

The Other Migrant Crisis

Protecting Migrant
Workers against
Exploitation in the Middle
East and North Africa



International Organization for Migration (IOM)
المنظمة الدولية للهجرة

Project implemented by IOM



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IOM and WFF acknowledge that a range of parties play a role in the protection of migrant workers in both labour sending and receiving countries; however, the particular focus of this report is on measures that can be applied in receiving countries to protect migrant workers from human rights abuses, including forced labour and human trafficking. The names used to represent victims in this report have been altered for privacy and protection purposes.

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The Other Migrant Crisis

Protecting Migrant Workers against Exploitation
in the Middle East and North Africa

A Policy Research Report

Samantha McCormack and Jacqueline Joudo Larsen
Walk Free Foundation

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International Organization for Migration



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PREFACE

The Middle East and North Africa (MENA) region continues to host groups highly vulnerable to trafficking and exploitation. Migrant workers, particularly domestic workers, are known to be among those who are most at risk. While the region is confronted by many pressing challenges – the rise of Islamic extremism, sectarian conflict and unrelenting hardships – the massive numbers of displaced people and refugees on the move throughout MENA contribute to the extended profile of those vulnerable to trafficking and exploitation. All of these conditions together, coupled with already exceedingly precarious working conditions for millions of migrant workers described in this report, create the conditions that are described as the “perfect storm” for human trafficking. This combination of factors is precisely the reason why it is so necessary to address human trafficking and migrant protection now.

At this crucial point, the International Organization for Migration (IOM) and the Walk Free Foundation (WFF) are pleased to present this report. It was developed under the framework of IOM’s European Union-funded “Action to Protect and Assist Exploited and Vulnerable Migrant Workers in Middle East and North Africa (PAVE)” Project, an initiative dedicated to bringing the true voice of migrants to light, highlighting not only the gravity and extent of their exploitation but also the reality of their assistance needs. This research can serve as a tool for relevant governments and civil society groups, including the general public, in educating, lobbying, awareness raising and explicitly informing policy and programme development for better protection policies. As a truly joint initiative, this report reflects the strengths of both organizations. Recent data has shown that IOM assists one in seven victims of human trafficking globally and the WFF has been responsible for publishing one of the foremost assessments on modern slavery, the Global Slavery Index.

IOM and WFF believe that there is an inarguable need for governments in the MENA region to put in place comprehensive plans in response to the recorded experiences of trafficking and exploitation among migrant workers. Plans must reflect the urgency of this mission, ensuring that human trafficking is given the highest priority so that criminals cannot be allowed to further exploit the vulnerable in what is already a highly complex situation.

While political statements are important in ensuring a level of focus on this issue, these must be backed up by practical measures, such as improved coordination across agencies, independent oversight of action taken, increased specialization in some areas alongside broad-scale training in victim identification for potential first responders, and improvements in victim support. Key legal reforms are needed to ensure the most vulnerable workers – agricultural and domestic workers – are covered by basic labour law protection. Urgent action must be taken to challenge and address the predominance of withholding passports of certain migrant workers, and steps must be taken to ensure victims are not being further traumatized by arrest and detention. Employers and recruiters must be held to account for their role in exploitation to deter further offending. Finally, efforts must be made to challenge perceptions about migrant workers, so their value, humanity and contribution to MENA’s economic and social development are recognized. All of this is particularly pressing in a time where ongoing crises have served as aggravating factors for crimes related to trafficking.

The report provides a regional overview of the trafficking situation in the MENA region, alongside an assessment of existing government responses and gaps that need to be filled. With its evidence-based approach, this research builds on case files collected throughout the PAVE Project’s own direct assistance component, whereby migrant workers who are identified as victims of exploitation or trafficking are assisted with their immediate needs (medical, psychosocial, shelter and others), voluntary return to the country of origin or a third country destination and reintegration, to amount to a comprehensive assistance package. These case files were complemented with extensive fieldwork interviewing government,

civil society and assisted victims, to result in both a qualitative and quantitative study that benefited from the organizations' complementary competencies. A key finding of this research is that it is necessary to provide comprehensive assistance to victims of trafficking, as well as victims of other forms of exploitation from the moment they are identified to the point at which they are able to self-sustain without the risk of being re-victimized.

This report is being launched on the occasion of a regional dialogue titled "Bringing Innovation Forward: Combating Trafficking in Persons and Exploitation of Migrant Workers in MENA" to bring together key practitioners and pioneers in the field of counter-trafficking, in hope that the innovative practices being discussed during this event keep the conversation current and inspire the changes necessary to improve protection. Trafficking in persons and exploitation of migrant workers are all too common concepts in the MENA region, and this is a call to action for key actors to use the information and experiences presented in this report to create an enabling environment for practitioners, be it through the rethinking of the sponsorship system or the revamping of judicial systems with a victim-centred approach.

Despite many limitations and challenges, it is recognized that host governments and civil society actors have made progress in the efforts to protect and assist victims of trafficking and exploited migrants. Countries in the region are showing incredible generosity in hosting and allowing millions of displaced people and refugees to remain. However, there is still a long way to go in ensuring that counter-trafficking mechanisms are established, implemented and monitored in each of the MENA countries. IOM will continue to make its technical expertise available to governments that undertake these efforts on the basis of its principle that humane and orderly migration benefits migrants and society alike. WFF remains available to work with organizations with a particular focus on understanding the scale and nature of human trafficking.

We would like to thank all the stakeholders involved in making this report a reality: government, civil society, academics, IOM staff from the missions in Ethiopia, Egypt, Iraq, Jordan, Lebanon, the Philippines and Saudi Arabia, and especially the victims of trafficking who agreed to participate in the focus group discussions. We are grateful for the financial support of the European Union and Government of Italy's Ministry of Interior, which made the production of this report possible. We expect that the recommendations therein will provide a strong foundation from which governments can devise strategies to fill gaps and carry forward with the innovative changes needed.

Beirut, 5 October 2015



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In particular, the authors extend their sincere gratitude to the beneficiaries of International Organization for Migration's (IOM) PAVE project who have enriched this study by sharing their experiences, and will contribute greatly to improvements in the responses to migrant workers throughout the region.

In addition, the authors are also grateful to the numerous government and civil society representatives in Ethiopia, Iraq, Jordan, Lebanon and the Philippines who shared their experience and views of the trafficking response in their respective countries.

The authors would like to thank colleagues at the Walk Free Foundation (WFF) and the IOM, especially the PAVE Project focal points in the five target countries (Dr Amira Mohamed and Heba Abdel Latif from Egypt; Abdulhadi Jasim from Iraq; Ruba Alabboushi from Jordan; Dima Haddad from Lebanon and Dr Khaled Takhayneh from Saudi Arabia), who provided substantial assistance in identifying and collecting bibliographic information contained in the report. Finally, a special thank you is extended to Fiona David (Executive Director of Global Research, WFF), Fitriana Nur (Regional Project Manager PAVE, IOM) and Sarah Craggs (Regional Thematic Specialist, IOM) for the significant contributions made throughout the drafting of this report.



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LIST OF ACRONYMS

AHTCU	Anti-Human Trafficking Coordination Unit
CASCTHB	Comprehensive Arab Strategy for Combating Trafficking in Human Beings
DSWD	Department of Social Welfare and Development
FMDW	female migrant domestic workers
GDP	gross domestic product
GDGS	General Directorate of General Security
ICCPR	The International Covenant on Civil and Political Rights
IDP	internally displaced person
ILO	International Labour Organization
IOM	International Organization for Migration
ISF	Internal Security Forces
ISIL	Islamic State in Iraq and the Levant
JWU	Jordanian Women's Union
MENA	Middle East and North Africa
MOLSA	Ministry of Labour and Social Affairs
NCC	National Coordinating Committee
NCCM	National Council for Childhood and Motherhood
NGO	non-governmental organization
NRM	National referral mechanism
PAVE	Action to Protect and Assist Vulnerable and Exploited Migrant Workers in the Middle East and North Africa Project
PEA	private employment agency
ROMENA	UNODC Regional Office for the Middle East and North Africa
SMS	short message service
SUC	Standard Unified Contract
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
WFF	Walk Free Foundation
WPS	Wage Protection System



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EXECUTIVE SUMMARY

While a protracted regional crisis pulls international headlines, the enduring exploitation and trafficking of migrant workers in the Middle East and North Africa (MENA) continues unabated. This report examines the situation of these other migrants – the men, women and at times children who are trafficked or exploited as low-paid workers in MENA. Drawing on case data, interviews and a literature review, the authors ask, “What do we know about where these migrants have originated from? In what sectors are they working, and what are the conditions they are experiencing? What assistance are they being provided? How is this situation being impacted by the crises in Iraq, Syrian Arab Republic and Yemen?” Having sought to better understand the problem, this report shifts to a consideration of the existing tools and responses put in place by governments in the region. What protection mechanisms are already in place and what are the gaps? Drawing on this assessment, this report concludes with an examination of actions and responses that would assist in providing better protection for this highly vulnerable group.

UNDERSTANDING HUMAN TRAFFICKING AND EXPLOITATION OF MIGRANT LABOUR IN MENA

Migration to MENA offers tremendous opportunity and serious risk for the millions of women and men from South Asia, South-East Asia and sub-Saharan Africa who travel to the region for employment in the construction, manufacturing and agricultural sectors, in food services and the retail trade, and in private homes as housekeepers, gardeners, drivers, caregivers and nannies. These roles, generally considered unappealing by the local population, contribute to the transmission of billions of dollars in remittances to labour-sending countries. While remittances are largely used to improve the lives of dependent families in the home country, too often this comes at a risk to the welfare of migrant workers, some of whom experience exploitative working and living conditions that may amount to human trafficking and forced labour.

In 2015, this migration must be considered in a broader context of unparalleled conflict and human movement through the region. State actors and international organizations are currently grappling with the need to provide support to over 4.08 million Syrian refugees who have officially registered their status in Egypt, Iraq, Jordan, Lebanon and Turkey,¹ with a further 7.6 million Syrians internally displaced.² The brutal rise of the Islamic State in Iraq and the Levant (ISIL) in Iraq throughout 2014–2015 has seen almost 3.2 million Iraqis flee their homes,³ with a further 8.2 million requiring immediate humanitarian support at the time of writing.⁴ Within these internally displaced persons (IDPs) and refugee populations are thousands of migrants who are already vulnerable to exploitation at the hands of their employers prior to the outbreak of conflict and facing new risks to their safety, particularly vulnerability to human trafficking.

In 2011, in order to address gaps in the protection and support of migrant workers in MENA, the International Organization for Migration (IOM) hosted a regional counter-

1 United Nations High Commissioner for Refugees (UNHCR), Syria Regional Refugee Response, Inter-agency Information Sharing Portal. Available from <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 28 September 2015).

2 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *2015 Syria Response Plan: Summary December 2014*. Available from https://docs.unocha.org/sites/dms/Syria/RM_Syria_20141217_upd20150223.pdf, p. 2.

3 International Organization for Migration, Iraq, Displacement Tracking Matrix, Round XXVIII – September 2015. Available from <http://iomiraq.net/file/2080/download>.

4 OCHA, *2015 Iraq Humanitarian Response Plan, Overview: Iraq on the Brink*, June 2015. Available from https://docs.unocha.org/sites/dms/Iraq/iraq_hrp_overview.pdf; p. 2.

trafficking workshop that brought together government officials from 10 countries in the region. It was recognized that few victims are formally identified and assisted, even fewer perpetrators are prosecuted, and too few key human rights instruments are ratified. The represented governments agreed to a set of recommendations designed to boost their capacity to identify and protect victims. In response, IOM developed a 36-month regional-level Action to Protect and Assist Vulnerable and Exploited Migrant Workers in MENA (the PAVE Project). The overall objective of the project is to contribute to the protection of migrant workers in MENA, with target countries, namely Egypt, Iraq, Jordan, Lebanon and Saudi Arabia. The specific project aims are to:

- Enhance the capacities of governments and civil society actors in Egypt, Iraq, Jordan, Lebanon and Saudi Arabia in applying international human rights standards to better protect migrant workers;
- Assist the most vulnerable migrant workers;
- Empower migrant workers with a better appreciation of their rights; and
- Reduce the incidence of xenophobia towards, exclusion of and discrimination against migrant workers.

The PAVE Project combines responses in the form of regional dialogues, study visit, regional awareness raising and country-level engagement addressing individual, institutional and societal capacity to combat trafficking and exploitation. The project value is EUR 1.7 million funded by the European Union and co-funded by the Government of Italy's Ministry of Interior. In total, 243 victims of trafficking were assisted during the 36-month project, while this report analyses 162 cases that were available at the time of drafting.

To better understand the experience of people who have suffered from human trafficking and exploitation in MENA, this study draws on anonymized data for the 162 victims supported in the PAVE Project, as well as information from victims of trafficking assisted through the PAVE Project. Each of these people has been screened by IOM professionals and found to have met the criteria for trafficking in persons, as defined in international standards.

