements and protocols related to combating trafficking in persons to which the Kingdom is a party. A comprehensive report on this matter shall be submitted to the Minister of Foreign Affairs.

**Article Nine**

The Minister of Social Development shall issue a decision to regulate the shelters designated for victims of trafficking in persons. This decision shall establish comprehensive criteria and standards for the accreditation of entities that undertake the provision of accommodation for such victims. It shall also delineate the protocols and procedures for conducting inspections of the shelters and victims' residences associated with these offences.

**Article Ten**

The Ministers—each within their jurisdiction—shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

Hamad bin Isa Al Khalifa

**Issued at Riffa Palace:**

**On:**

30 Dhu al-Hijjah 1428 AH

**Corresponding to:**

9 January 2008