While not representative of all migrants, the experiences of the 162 cases analysed in this report provide unique insight into the engrained, persistent abuse and exploitation of migrant workers across the region.

The demographic profile of trafficking victims in this study reflects traditional migratory labour routes from South Asia and South-East Asia (Bangladesh, Cambodia, Indonesia, Nepal, Pakistan, the Philippines and Sri Lanka), and the recently increasing number of workers migrating from sub-Saharan Africa (Cameroon, Eritrea, Ethiopia, Kenya, Liberia, Sudan and Uganda). This population was commensurate with the profile of persons vulnerable to exploitation and trafficking in the region at the commencement of the PAVE Project. However, this study was conducted during a period of unprecedented unrest and violent conflict within the countries of interest – Iraq and neighbouring countries Libya, State of Palestine, Syrian Arab Republic and Yemen – a situation significantly shifting the profile of people vulnerable to trafficking.

Interviews with government and non-governmental organization (NGO) participants confirmed that the mass influx of refugees has had a trifold effect: (a) increased competition for low-paying jobs and employment in the informal economy; (b) increased incidences of all forms of modern slavery, such as child labour, forced begging and forced early marriage; and (c) reduced capacity of State actors to respond to trafficking cases because



already scarce resources are laid out on the emergency provision of services to refugees instead of supporting migrant workers. With millions of migrant workers already in highly vulnerable situations prior to the crisis, the massive influx of refugees creates additional competition for already limited opportunities. The prospect of further deterioration of already exploitative working conditions seems likely.

With regards to the cohort studied in this project, interviews suggest that they knew the risks of migrating to MENA – but decided to go anyway. All victims of trafficking interviewed for this study indicated they knew of serious breaches of labour and human rights standards committed by employers against their compatriots in destination countries prior to seeking employment themselves. Despite this, many cited knowing of a friend, family or community member who had a positive employment experience abroad. These positive accounts, coupled with pressing financial needs, limited or no employment opportunities at home, and a desire to flee post-natural disaster or conflict States, played a fundamental role in the decision to seek employment in the Middle East.

Victim data and interviews revealed the victims' experience in exploitation often began in the home country through deceptive recruitment practices, contract substitution and payment of excessive recruitment fees. However, the coercion and exploitation gets significantly worse once they are in the presence of their employer in the labour-receiving country. Specifically:

- All the workers in this study had their identity documents withheld.
- Some 87 per cent reported confinement to the place of employment.
- 76 per cent had their wages withheld.
- 73 per cent experienced psychological abuse.
- A further 61 per cent suffered physical abuse.
- Over half reported excessive working hours (52%), and almost half suffered deprivation of food and drink (48%).

Key groups at high risk include migrant workers employed in the sectors of agriculture and domestic service due to their physical isolation in the family home or geographical isolation on farms far from support services.

The research pointed to a number of factors that contributed to vulnerability. This includes perceived discrimination against migrant workers, reflected in particularly paternalistic attitudes resulting in denial of freedom of movement. The *kafala* system was noted as being a major barrier to people in distress seeking or receiving help, as workers face possible arrest or deportation if they try to complain or leave their employer. Several key categories of particularly vulnerable migrant workers – those in domestic work and agriculture – remain outside of labour protection systems. Prevalence of passport-withholding practices, combined with high certainty of arrest or detention for leaving an employer, make it very difficult for people to leave even the most abusive situations. Rather than being a source of help, recruiters and agents are often both a source and contributor to abuse and violence.

Government and NGO participants highlighted several protection deficits that make it difficult for victims to seek help:

- Limited awareness of what constitutes a trafficking crime among the public and key protection personnel (police, labour inspectors, the judiciary);
- Insufficient or non-existent labour law protection (particularly for domestic and agricultural workers);

- Limited shelter services (often restricted to women and children); and
- Criminalization of victims who breach their employment contract by fleeing abusive employers.

What protection mechanisms are in place and what are the gaps?

Key protection mechanisms focused on what procedures have been enacted to: (a) address the key vulnerability factors identified by participants in this study; and (b) address obligations found in international treaties the countries have voluntarily ratified. These protection mechanisms include laws, policies and practices related to discrimination against migrants, passport withholding, victim identification, non-prosecution or detention of victims, protection and support of victims, legal assistance, the specific needs of child victims, repatriation, remedies and criminal justice responses.

While governments have taken important steps to build the foundations for a response to human trafficking, particularly with the ratification of treaties and enactment of laws, significant gaps in implementation of policies and enforcement of laws were noted. Significant gaps remain in accessing justice, combating discrimination, ensuring workers are free to leave or change employers, the proper functioning and coverage of labour laws for vulnerable groups of workers, passport withholding and lack of rights awareness. One priority is to ensure that victims are not routinely detained and arrested. Existing support services, particularly victim identification and support services, are in their infancy and need government support to continue to reach the already-identified need.

What would contribute to better protection?

Across the five countries are important measures that can and should be taken to ensure increased protection for migrant workers whether from human trafficking or exploitation.

A critical first step is to recognize the priority of responding to human trafficking at the highest level. While the region is confronted by conflict and displacement, this is the reason why human trafficking must be a focus. These conditions lead to further deterioration of already precarious situations. Clear recognition of priority must be backed up by practical measures, such as improved coordination across agencies, independent oversight, increased specialization in some areas alongside broad-scale training in victim identification for potential first responders, including those in close contact with refugee populations, and improvements in victim support. Key legal reforms are needed to ensure the most vulnerable workers are covered by basic labour law protection. Urgent action must be taken to challenge and address the predominance – almost universal practice of withholding passports of certain migrant workers, and steps must be taken to ensure victims are not being further traumatized by arrest and detention. Employers and recruiters must be held to account for their role in exploitation to deter further offending. Finally, efforts must be made to challenge perceptions about migrant workers, so their value, humanity and contribution to MENA economic and social development are recognized.

By identifying gaps in current responses, illustrating where improvements to protection can be made, and drawing attention to future challenges in protecting vulnerable people from trafficking in the region, this research seeks to facilitate timely action in the region. As trafficking to the region continues, and trafficking within the region increases, it is essential governments address the pre-existing problems inherent in the treatment of foreign labour. Without doing so, there is serious risk of the many millions of IDPs, migrants and refugees now seeking work in MENA, facing extreme and chronic exploitation at the hands of employers.





INTRODUCTION

Thousands of women and men from South Asia, South-East Asia and sub-Saharan Africa continue to migrate to the Middle East and North Africa (MENA) region for employment in the construction, manufacturing and agricultural sectors, in food services and the retail trade, and in private homes as domestic workers, gardeners, drivers and nannies. These roles, generally considered unappealing by the local population, contribute to the transmission of billions of dollars in remittances to labour-sending countries. In 2014, Saudi Arabia was the world's second top remittance-sending country, while India and the Philippines were ranked the first and third remittance-receiving countries, respectively. Indeed, 29 per cent of Nepal's GDP was remittance-receiving, revealing the immense monetary impact of migrant workers on national economies, and shedding light on the perpetuation of these migratory routes.⁵ While remittances are largely used to improve the lives of dependent families in the home country, this often comes at a risk to the welfare of migrant workers, many of whom experience exploitative working and living conditions that may amount to human trafficking and forced labour.

All the victims of trafficking interviewed for this study indicated they knew of serious breaches of labour and human rights standards committed by employers against their compatriots in destination countries prior to seeking employment themselves. Despite this, many cited knowing of a friend, family or community member who had a positive employment experience abroad.

We could see our neighbour growing rich. His children had many stuffs, shoes and food. My father learnt he had sent his daughter to Lebanon to work. We wanted to be rich too.

These positive accounts, coupled with pressing financial needs, limited or no employment opportunities at home, and a desire to flee post-natural disaster or conflict States, played a fundamental role in the decision to seek employment in the Middle East.⁶ While the compelling narrative of lucrative and exciting jobs abroad continues to incite workers to migrate, a concerted effort must be made to ensure their protection in labour-receiving countries.

This report examines the situation of these migrant workers – the men and women who are trafficked or exploited as low-paid workers in MENA. Drawing on case data, interviews and a literature review, the authors ask: “What do we know about where these migrants have they originated from? In what sectors are they working, and what are the conditions they are experiencing? What assistance are they being provided? How is this situation being impacted by the crises in Syrian Arab Republic, Iraq and Yemen?” Having sought to better understand the problem, this report shifts to a consideration of the existing tools and responses put in place by governments in the region. What protection mechanisms are already in place and what are the gaps? Drawing on this assessment, this report concludes with an examination of actions and responses that would assist in providing better protection for this highly vulnerable group.

5 World Bank, *Migration and Remittances: Recent Developments and Outlook, Special Topic: Financing for Development*, Migration and Development Brief 24, 13 April 2015, Development Prospects Group. Available from <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf>.

6 IOM, *Addressing human trafficking and exploitation in times of crisis: Evidence and recommendations for further action to protect vulnerable and mobile populations* (IOM, Geneva, 2015). Available from http://reliefweb.int/sites/reliefweb.int/files/resources/CT_in_Crisis_FINAL.pdf.

METHODOLOGY

This report summarizes findings of a five-month research initiative under the Action to Protect and Assist Vulnerable and Exploited Migrant Workers in the MENA region (the PAVE Project) (see Box 1 for more information), which sought to examine the protection and support available to vulnerable migrant workers in the five countries where IOM's PAVE project operates. The overarching purpose of this study is to support the efforts of governments, civil society and international organizations in providing strengthened protection and support for vulnerable migrant workers in the MENA region.

In documenting the context in which exploitation of migrant workers occurs, and giving voice to the gravity and extent of their experiences of exploitation, the findings of this study are intended to inform a range of stakeholders. First and foremost, the findings are intended to inform the work of government and civil society, and in doing so, lead to better protection for migrant workers in the MENA region through strengthened policy responses and programme development. Finally, the report is also intended to reach the general public as a tool for awareness-raising and education.

The PAVE Project

In June 2011, a regional counter-trafficking workshop hosted by IOM in Jordan brought together government officials from 10 countries in the region. It was recognized that few victims are formally identified and assisted, even fewer perpetrators are prosecuted, and too few key human rights instruments are ratified. The represented governments agreed to a set of recommendations designed to boost their capacity to identify and protect victims. IOM then developed a regional-level project to address these challenges, with a focus on training front-line actors with the goal of increased identification and responses to trafficking and labour exploitation cases. The 36-month Action to Protect and Assist Vulnerable and Exploited Migrant Workers in the Middle East and North Africa (MENA) (the PAVE Project) was funded by the European Union and the Government of Italy's Ministry of Interior.

Through PAVE, IOM seeks to contribute to the protection of migrant workers from exploitation, exclusion, discrimination and xenophobic treatment in the five focus countries. Specifically, it aims to:

- Enhance the capacities of governments and civil society actors in Egypt, Iraq, Jordan, Lebanon and Saudi Arabia to apply international human rights standards to better protect migrant workers;
- Assist the most vulnerable migrant workers;
- Empower migrant workers with a better appreciation of their rights; and
- Reduce the incidence of xenophobia towards, exclusion of and discrimination against migrant workers.

The project is divided into four components:

- Capacity-building through policy dialogues, workshops, training in the five focus countries;
- Study visits;
- Direct assistance to exploited migrant workers identified as highly vulnerable; and
- Information campaign and assessment.

Collectively, these activities were intended to dramatically improve the situation of migrant workers through increased protection of their rights and ultimately, reduced exploitation through increased awareness of migrants' rights, improved legal and policy frameworks, and increased awareness and understanding among employers of the need for fair and equal treatment of migrant workers.

RESEARCH DESIGN

The mixed-method study was undertaken in five stages.

1. Stage one involved a comprehensive review of existing literature.
2. Stage two was comprised of interviews, round tables and focus groups in two labour-receiving countries (Lebanon and Jordan), and two labour-sending countries (Ethiopia and the Philippines).
3. The third stage involved analysis of qualitative and quantitative data (drawn from anonymized IOM case files), and the presentation of this preliminary analysis in a draft report.
4. Stage four involved workshop on preliminary analysis with key stakeholders from across the five countries of interest – Egypt, Iraq, Jordan, Lebanon and Saudi Arabia.
5. The fifth and final stage involved the collation of all information and preparation of a report.

Quantitative analysis

In 1999, IOM developed and implemented the IOM Human Trafficking Information Exchange Platform (the IOM Human Trafficking Platform), which is the largest global human trafficking database containing primary data. The IOM Human Trafficking Platform facilitates the management of IOM's direct assistance to trafficked people, which maps their experiences and contains a wealth of information regarding the characteristics and histories of trafficked persons, nature of the trafficking process (including recruitment and transportation methods), patterns of exploitation and abuse, instances of re-trafficking and nature of assistance provided by IOM.

Information about individuals collected as part of IOM's trafficking assistance programmes, of which PAVE is an example, are recorded in the IOM Human Trafficking Platform. During the PAVE Project, IOM provided direct assistance to 243 victims of human trafficking. Anonymized data for 162 of these individuals was provided to the authors for analysis. Each case includes information on:

- Demographic characteristics;
- The way in which the individual was recruited;
- The type of work and conditions promised;
- Their travel through and activities in transit countries;
- Their experiences during the trafficking period, including the actual work and conditions of work, and the forms of coercion and control experienced;
- How they exited the trafficking situation; and
- The support they received from IOM and other organizations.

A brief profile of the victims of trafficking assisted by IOM in Egypt, Iraq, Jordan, Lebanon and Saudi Arabia is presented in Table 1.

Table 1: Brief profile of victims of trafficking assisted by IOM through PAVE

	Gender		Average age when trafficked* (Age range)	Average age when assisted (Age range)	Countries of origin	Total
	Male	Female				
Egypt	2	21	30 (15–53)		Bangladesh, Cameroon, Ethiopia, Indonesia, Kenya, Nigeria, Sri Lanka	23
Iraq	16	0	26 (18–40)		Bangladesh, Pakistan, Philippines, Uganda	16
Jordan	0	21	23 (16–29)		Bangladesh, Indonesia, Philippines, Sudan	21
Lebanon	2	93	29 (16–50)	31 (20–53)	Bangladesh, Cameroon, Ethiopia, Jordan, Kenya, Philippines, Liberia, Sudan	95
Saudi Arabia	7	0	34 (24–45)		Cambodia	7
Total	27	135				162

Note: *This excludes a 2-year old child whose mother died following injuries sustained from a suicide attempt. She was an exploited migrant worker identified at the hospital in Lebanon and IOM continue to assist the child in collaboration with IOM's Global Assistance Fund.

Stakeholder interviews

A total of 120 individuals participated across a number of individual semi-structured interviews, round tables and focus groups, which were conducted throughout April and August 2015. In each labour-sending country, round tables with representatives of both government organizations and NGOs, and interviews with victims of trafficking who had been assisted through IOM's PAVE project were conducted. In each labour-receiving country, round tables and interviews with representatives of both government organizations and NGOs were conducted. IOM staff in these four countries were interviewed in person, and IOM staff in the remaining countries of interest – Egypt, Iraq and Saudi Arabia – were given an opportunity to contribute in writing or via follow-up phone interviews. In addition, government consultations were conducted in Iraq and Jordan.⁷

⁷ It was not possible to conduct consultations in the remaining target countries for a range of reasons, such as no access, instability and changing personnel in key stakeholder roles.

Table 2: Number of participants by country

	Government	International organizations (including IOM staff)/Non- government organization	Victims	Other	Total
Egypt		8			8
Ethiopia	1	12	5		18
Iraq	3	1		8	12
Jordan	16	6			22
Lebanon	11	10		2	23
Philippines	6	13	17		36
Saudi Arabia		1			1
Total	37	51	22	10	120

Interviews with victims of trafficking

For this study, 22 victims of human trafficking, 5 in Ethiopia and 17 in the Philippines, were interviewed, either one-on-one or in small focus groups. The objectives of the interviews with victims were:

- To better understand their experience of trafficking and the factors that led to their recruitment for overseas work;
- To seek their views on the support provided by IOM; and
- To seek their recommendations for improved protection and support.

Participants were given and/or read a consent form after the project was explained (either by the researchers or an interpreter). Everyone was made aware that they could stop the interview at any time. Consent was obtained from all participants. The semi-structured interviews lasted between 40 minutes and 1 hour and consisted of open-ended questions. The same set of interview questions framed the group discussions in the three focus groups (1 in Ethiopia and 2 in the Philippines). The focus groups lasted between 1 and 2 hours, comprising of no more than 10 victims in each.

Interviews with government and non-government stakeholders

A further 98 stakeholders participated in one-on-one interviews or in 1 of 5 round tables held across the five countries of interest. The stakeholders represented a range of organizations, including government departments involved in responding to trafficking, and NGOs/international organizations that provide assistance to victims of trafficking and/or provide advocacy to migrant workers. Participants were given an information sheet outlining details of the project and a consent form after the project was explained to them (either by the researchers or an interpreter). Everyone was made aware that they can withdraw their participation at any time. The semi-structured interviews, lasting approximately one hour, and the round tables, which lasted between two and five hours, drew on a diverse set of perspectives to obtain information about the following:

- Factors influencing the vulnerability of migrant workers;
- Strengths and gaps in the protections available in the destination country;
- Strengths and gaps in the support services available in the destination country; and
- Their views on necessary actions in the response to human trafficking.

A detailed summary of the discussion was prepared following all interviews. All stakeholders were invited to review the summary and make additional comments.

REPORT STRUCTURE

The report is divided into three chapters that cover the following areas:

- Chapter I presents an overview of the trafficking situation among the migrant population in MENA, highlighting the changing context, vulnerability factors and victim profiles;
- Chapter II sets out the existing protections and identified gaps across the region; and
- Chapter III presents recommendations at the regional and country levels.

NOTES ON TERMINOLOGY

UN Trafficking Protocol

Despite discrepancies in usage of concepts such as *modern slavery*, *human trafficking* and *exploitation of migrant workers* in the MENA region, for the purpose of this report, the definition of trafficking is based on Article 3 the United Nations (UN) Convention against Transnational Organized Crime and the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons (often referred to as the Palermo Protocol).

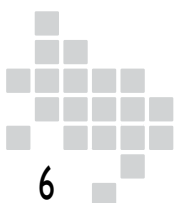
- “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- “Child” shall mean any person under eighteen years of age.⁸

Forced labour

Forced labour is defined according to the International Labour Organization’s (ILO) Forced Labour Convention (No. 29) of 1930 Article 2(1), which defined forced labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁹

⁸ United Nations Office on Drugs and Crime (UNODC), United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNODC, Vienna, Austria, 2004). Available from www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf; Article 3.

⁹ ILO, Forced Labour Convention, 1930 (No. 29). Available from www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174.



A note on definitions and criteria:

A barrier to protection of migrant workers from exploitation and trafficking remains the widespread uncertainty over the operationalization of definitions of trafficking and forced labour. Participants in this study indicated continued uncertainty over when a case amounted to exploitation of a worker's rights versus fulfilling the definition of forced labour was noted as a persisting problem. Harmonizing definitions and highlighting clearer criteria for the crime of forced labour is required to ensure workers are protected under the strongest articles of local laws. Meanwhile, ILO's Forced Labour Convention No. 29 and its recently added Protocol of 2014 should be used as references.*

*ILO, Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).

Available from www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174672:NO.

Victim

A *victim* is an individual who is acted on and usually adversely affected by a force or agent in an exploitive or trafficking situation. The definition of a *victim* is adopted from IOM's Direct Assistance Handbook (2007),¹⁰ which in turn was used to formulate the standard operating procedures for the PAVE project. This means that victims referred to in this report may not be considered as victims by other authorities.

¹⁰ Adapted from IOM, *The IOM Handbook on Direct Assistance for Victims of Trafficking* (IOM, Geneva, 2007). Available from http://publications.iom.int/bookstore/free/IOM_Handbook_Assistance.pdf; pp. 338–339.



CHAPTER I

TRAFFICKING SITUATION AMONG THE MIGRANT POPULATION IN THE MENA REGION

The MENA region is experiencing unprecedented unrest and widespread violent conflict. Millions of people across the region require urgent humanitarian assistance, are struggling to cope with displacement, and unable to access employment opportunities for their economic survival. State actors and international organizations are currently grappling with profound emergency response challenges, including the need to provide support to over 4.08 million Syrian refugees who have officially registered their status in Egypt, Iraq, Jordan, Lebanon and Turkey,¹¹ with a further 7.6 million Syrians internally displaced.¹² The brutal rise of ISIL in Iraq throughout 2014–2015 has seen almost 3.2 million Iraqis flee their homes,¹³ with a further 8.2 million requiring immediate humanitarian support at the time of writing.¹⁴ Within these refugee and IDP populations are many thousands of migrants who, already vulnerable to exploitation at the hands of their employers prior to the outbreak of conflict, are facing new risks to their safety, particularly vulnerability to human trafficking.

Figure 1: Migration flows from conflict areas in the MENA region



11 UNHCR, Syria Regional Refugee Response.
12 OCHA, 2015 Syria Response Plan: Summary December 2014. Available from https://docs.unocha.org/sites/dms/Syria/RM_Syria_20141217_upd20150223.pdf; p. 2.
13 IOM, Iraq, Displacement Tracking Matrix, Round XXVIII – September 2015. Available from <http://iomiraq.net/file/2080/download>.
14 OCHA, 2015.

There is a strong statistical link between high levels of instability within a country and an increase in that population's vulnerability to modern slavery.¹⁵ In cases of armed conflict, there is often a corresponding weakening of the rule of law, providing fertile ground for traffickers to profit with impunity.¹⁶ The demand on the State to respond to other humanitarian emergencies, coupled with few human-trafficking specific services or organizations in these countries, means that protection of vulnerable migrants and support for victims of human trafficking in times of crisis is limited.¹⁷ While concerted efforts by some labour-sending countries to evacuate their citizens from Syrian Arab Republic at the outbreak of the crisis has protected some, many thousands more migrants workers, particularly irregular migrants who were unregistered and working illegally, are stranded across the region in precarious and potentially life-threatening positions. Reports of ISIL holding migrant workers in situations of debt bondage in Iraq and Libya have emerged, as well as their use for forced labour, sexual exploitation and as human shields in conflict.¹⁸

The unprecedented displacement of the Syrian and Iraqi populations is having direct and serious impacts upon the countries of interest in this study. The mass influx of refugees has had a trifold effect: (a) increased competition for low-paying jobs and employment in the informal economy; (b) increased incidences of all forms of modern slavery, such as child labour, forced begging and forced early marriage; and (c) reduced capacity of State actors to respond to trafficking cases because already scarce resources are laid out on the emergency provision of services to refugees instead of supporting migrant workers. This is particularly evident in Lebanon, which at the time of writing hosts almost 1.2 million registered Syrian refugees – the site of the most refugees per capita in the world.¹⁹ The Office of the United Nations High Commissioner for Refugees (UNHCR) report that half of the refugee population lives at or below the Lebanese poverty line of USD 4 per day, with a third living at or under USD 2–3 per day.²⁰ This has placed enormous strain on the Lebanese job market, with unscrupulous employers willing to exploit the unregistered status of refugees by providing work for insufficient pay, in intolerable conditions or forcing employees to work under threat of arrest for breaching their refugee status. As of May 2015, at the instruction of the Government of Lebanon, UNHCR temporarily suspended new registration of refugees.²¹ This may have direct consequences for national employees, migrant workers and job-seeking refugees alike – as the refugee population's willingness to work longer hours for lower income, and accept degrading working conditions, has dragged down wages for Lebanese workers.²²

A similar situation is occurring in neighbouring Jordan where over 628,000 Syrian refugees have relocated.²³ These refugees have been granted residency status but are prohibited from working. Despite this ban, they are currently employed in the informal sector in occupations, such as agriculture, construction and menial cleaning roles. This affects the availability of jobs previously held by migrant workers, particularly jobs in the agricultural

15 Walk Free Foundation, *2014 Global Slavery Index* (Hope for Children Organization, Australia, 2014). Available from www.globallslaveryindex.org/download, p. 27.

16 L. Lungarotti, S. Craggs, A. Tillinac, "Trafficking in persons in times of crises – a neglected protection concern: the case of Iraq", Humanitarian Policy Group of the Overseas Development Institute (forthcoming Oct 2015).

17 Ibid.

18 "Iraq: Grave Fears for Kidnapped Migrant Workers", International Trade Union Confederation (ITUC), 25 June 2014. Available from www.ituc-csi.org/iraq-grave-fears-for-kidnapped?lang=en. See also "Hundreds of Indian construction workers possibly stranded in Iraq", Amnesty International, 21 June 2014. Available from www.amnesty.org/en/latest/news/2014/06/hundreds-indian-construction-workers-possibly-stranded-iraq/.

19 UNHCR, Syria Regional Refugee Response.

20 Ibid.

21 Ibid.

22 ILO Regional Office for Arab States, *Assessment of the impact of Syrian refugees in Lebanon and their employment profile* (ILO Regional Office for Arab States, Beirut, Lebanon, 2014). Available from www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_240134.pdf; p.10.

23 UNHCR, Syria Regional Refugee Response.

sector usually held by Egyptians. Many Egyptians already subjected to practices that may amount to forced labour and trafficking, such as deceitful recruitment, withholding of identity documents, non-payment of wages, work performed under the threat of deportation, in addition to insufficient labour rights protection at law, face competition for their jobs from Syrians who are willing to work for cheaper wages.

The unrest is also affecting Egyptian migrant workers in Libya, many of whom have fled the country across the Western border since ISIL posted a video purporting to show the beheading of Egyptian Coptic Christians in February 2015.²⁴ Egypt's current economic and political instability, coupled with decreasing employment opportunities in neighbouring countries, means many migrants are forced to seek poorly paid and often exploitative employment at home. As of July 2015, 132,375 Syrian refugees have been registered in Egypt, although the actual number is likely to be significantly higher.²⁵ Though not to the scale of refugees accepted in Lebanon and Jordan, Egypt's limited resources to provide adequate support to this population means most are making the difficult choice between searching for already limited employment opportunities in Egypt, or deciding to risk the journey to Europe by boat.²⁶

The intensifying conflict in Yemen is producing a catastrophic humanitarian situation in a country already considered the poorest in the region prior to the outbreak of violence. Since March 2015, a Saudi-led coalition has conducted intensive aerial attacks against Houthi forces in Yemen. A near collapse of basic services, an economic and fiscal crisis and the deteriorating security conditions have resulted in an estimated 1.3 million Yemenis forced to flee their homes.²⁷ While some have risked the boat trip across the Gulf of Aden to Ethiopia and Somaliland, others remain internally displaced, or risk illegally crossing the border into neighbouring Saudi Arabia. Prior to the outbreak of conflict, Yemenis were vulnerable to sex trafficking, forced begging and forced labour in Saudi Arabia. While the conflict has redirected attention away from these vulnerable groups, it is highly likely these activities are continuing or indeed worsening in the current conflict.

The crises across the region are significantly shifting the profiles of people vulnerable to human trafficking. This results in evidence of increased forced early marriage (disproportionately affecting female Syrian children in and around refugee camps in Lebanon and Jordan), child labour and the use of children in armed conflict, and institutionalization of indentured sexual servitude of female captives at the hands of ISIL. The changing characterization of groups vulnerable to exploitation will significantly alter the services needed to support exploited workers across the region.

TYPES OF TRAFFICKING AND EXPLOITATION

Almost all forms of modern slavery are evident in the MENA region. Cases of forced labour, debt bondage, commercial sexual exploitation, forced and early marriage, forced begging and the worst forms of child labour are routinely identified. It was beyond the

24 M. Winsor, "Libya ISIS Crisis: 45,000 Egyptian Immigrants Flee Over Islamic State Threat, Political Turmoil", International Business Times, 20 March 2015. Available from www.ibtimes.com/libya-isis-crisis-45000-egyptian-immigrants-flee-over-islamic-state-threat-political-1854074.

25 UNHCR, Egypt Monthly Update, May 2015, "Basic Needs and Livelihoods", 3RP Regional Refugee and Resilience Plan 2015–2016 in response to the Syria Crisis. Available from <http://data.unhcr.org/syrianrefugees/documents.php?page=3&view=grid&Language%5B%5D=1&Country%5B%5D=8> (accessed 20 June 2015).

26 P. Keddie, "Syrian refugees in Egypt struggle amid UN funding crisis", Middle East Eye, 17 March 2015. Available from www.middleeasteye.net/in-depth/features/syrian-refugees-egypt-struggle-amid-un-funding-crisis-1136586916.

27 International Committee of the Red Cross (ICRC), "ICRC president says the world must wake up to the suffering in Yemen", ICRC, 11 August 2015. Available from www.icrc.org/en/document/icrc-president-says-world-must-wake-up-to-suffering-yemen.

scope of this study to review all forms of exploitation; instead, the authors focused on the experiences of the 162 victims included in this study. The authors acknowledge significant gaps in existing literature and research on the experiences of victims of commercial sexual exploitation, forced begging and the worst forms of child labour, and propose future research focus on these areas.

FACTORS INCREASING VULNERABILITY TO EXPLOITATION AND TRAFFICKING

Migrant workers are vulnerable to abuse at all stages of the employment migration process. Participants in this study, including government representatives and victims alike, confirmed that exploitation of migrant workers begins in the home country. Commonly, this is in the form of false or deceptive information provided to the worker by the employment broker or agency, including overstating the monthly wage, contract substitution (the process of presenting unenforceable employment contracts that are substituted with an alternative contract written in Arabic and signed upon arrival in the destination country), and lying about the type of job itself – either the sector or the working conditions.

I didn't have a contract. I knew I would do domestic work and they promised me USD 200. But I only got paid for three months.

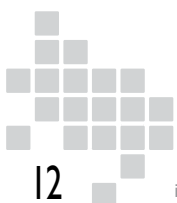
Brokers and agencies routinely charge exorbitant recruitment fees, with excessive interest rates leading to the worker's debt bondage. These debts often incentivize workers to remain in exploitative conditions in the destination country, as they have few alternate employment options to recoup the funds if they return home. In many cases, particularly where a labour-sending government has banned the recruitment of domestic workers, brokers and agencies facilitate migration through irregular pathways that exacerbate already precarious employment conditions by leaving women unregistered in both their home and host country. This was summed up by one participant who noted:

It is simple to leave despite the ban. There are a lot of brokers who will take you to Sudan to get to the Middle East. If you ask, you will find a broker.

The authors acknowledge the complex interplay of vulnerabilities in both labour-sending and receiving countries. However, the following section will focus on vulnerabilities and risk factors common to the five labour-receiving countries of interest to inform these governments on the best protection for migrant workers within their borders. A more detailed summary of country-specific risk factors is presented in Appendix A.

Discrimination against migrants

As nationals shun jobs that are considered dirty, dangerous or difficult, these roles are quickly filled by migrant workers, leading to the prevailing perception throughout MENA that such jobs are the sole domain of foreigners. This becomes something of a self-fulfilling prophecy; that is, as such jobs become almost exclusively filled by foreigners, the local population are even more averse to accepting employment in these roles. There is subtle stigmatization that certain sectors are only appropriate for non-locals. Round-table participants representing both government and NGOs in Jordan described the reluctance of locals to work in certain sectors as a “national repulsion towards manual work”. Upon arrival to the host country, many migrants experience this xenophobia, which is often



worsened by language barriers. There is a persisting attitude among the local population that most migrants are uneducated, which participants routinely cited as creating an image that migrant workers are inferior. One participant described this phenomenon:

Regardless of willingness to improve, the issue of migration intersects with racism and lack of respect of unskilled workers. Sometimes those making the decisions (front-line officers) have negative attitudes that impede actions.

One government representative acknowledged the ambivalence of the local population to empathize with the plight of migrant workers:

Our population is not aware of how to deal with foreigners. Sometimes, Lebanese people can be tough saying “but he or she is not Lebanese”. We need to train people to care for vulnerable people, about people of different colours and religions. A third of our population has become foreigners; it is not a small issue, it is a very big issue.

There are also examples of racism and stereotyping within MENA against people from other Arab States. The prevalence of Yemenis being forced to beg in Saudi Arabia and Egyptians accepting labour on Jordanian farms were both cited by NGOs as examples where the local population looks less favourably on their neighbours. Growing tension from the strain Syrian refugees were putting on services was also noted as heightening the local population’s frustration with other races.

Kafala system

The *kafala* (sponsorship) system, operational in Iraq, Jordan, Lebanon and Saudi Arabia (not in Egypt), is a way for governments to delegate oversight and responsibility for migrants to citizens or companies. In practice, all foreign workers must be sponsored by a local citizen or company who is then legally owed a contractual period of continuous service from that worker. The sponsors are able to prevent the worker from leaving the country or change jobs, and required to report to immigration authorities if the migrant leaves their employment. In this way, the worker’s legal status is effectively tied to the employer, so even in cases of abuse, or if the worker has completed the employment contract, the worker may be unable to leave or return home without the explicit permission of the sponsor. Workers who flee are rendered illegal and subject to arrest and deportation for “absconding”. One NGO participant noted:

Sometimes we hear stories of women accepting atrocious abuse for months or even years. When we ask why they didn’t run sooner, they always say they were scared the police would arrest them...

While not directly responsible for the prevalence of modern slavery, the *kafala* system increases dependence and reduces opportunities to seek redress – for example, workers filing a court case against their employer need to stay in the country for the duration of the hearing. However, because the employer they are suing is unlikely to agree to transfer their sponsorship, the worker cannot seek new employment and will not have access to a

sustainable income. The financial necessity of work for migrants with dependent families in the home country, plus the recovery of recruitment debt, means accessing justice under the *kafala* system is seriously limited.

Competing priorities with other national interests

Several participants highlighted the difficulty of pushing human trafficking issues to the forefront of policy and legislative changes. Many indicated that key national priorities are combating terrorism, dealing with the refugee influx, ensuring local economic stability and finding solutions to the regional security and conflict crisis. One government representative noted:

As a people, we need to change our priorities. Many people would say, “I don’t care about IOM or the PAVE Project or trafficking itself. I want to live a comfortable life.” Unfortunately, we are struggling on a daily basis in this country with terrorism, kidnapping, corruption, even very bad roads and traffic congestion. People care more about these issues.

There was consensus among participants that while there is growing public and political recognition of human trafficking and the treatment of migrant workers as an issue, the focus on other national interests will continue to garner the attention of policymakers for the foreseeable future.

Access to justice

Some categories of workers – particularly domestic and agricultural workers – remain unprotected under national labour legislation. This can be linked to a lack of applicable legal instruments and the absence of any mention of protection of victims in the relevant countries’ national laws.

Domestic workers may be subject to regulations issued by the government (Jordan and Saudi Arabia) or are reliant on standard contracts that provide few rights at law. Participants noted persisting obstacles to implementing legal protections, such as limited access to formal mechanisms to file complaints, few dispute resolution options, inadequate court access, poor awareness and enforcement of migrant worker rights and discrimination by law enforcement personnel and the judiciary.

Female migrant workers face additional challenges accessing justice and seeking redress through the criminal justice system. Most police officers throughout the region are men, so women are hesitant about entering police stations, particularly in Saudi Arabia, due to legally required segregation between the sexes. Female migrant domestic workers routinely face false countercharges of theft or witchcraft from their employers in efforts to mask mistreatment.²⁸ If women are able to present their case to court, in practice, male employers’ testimonies often carry greater weight than that of the female migrant worker. In Saudi Arabia, the testimony of one man is equal to that of two women,²⁹ which limits migrant women’s credibility and reduces their success in court.

28 Human Rights Watch, “As If I Am Not Human”: Abuses against Asian Domestic Workers in Saudi Arabia (Human Rights Watch, USA, 2008). Available from www.hrw.org/sites/default/files/reports/saudi-arabia0708_1.pdf; p. 6.

29 Freedom in the World Report: Saudi Arabia Narrative (2013), Freedom House. Available from <https://freedomhouse.org/report/freedom-world/2013/saudi-arabia#VXVPZk-qoko>.

Withholding passports

Employers, sponsors, and sometimes recruitment agencies, continue to withhold the passports and identity documents of migrant workers. Several of the participants interviewed in this study had their passports withheld by the broker; one recounted her experience of trying to retrieve it:

After I ran away, the broker let me stay in his house. He had many other women living there. He abused us (verbally) and did not give us our money. I asked him for my passport but he did not give it.

Despite the illegality of this practice, both NGO and government participants noted that widespread fears of a worker fleeing, particularly in cases of domestic workers where employers have outlaid substantial sums to recruit the migrant, “justified” the holding of passports as a form of insurance. Other participants commented that it is such common practice so as to render it less a malicious act, but simply one in which employers feel it is their duty to oversee the worker. Without their passport, migrant workers are unable to prove their identity, risk detention and are unable to return to their home country. In times of crisis, when migrants need to urgently leave countries, this concern becomes even more acute.

Lack of awareness of rights

All non-governmental participants interviewed in Jordan and Lebanon indicated that knowledge of migrant worker rights is lacking among key stakeholders – workers themselves, employers, law enforcement, labour inspectors and the judiciary. The lack of sufficient education and pre-departure training, coupled with insufficient outreach to workers, particularly in private homes and on farms, means migrant workers continue to be vulnerable to exploitative practices and deceptive conduct by employers and agencies alike. An inability to identify differences between poor labour practices and situations of forced labour, as well as a tendency to favour employer rights, means worker’s rights are routinely overlooked.

Discrimination and violence against women

Women in the five countries of interest continue to face discrimination in both law and practice, particularly regarding personal status and nationality rights. The unequal status of women is felt most keenly in Saudi Arabia where women are considered legal minors and remain subordinate to men, requiring permission from male guardians to work, study, travel and receive health care.³⁰ Women also face significant threat of domestic violence and honour killings. Condemnation of these acts continues to be raised in public discourse; however, violence against women is alarmingly accepted. For example, in Jordan, the Penal Code (articles 340 and 98) provides reduced sentences for perpetrators who murder a partner or family member caught committing adultery or for one who commits the crime “in a fit of rage”. In a 2013 study of the attitudes of teenagers in Amman to honour killings, researchers found almost half of boys and one in five girls believed that killing a daughter, sister or wife who has “dishonoured” or shamed the family is justified. A third of all teenagers involved in the research advocated honour killing.³¹

30 Human Rights Watch, 2008, pp. 20–21.

31 M. Eisner and L. Ghuneim, “Honor killing attitudes amongst adolescents in Amman, Jordan”, *Aggressive Behavior* 39(5):405–417 (2013). Available from www.ncbi.nlm.nih.gov/pubmed/23744567.

In some countries, laws to protect women against violence have only very recently been enacted. In Saudi Arabia, prior to 2013, no legislation offered protection against violence, which left both local and migrant women highly vulnerable to abuse with no recourse. To address this, the Protection from Abuse law was passed by Saudi Arabia's Council of Ministers, which introduced the first laws in the kingdom criminalizing physical and sexual abuse of women, children and domestic workers.³² Under Article 17 of the Act, perpetrators of physical or psychological abuse could face prison sentences of up to one year and up to 50,000 riyals (SRI) (USD 13,000) in fines.³³ However, reports suggest this law is not being implemented due to a lack of competent authorities to enforce it.³⁴ As such, female migrant workers, vulnerable to physical, sexual and psychological abuse in private residences, remain largely unprotected in practice.

Socialization between unmarried individuals of the opposite sex ranges from acceptable (in some cities of Egypt and Jordan), to controversial (Lebanon), to taboo (Iraq) and to criminal (Saudi Arabia). Many migrant workers may face restrictions on their movement to mitigate employers' fears of their participation in illicit sexual relations, pregnancy and bringing dishonour on the employer. In Saudi Arabia, the Government's Commission for the Promotion of Virtue and the Prevention of Vice (the religious police) prevents all unlawful mixing between the sexes. A migrant worker who reports sexual assault or rape risks prosecution for illegal extramarital sexual relations if he or she is unable to meet the exact evidentiary standards required by the authorities to prove rape.³⁵ The perpetrator must confess or the testimony of four witnesses must be secured to provide evidence of these types of offences.³⁶ Punishment for immoral conduct or adultery includes imprisonment, whippings and in some cases, the death penalty.³⁷

Sector-specific vulnerability

While vulnerability to exploitation and trafficking exists in all the sectors in which migrant workers commonly find employment – such as the construction, manufacturing and agricultural sectors, in food services and the retail trade, and in private homes as domestic workers, gardeners, drivers and nannies – workers in private homes and the agricultural sector are considered particularly at risk as their work takes place hidden from view, and oversight.

Domestic workers

Female migrant domestic workers (FMDWs) continue to be vulnerable to specific exploitative practices and abuse, and face the double discrimination threat of being both female and a migrant. Many FMDWs report serious physical and psychological abuse, including threats of and actual beatings, burning with hot iron, food deprivation, sexual harassment and rape, and being confined or locked in a room as punishment. Most victims interviewed for this study highlighted that it was daily derogatory and demeaning comments, repetitive belittling, lack of respect and constant criticism of their work that was most difficult to accept. One participant noted:

32 M. Habboush, "Saudi Arabia passes kingdom's first domestic abuse law", Reuters, 29 August 2013. Available from www.reuters.com/article/2013/08/29/us-saudi-womenviolence-idUSBRE97S0Q620130829.

33 Ibid.

34 Amnesty International, *Amnesty International Report 2014/15 – Kingdom of Saudi Arabia Narrative*. Available from www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/.

35 Human Rights Watch, 2008, pp. 20–21.

36 E.A. Doumato, "Saudi Arabia" In: *Women's Rights in the Middle East and North Africa: Progress Amid Resistance* (S. Kelly and J. Breslin, eds.) (Freedom House, New York, 2010). Available from https://freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf; p. 13.

37 Human Rights Watch, 2008, pp. 6–7.

The madam called me names. [She] followed me around the apartment “Work faster. Work faster!” She made me clean high windows. I was afraid to fall. She yelled at me “Lazy! Lazy!” The madam’s son, a little boy only 7 [years old], began to hit me each day. I could not touch him. I asked the madam to tell him to stop but she did not care. I wanted to tell her I am also a mother. My children would not hit an elder. Why does she not respect me? Why does she not teach her child respect?

Working conditions go unchecked despite these concerning reports of systemic abuse. Victims interviewed for this study reported excessive working hours (sometimes up to 17 hours per day), no rest for days, physical isolation and being forced to sleep on balconies, in the kitchen or the laundry. Several participants described the all-consuming nature of their roles:

On my day off, if I stayed in my room, she would come searching for me. I could never rest. I worked the whole time; there were no set hours. I had to finish my work before I could rest, but the work never ended.

I did everything – the cooking, cleaning, laundry, I cared for both the lady and her husband and they were both old. I took them to the shops to buy stuffs, I brought them home, I did everything. I worked in the two houses. The lady had 5 daughters and all of them had kids. So when they come to visit, I worked for 18 peoples. I was exhausted.

I ran away because the lady was not good to me. She used to make me work many hours. She used to scream at me and verbally abuse me. I used to go to sleep at 12 at night, then had to start work at 6:30 a.m. Even if I slept for 5 minutes more, she used to scream at me. The lady was not good.

Many FMDWs who attempt to escape these conditions by fleeing the home face arrest, detention and deportation for breaching their employment contract.

Representatives of NGOs and victims alike noted the role of recruitment agencies in “disciplining” domestic workers. One participant explained that “if you are unhappy with the girl, the employer takes her back to the agency to get a new one. The employer knows the first girl will be punished”. One victim explained that after her employer returned her to the agency, the recruiter took revenge on her by contracting her out to different houses daily and keeping all her wages to himself. Agencies are also known to encourage employers in restricting the movement of their domestic worker, as there are fears of women learning of higher wages and better working conditions if they socialize with other workers. All participants confirmed it was common practice to lock the domestic worker inside the house if the family were absent. One participant explained that she had questioned her friends on whether or not they did this:

I have asked my friends why they lock the domestic worker inside the house when they go outside. They say it is not safe to leave a young woman and their children inside an unlocked apartment. But I said, “What if there is a fire? How will they get out?” My friends say it is safer to ensure everyone is locked inside. They don’t trust the worker to give her a key.

Alone, isolated, often unable to speak the local language and risking abuse from agents or arrest by police are factors that ensure that FMDWs remain the most vulnerable to exploitation in MENA.

Agricultural workers

The physical isolation and geographical dispersion of agricultural workers increase vulnerability to exploitative practices by employers and reduce the ability of labour inspectors to access farms. NGOs indicated that there was little to no donor support for outreach to workers in this sector; therefore, they were forced to use their funds to support migrant domestic workers and workers in the Qualified Industrial Zones.

There are serious concerns for the health and safety of migrant agricultural workers. Reports suggest some workers live in “plastic houses” made of an assemblage of plastic materials, tents or basic concrete rooms shared with typically four other workers.³⁸ Evidence suggests these dwellings have little access to clean water and unhygienic sanitary conditions. All interviewees in this study confirmed the labour violations suffered by agricultural workers, but indicated little is being done to address it by international organizations or the government.

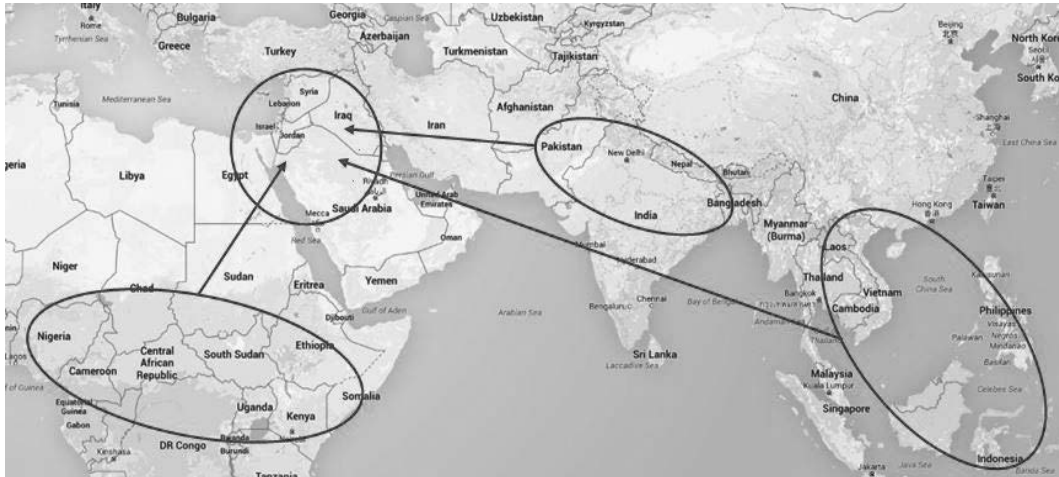
Routes and networks

It is almost impossible to map the complex migratory routes the 162 PAVE Project beneficiaries travelled to reach their host country. One Filipina NGO representative explained “the Philippines consists of many thousands of islands with almost as many ports. Monitoring who and where people are travelling is an ongoing and difficult challenge”. Traffickers were also noted as having highly sophisticated and constantly evolving routes for migrants to travel to avoid detection and labour-sending bans.

The pathways travelled by victims of trafficking assisted through the PAVE Project reflect the broader trafficking flows in the region. Women and men trafficked to the MENA region primarily originate from three main regions: South Asia, South-East Asia and sub-Saharan Africa (see Figure 2).

38 Tamkeen Fields for Aid, *Forgotten rights: the working and living conditions of migrant workers in the agricultural sector in Jordan* (Tamkeen Fields for Aid, 2014), p. 22.

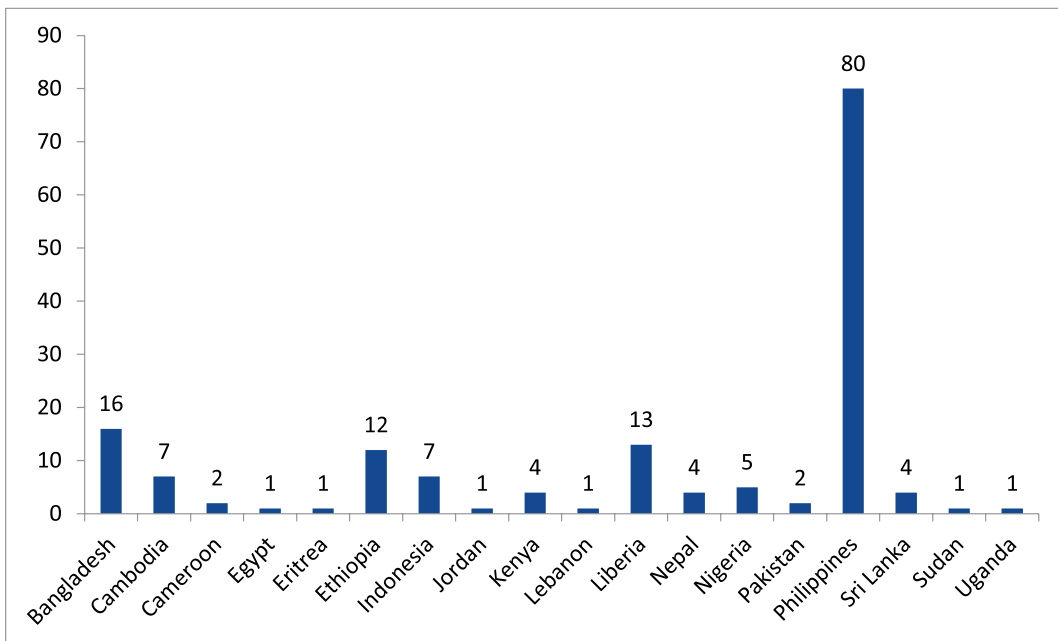
Figure 2: Trafficking flows into the MENA region



The majority of victims of trafficking assisted through PAVE originated from 17 countries across South-East Asia (59%), Africa (24%) and South Asia (16%). Many of the countries of origin are well-known labour-sending States, including the Philippines, Bangladesh, Ethiopia, Indonesia, Nepal and Sri Lanka. Data from IOM also indicates several emerging labour-sending countries in the region, including Liberia, Cambodia, Nigeria Kenya and Cameroon.

I didn't know anything about Jordan before I got there. I was asking people in Sudan who told me it would be better than Qatar.

Figure 3: Victims of trafficking assisted through PAVE, number



Most trafficking victims assisted through PAVE were recruited through a personal contact (47%), followed by strangers (27%) and employment agencies (24%). Promises of high salaries (53% were promised a salary between USD 100 and USD 400 per month and a further 28% expected a salary between USD 400 and USD 600 per month) and a range of benefits, such as free food, accommodation, payment of university fees and days off,

were used to encourage individuals to sign employment contracts. During this recruitment phase, 90 per cent of victims reported experiencing some form of coercion that influenced their decision. The most common experience was that of false promises or deception regarding the job or conditions (30%).

Having agreed to work overseas, nearly two thirds of trafficking victims travelled to the destination country with at least one companion – a relative or friend, other migrant workers, or in some cases, the employer or recruiter. Eighty-two per cent transited through at least one country on the way to the final destination, although very few (6%) were engaged in work in a transit country. The profile of those employed in transit were young female Ethiopian migrants performing domestic work in Sudan prior to deployment to MENA.

Case study: Irene, from Indonesia

Irene, a widow and mother of one child, lived with her father before leaving Indonesia for Abu Dhabi in 2013 to earn money to support her family. Two weeks later, without understanding the circumstances, she was taken to Iraq through a recruitment agency. In Iraq, she was made to work 20 hour days, with limited freedom of movement. Her travel documents were taken away, and she had no contract to stipulate the working conditions. She also reported suffering from psychological abuse. From Erbil, she was transferred to Baghdad, then Karbala City and finally to Nila. It was not until a year later that she was able to access assistance. During her screening interview, Irene displayed signs of depression, isolation and fear.

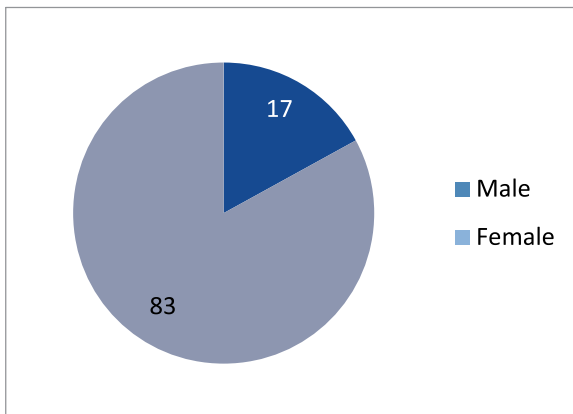
EXPERIENCES OF TRAFFICKING IN THE REGION

During the course of the PAVE Project, IOM identified and assisted 162 victims of trafficking across the five countries of interest. This section draws on case management data to provide information regarding the characteristics of trafficked persons, the nature of the trafficking process, patterns of exploitation and abuse, and the nature of assistance provided by IOM. The information presented here gives some indication of the experiences of trafficking victims; however, it must be noted that it is based on a small number of identified victims, and as such, is not representative of the trafficking situation in the region. For example, trafficking also occurs to workers of other sectors not identified within this small sample.

Of the 162 PAVE beneficiaries, 59 per cent were assisted through the IOM Lebanon mission, followed by 14 per cent through Egypt, 13 per cent in Jordan, and 10 per cent in Iraq. The smallest number of cases was assisted through Saudi Arabia, due to IOM's limited presence in the country and the lack of a referral network for victims. The large proportion of PAVE beneficiaries in Lebanon is due primarily to PAVE being the only IOM ongoing migrant assistance project in the country, while the missions in Egypt, Jordan and Iraq have other ongoing assistance projects.

Victim profile

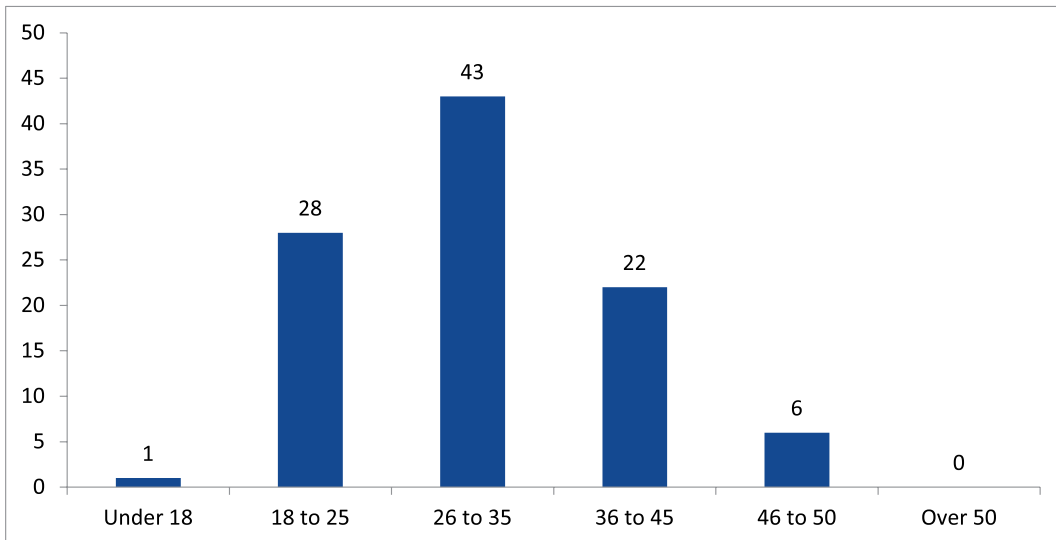
Figure 4: Victims of trafficking assisted through PAVE, by gender



Over 8 in 10 trafficking victims assisted by IOM were female (see Figure 4). While it is often the case that females are over-represented in trafficking statistics, it is also partly attributable to IOM's specific focus on domestic workers, which has contributed to the identification and referral of domestic workers, most often female, who were found to be in a forced labour situation.

Most trafficking victims were aged 26 to 35 years (43%), followed by those aged 18 to 25 years (28%) and 36- to 45-year-old (22%) (Figure 5). IOM also assisted a 2-year-old child whose mother died following injuries sustained from a suicide attempt. She was an exploited migrant worker identified at the hospital in Lebanon and IOM continued to assist the child in collaboration with IOM's Global Assistance Fund.³⁹

Figure 5: Age profile of trafficked victims, per cent



³⁹ IOM's Global Assistance Fund (GAF) is an emergency support mechanism through which assistance can be provided to men, women and children who become victims of trafficking and are not eligible for assistance through other regional- or national-level projects. GAF provides assistance in countries of destination, transit and origin that can include safe accommodation, medical care, psychological support, legal assistance, career counselling and assistance with retrieving lost or stolen travel documents. In addition, assisted voluntary return and reintegration assistance (which may include post-arrival reception assistance, educational support, skills training and small business grants) is available through the Fund. Further information available at: IOM, "GAF: IOM's Global Assistance Fund", (2015). Available from http://greece.iom.int/sites/default/files/30_03_2015_global_assistance.pdf.

The largest proportion (43%) identified secondary schooling as their highest level of education. Nearly half (49%) identified their marital status as single, followed by those who were married (37%), and a small proportion who were divorced or widowed (11%). For a large proportion of this group of trafficking victims, the data suggests it is likely they were providing support to family members. Eighty per cent of trafficked migrant workers identified as having poor or very poor socioeconomic backgrounds (Figure 6). The majority came from large families; 14 per cent were only children. Most (40%) had between 3 and 6 siblings and a small number came from very large families (over 10 siblings). Fifty per cent of the trafficking victims had a child (Figure 7). Of this group, nearly three quarters (73%) had more than one child; three victims have seven children (Figure 8). For the vast majority whose mother (77%) and father (60%) were living, their parents were unemployed (52% and 33%, respectively). These factors have important considerations for assistance, as will be discussed later in this report.

I used to go to school and I loved my education. But my education was supported by an organization who lost their funding and after that the institution had to close. I couldn't continue my schooling so I decided to go to Jordan via Sudan. I transited in Sudan but worked there for seven months as a domestic helper in a house. After that, I went to Jordan. I will never go back. My parents didn't want me to go. They wanted me to learn but could not pay the fees. But that wasn't an option. I was 13 when I went to Sudan.

Figure 6: Economic status of trafficked victims' families

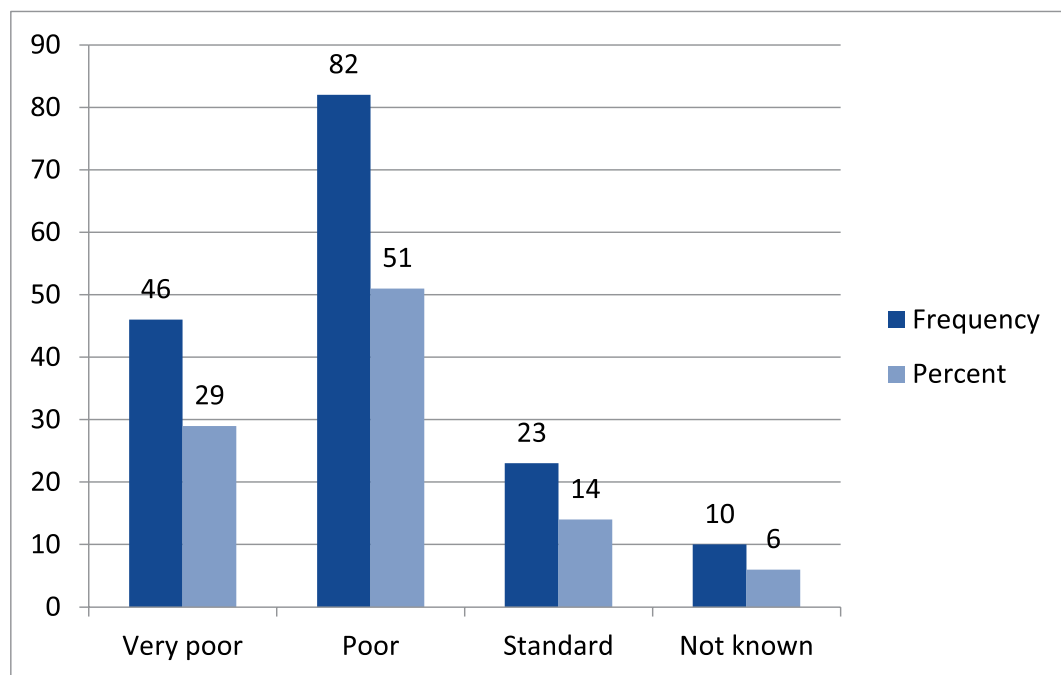


Figure 7: Trafficked persons with dependent children, per cent

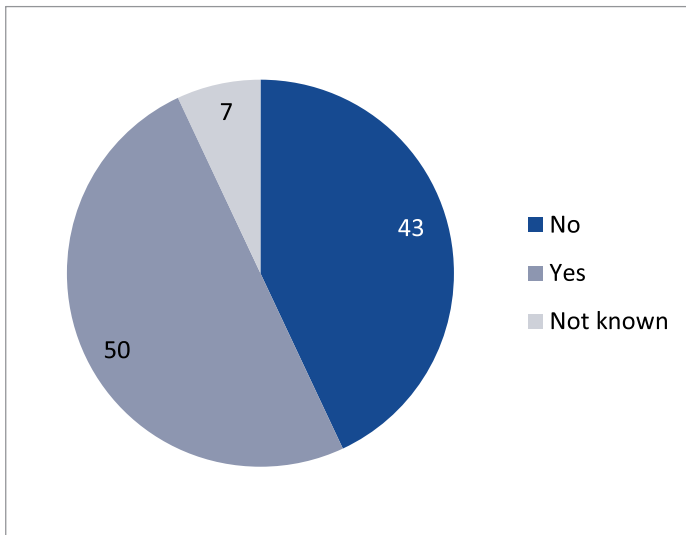
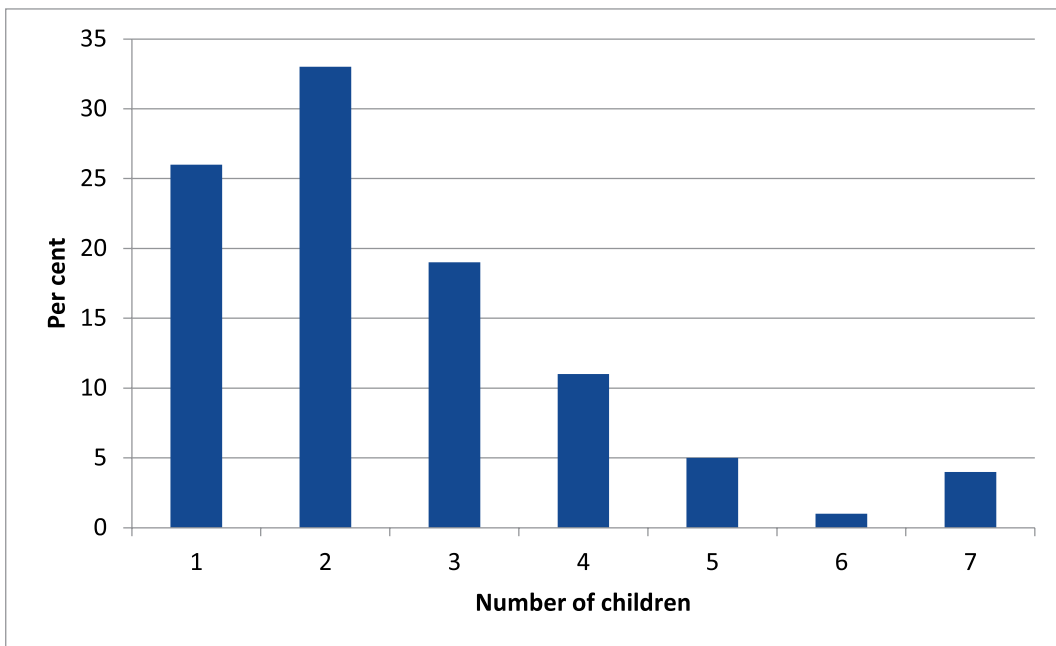


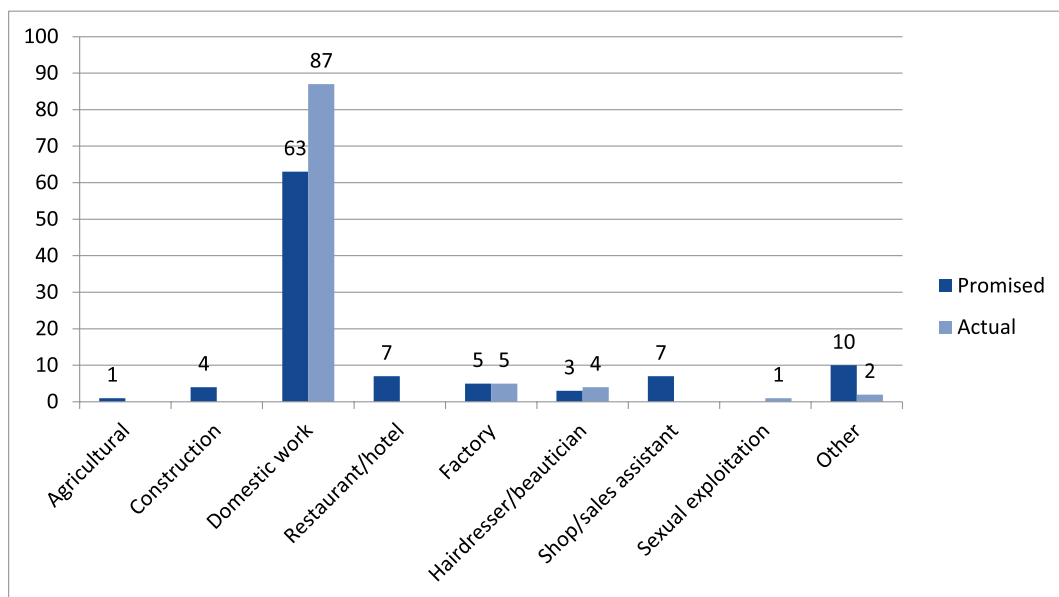
Figure 8: Number of children among trafficked persons



Types of exploitation

Exploitation of migrant workers typically began prior to their arrival in MENA. Although, 69 per cent of migrant workers found themselves in the same type of work that was promised, nearly the same proportion (67%) were given false promises or deceived prior to the trafficking experience (Figure 9). Among those deceived about the nature of the work was a 26-year-old nurse from Cameroon who was promised a job in a hospital but forced to work as domestic worker and sexually harassed by her employer and his brother-in-law. She left the situation with the help of a Lebanese NGO within the month and returned home through IOM's assistance.

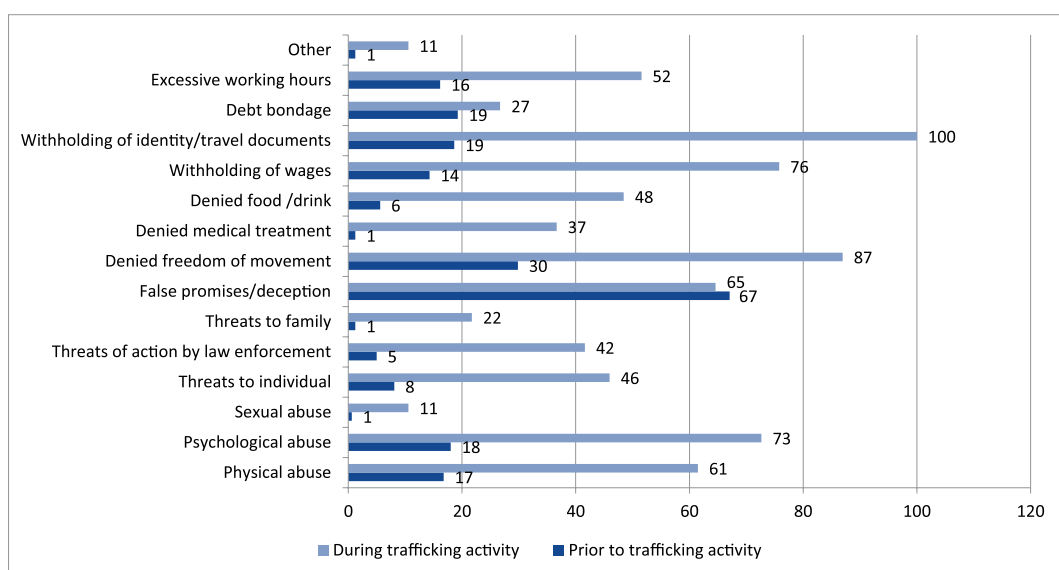
Figure 9: Type of work promised to trafficked victim vs type of work actually undertaken, per cent



The most common type of work was domestic service (87%), which was almost exclusively comprised of female migrant workers. This was followed by men working in factories (5%), and females in hairdressing and beauty salons (4%).

The forms of coercion and exploitation experienced once the migrant worker arrived at the final destination with the employer increased considerably – from an average of two during the recruitment and transit phases, to an average of seven per person. Every individual in this group had their identity or travel documents taken away. At this point in time, almost 9 in 10 victims were denied freedom of movement and confined within private homes or factories (87%). Many also had their wages withheld (76%), were psychologically abused (73%), were given false promises or deceived (65%), physically abused (61%), forced to work excessive hours (52%) and denied food or drink (48%), among several others. Nearly 30 per cent were trapped in a debt bondage situation (Figure 10).

Figure 10: Means of coercion and exploitation, per cent



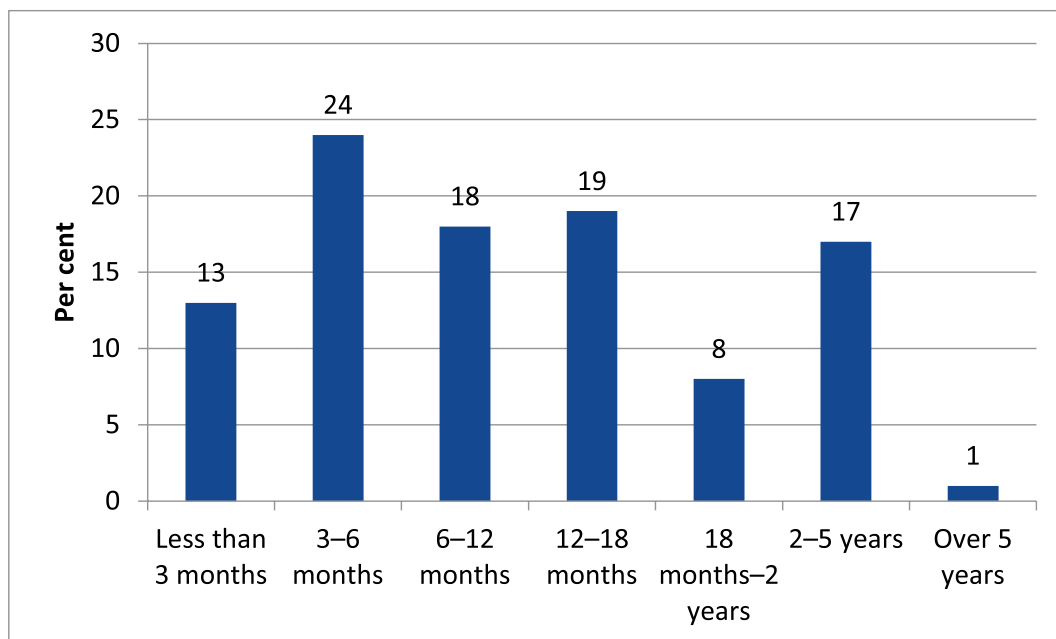
Case study: Penelope from the Philippines, focus group participant

“I arrived in Lebanon in October 2013. I flew to Manila, Hong Kong, Bangkok, Amman and then Beirut. I did not have a copy of the contract I signed because the recruitment agency said they had to keep it, but I remember the contract said I would be paid USD 350. I got sick two months after arriving in Lebanon and asked the recruitment agency to help me get medical assistance, but the agency said it’s not their responsibility. I am just supposed to work. I thought it might be that I had to adjust to the weather, I asked the female employer to help me because I was very sick. She said her mother was also sick and should not have a helper who is unhealthy, and I was returned to the agency. At this point, the agent beat me in front of the employer, and the following day, I was assigned to a new employer. The new employer asked why I was black and blue...

I worked there four and a half months, and in this situation, the husband – each time the wife left the house – would remove his clothes. I asked him not to do that and when he told me to go to his room, I said no. He pulled me up by my neck and told me I had to, but I fought back. I had a hidden bread knife in my room because the husband used to try to come in, and I had a gut feeling that he wanted to try to rape me, so I managed to hit him with it. When the wife asked him what happened, he just said he had a small accident. He tried four more times at night, so I tried to leave. The wife used to ask me how I am, but when I would not answer, she would get angry. Even if I replied, she would get angry – I had already complained to her about her husband, but she said I was lying and reported me to the agency. The agency didn’t care and agreed that I was a liar. My mobile was confiscated so I used the landline of the employer to call the embassy – I remembered the number. It’s the embassy that told me how to use Lebanon lines in the first place. When I called, I was given a choice – if I wanted to be rescued or if I wanted to claim my salary. I stayed more than three months at the embassy before returning home.”

There was a single case involving trafficking for sexual exploitation involving a 15-year-old from Eritrea who travelled to Egypt expecting to be a domestic worker and provide child care, only to find herself locked inside the house of her employer and continuously raped at knifepoint by the employer’s son. An additional 16 victims of trafficking reported sexual abuse (whether raped or forced into sexual conduct), and a further 8 experienced sexual harassment, highlighting the additional vulnerabilities experienced by female domestic workers, whose location in private homes makes them the most vulnerable of all.

Figure 11: Length of time in trafficking situation, per cent



For nearly one quarter of the victims, their trafficking situation lasted between 3 and 6 months (24%). The next most common time frame was between 12 and 18 months (19%), followed by 6 to 12 months (18%), and 2 to 5 years (17%). 13 per cent were trafficking for less than 3 months and only 2 victims reported being trafficked for over 5 years (Figure 11). Over half (51%) of all PAVE beneficiaries made their own way out of the trafficking situation, 15 per cent were assisted by NGOs, 15 per cent by government agencies (including law enforcement officers) and 11 per cent by their embassy. Smaller numbers were assisted by an employer, family member or friend.

CONCLUSION

As discussed in this chapter, millions of women and men from South Asia, South-East Asia and sub-Saharan Africa migrate to the region for employment. In 2015, this migration has to be considered in a broader context of unparalleled conflict and human movement through the region.

In this chapter, the experience of people who have suffered from human trafficking and exploitation in MENA is examined, drawing on anonymized data for the 162 victims supported in the PAVE Project. While not representative of all migrants, the experiences of this group provide unique insight into what is often a deeply hidden underbelly of abuse and exploitation of migrant workers.

With regard to the cohort studied in this project, interviews suggest that they knew the risks of migrating to MENA but decided to go anyway. Victim data and interviews revealed that the victim's experience of exploitation often began in the home country through deceptive recruitment practices, contract substitution and payment of excessive recruitment fees. However, the coercion and exploitation gets significantly worse once in the presence of the employer in the labour-receiving country. All victims had their passports withheld. Nearly 90 per cent were confined to their place of employment. More than 70 per cent had wages withheld or experienced abuse. Key groups at high risk include migrant workers employed in the sectors of agriculture and domestic service due to their physical isolation in the family home or geographical isolation on farms far from support services.

The research pointed to a number of factors that contributed to vulnerability. This includes perceived discrimination against migrant workers, reflected in particularly paternalistic attitudes resulting in denial of freedom of movement. The kafala system was noted as being a major barrier to people in distress seeking or receiving help, as they face possible arrest or deportation if they try to complain or leave their employer. Several key categories of particularly vulnerable migrant workers – those in domestic work and agriculture – remain outside of labour protection systems. Prevalence of passport-withholding practices, combined with high certainty of arrest or detention for leaving an employer, make it very difficult for people to leave even the most abusive situations. Rather than being a source of help, recruiters and agents were often both a source and contributor to abuse and violence.



CHAPTER II

EXISTING PROTECTION MECHANISMS AND IDENTIFIED GAPS

This chapter focuses on understanding the protection mechanisms that governments have put in place with regard to human trafficking in the target countries: Egypt, Iraq, Jordan, Lebanon and Saudi Arabia. A clear identification of what constitutes a protection mechanism requires reference to the specific vulnerability factors identified. In Chapter 1, specific factors contributing to vulnerability included:

- Pervasive discrimination against migrants;
- The role of the kafala system in preventing workers from leaving abusive employers without permission;
- Lack of protection in labour law for particularly high-risk groups, domestic and agricultural workers;
- Widespread practice of passport withholding;
- Lack of rights awareness among migrant workers;
- Laws, policies and attitudes that discriminate against women; and
- Competing priorities with other national interests (security, terrorism, urgent need for humanitarian assistance to refugees and IDPs).

Understanding and identifying protective mechanisms can also be assisted by reference to international legal standards, such as those found in treaties and other conventions, where States agree on key elements of a response to human trafficking. This chapter takes both approaches.

It must be acknowledged that each of the countries considered in this chapter has been deeply affected, in differing ways by recent crises in Iraq, Syrian Arab Republic and Yemen. Any discussion of protection mechanisms in place in MENA region had to begin with acknowledgement of the remarkable willingness shown by several countries in the region to provide shelter to massive populations of refugees and displaced people. While this creates its own challenges, the simple act of providing refuge for people fleeing Syrian Arab Republic and Iraq is a critical pre-condition for any humanitarian response.

What constitutes a protection mechanism?

Clear identification of what constitutes a “protection mechanism” has to commence with identifying what constitutes a risk factor: with a protection mechanism being a response intended, and actually having the effect of reducing or addressing that risk. So for example, if preventing workers from leaving abusive jobs is a risk factor, a protection mechanism would include one that removes or ameliorates that risk. However, important guidance on what States consider to be protection mechanisms is also found in the international treaties they have voluntarily ratified.

The UN Trafficking Protocol, a treaty that all five target countries have ratified, helps provide some content for the obligation of protection and support. It includes obligations related to: (a) victim identification; (b) non-prosecution or detention of victims; (c) protection and support of victims; (d) legal assistance; (e) specific needs of child victims; (f) repatriation; (g) remedies and criminal justice responses.⁴⁰ The more recent Protocol to the ILO Convention on Forced Labour goes beyond the fundamental obligation of States

40 See further, A. T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010).

to criminalize and prosecute forced labour. Instead, the new Protocol creates obligations including: (a) educating vulnerable populations, employers and the public (article 2); (b) extending coverage of relevant laws to all workers and sectors (article 2); (c) strengthening labour inspection (article 2); (d) introducing effective measures for the identification, protection, recovery and rehabilitation of victims (article 3); (e) protecting victims from punishment for unlawful activities they were compelled to commit (article 4(2)); and (f) ensuring victims can access effective remedies, such as compensation, irrespective of their presence or legal status in the territory (article 4(1)). Each of these obligations should be implemented through corresponding protection mechanisms.

However, as the current movements in the Middle East clearly illustrate, migrants do not travel in neatly labelled groups of “refugees”, “victims of trafficking” or indeed “victims of forced labour”. In reality, people are moving in vast flows of mixed migration, with populations of people with specific protection needs (such as refugees and trafficked persons) often inter-mixed, and sometimes hard to distinguish from those who might be thought to be irregular or smuggled migrants or migrant workers. Just as this reality impacts on risk, it impacts on what steps are needed in reality to ensure effective protection mechanisms are in place. In particular, it is critical that States put in place systems to identify trafficked persons within broader refugee populations, as well as migrant worker populations.⁴¹

LEGAL AND POLICY FRAMEWORK FOR PROTECTION

Regional actions

In the past five years, the Arab region has taken steps to create stronger frameworks to respond to human trafficking. The League of Arab States (an associate of the PAVE project) issued Resolution No. 879-27 – 15/2/2010 during its 27 session on 15 February 2012, which formalizes the Comprehensive Arab Strategy for Combating Trafficking in Human Beings (CASCTHB) and supports the recently established Anti-Human Trafficking Coordination Unit (AHTCU).

The “Comprehensive Arab Strategy to Combat Trafficking in Persons” of the League of Arab States was adopted by the Council of Arab Ministers of Justice in Resolution No. 879-27 of 15 February 2012. It includes specific anti-human trafficking focus areas for the Member States of the Arab League and provides a framework that can guide the development of national action plans and strategies.⁴² The third focus area is dedicated to strengthening prevention measures and procedures. In particular, it calls on Member States to undertake the following measures:

- Draft policies, programmes and other comprehensive measures to prevent and combat trafficking in persons and to prevent re-victimization;
- Adopt programmes that aim to prevent recidivism among (trafficking in persons) offenders;
- Ensure that public policies on preventing trafficking in persons are in harmony with related policies and programmes in the fields of migration, education, employment, health, security, non-discrimination, crime prevention, economic

41 See further, A. T. Gallagher and F. David, *The International Law of Human Smuggling* (Cambridge University Press, 2014), pp. 575–577; IOM, *Addressing human trafficking and exploitation in times of crisis: Evidence and recommendations for further action to protect vulnerable and mobile populations* (IOM, Geneva, 2015). Available from http://reliefweb.int/sites/reliefweb.int/files/resources/CT_in_Crisis_FINAL.pdf; p. 12

42 “The Comprehensive Arab Strategy for Combating Trafficking in Human Beings”, adopted by the Council of Arab Ministers of Justice Resolution No. 879-27 – 15/2/2012.

- development, child protection, gender equality and human rights protection; and
- Focus on ensuring that the policies, programmes and measures adopted include cooperation with NGOs, other related organizations and all civil society actors.

The preventative measures to combat trafficking in the Arab Strategy include:

- Research and collection of data on trafficking in persons;
- Monitoring of the status of trafficking in persons;
- Organization of public awareness campaigns on trafficking in persons;
- Reform of school education to include trafficking in persons in the curriculum;
- Alleviation of factors that render people vulnerable to trafficking; and
- Discouragement of demand for victims of trafficking in persons.

The Arab Strategy emphasizes the important role of religious leaders in raising awareness when it urges States to do the following: increase the role of religious institutions in raising awareness about the dangers of trafficking in persons and its various dimensions, while highlighting the role of divine law (Shari'a) in prohibiting it.

The AHTCU operates within the Legal Affairs Department of the Arab League and has been mandated to monitor trafficking in the region, support national implementation of trafficking laws through a coordination role, monitor implementation of the CASCTHB, and collect, analyse and report on data from each Member State. In addition, the League of Arab States has recently finalized a model Arab anti-trafficking law that provides a high benchmark of human rights standards within the region.

Islamic leaders commit to end modern slavery

For the first time in history, on 2 December 2014 – the International Day for the Abolition of Slavery – leaders of the world's largest faiths came together to declare their common humanitarian commitment to eradicate modern slavery. The Islamic faith was represented by Mohamed Ahmed El-Tayeb, Grand Imam of Al-Azhar (Muslim Sunni), Grand Ayatollah Mohammad Taqi al-Modarressi (Muslim Shia) and Grand Ayatollah Sheikh Basheer Hussain al Najafi (Muslim Shia).

The three Islamic leaders asserted that all forms of slavery are reprehensible in Islamic law. The Grand Imam of Al-Azhar rejected assertions that the Quran's instructions to treat slaves with kindness and care legitimized slavery. Instead, he said, Islam took a sympathetic approach to the treatment of slaves as a temporary solution to historical slavery, which in no way sanctions modern-day exploitation of people.

Further displays of commitment were made in 2015 by Islamic leaders in the region to extend Islamic values of hospitality and care to vulnerable migrants, remedy their ill treatment in employment, and address their inequality at law. In September, Sheikh Ali Al Quradaghi, Secretary-General of the International Union of Muslim Scholars, called for equal pay for individuals doing the same work regardless of their nationality, compensating employees fairly by considering the cost of living in the host country, and giving domestic workers the same rights as other migrants by including them under Labour Laws.

The MENA region has the highest concentration of Muslims in the world – an estimated 93 per cent of its approximately 341 million inhabitants are Muslim. Religious leaders encouraging their followers to support the abolition of exploitative practices is seen as a key way to combat these crimes.

Several countries in the region have joined cross-regional consultative processes, such as the Abu Dhabi Dialogue, designed to prevent illegal recruitment, promote worker welfare and develop a framework to manage labour migration fostering the interests of Asian-sending nations and Arab destination countries.⁴³ The United Nations Office on Drugs and Crime (UNODC), through its Regional Office for the Middle East and North Africa (ROMENA), has been instrumental in establishing “The Arab Initiative to Build National Capacities to Combat Human Trafficking in the Arab Countries”.⁴⁴ The ILO continues to promote migrant worker dignity and welfare through the Decent Work Programme, annual analysis of UN Special Rapporteur on Trafficking in Persons and several other initiatives throughout the region. Additionally, within the IOM’s PAVE Project, a regional policy dialogue engaged senior government officials in an attempt to strengthen their respective protection frameworks. These programmes are supported by governments who are relying on the expertise of these bodies to train and build capacity of law enforcement officials including through awareness of the crime and worker rights, identification of victims and referral mechanisms.

International agreements

The Governments of Lebanon, Iraq, Saudi Arabia, Jordan and Egypt have voluntarily entered into various international agreements or treaties that are relevant to understanding the scope of protection obligations. All of these governments have ratified a series of critical treaties, including:

- The UN Convention against Transnational Organized Crime, and its Protocol on Trafficking in Persons. The ILO Convention on Forced Labour, as amended by the Abolition of Forced Labour Convention
- The ILO Convention on the Worst Forms of Child Labour.

Several have ratified the Slavery Convention, and most have ratified the International Convention on Civil and Political Rights. These documents are critical for their prohibition of not only slavery but also slavery-like practices including debt bondage and forced marriage (all recognized forms of exploitation under the UN Trafficking in Persons Protocol). All have ratified the Conventions on Elimination of Racial Discrimination and Discrimination against Women. A summary of the ratification of relevant international conventions by each of the five countries of interest is presented in Table 3.

⁴³ For more information, see: www.iom.int/abu-dhabi-dialogue.

⁴⁴ For more information, see: www.unodc.org/middleeastandnorthafrica/en/project-profiles/xamx59.html.

Table 3: International conventions ratified by country

	Egypt	Iraq	Jordan	Lebanon	Saudi Arabia
The Slavery Convention, 1926	✓	✓		✓	
Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery	✓	✓	✓		✓
The International Covenant on Civil and Political Rights (ICCPR)	✓	✓	✓	✓	
International Covenant on Economic, Social and Cultural Rights	✓	✓	✓	✓	
International Convention on the Elimination of All Forms of Racial Discrimination	✓	✓	✓	✓	✓
Convention of the Elimination of All Forms of Discrimination Against Women	✓	✓	✓	✓	✓
Convention on the Rights of the Child	✓	✓	✓	✓	✓
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	✓				
Convention against Transnational Organized Crime	✓	✓	✓	✓	✓
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	✓	✓	✓	✓	✓
Protocol against the Smuggling of Migrants by Land, Sea and Air	✓			✓	✓
ILO Convention No. 29: Forced Labour Convention, 1930	✓	✓	✓	✓	✓
ILO Convention No. 97: Migration for Employment Convention, 1949					
ILO Convention No. 98: Right to Organise and Collective Bargaining Convention, 1949	✓	✓	✓	✓	
ILO Convention No. 105: Abolition of Forced Labour Convention, 1957	✓	✓	✓	✓	✓
ILO Convention No. 111: Discrimination (Employment and Occupation) Convention, 1958	✓	✓	✓	✓	✓
ILO Convention No. 143: Migrant Workers (Supplementary Provisions) Convention, 1975					
ILO Convention No. 182: Worst Forms of Child Labour Convention, 1999	✓	✓	✓	✓	✓
ILO Convention No. 189: Domestic Workers Convention, 2011					
Protocol of 2014 to the Forced Labour Convention, 1930					

Implementation of the broader human rights framework is a critical part of ensuring protection and support for victims of trafficking. For example, there is a strong link between presence of discrimination in a society (discrimination being prohibited by the ICCPR and other treaties), and human trafficking. Similarly, the full and effective implementation of labour protection systems (such as those mandated in ILO treaties) will contribute to reducing vulnerability to human trafficking.

Many countries of interest in this report have begun signing bilateral agreements and memorandums of understanding between countries of origin and destination. Largely however, these agreements have detailed conditions for the sending of female migrant domestic workers, and the rights afforded to these workers in the agreements continue to restrict their full access to labour law protections afforded to all other workers in the receiving countries.

National legal frameworks on counter-trafficking and exploitation

The obligation to ensure that human trafficking is criminalized is one of the fundamental obligations of the UN Trafficking Protocol. This reflects the fact that the legal framework provides the foundation for many other protection elements to come into play, whether through investigation, prosecution or punishment of offenders. The five countries of interest all provide some legal protection for victims of trafficking and migrant workers more broadly. All have adopted the definition of trafficking in persons contained within the Palermo Protocol in national legislation with some amendments – Egypt and Jordan added the offence of forced begging, while Saudi Arabia included prostitution (which is not a trafficking crime as defined in international law). Further, varying degrees of legislative protection are also found in labour laws; however, a consistent gap is the lack of protection in labour law for particularly high-risk groups, such as domestic and agricultural workers. A fuller discussion of national legal frameworks is presented in the relevant country profiles in Appendix A, a brief summary of key areas of law are summarized here.

Egyptian Law No. 64 (2010) prohibits all forms of trafficking and includes forced begging as a form of trafficking.⁴⁵ The Act protects victims from both criminal and civil punishment for any crime committed that directly relates to being a victim (article 21). Victims are also provided with health, psychological, educational and social care (article 22), and the right to be removed from the perpetrator at all stages of the evidence gathering, investigation and trial period (article 23). Article 89 of Egypt's new Constitution, passed in January 2014, includes provisions that explicitly prohibit and criminalize slavery and forced exploitation, including sex trafficking.⁴⁶

Further protection is found in Egyptian Labour Law No. 12 (2003), which applies to all workers, with the exception of public servants and “domestic service workers and the like”.⁴⁷ Under Article 28, migrant workers require a permit from the Ministry that authorizes their entry and residency in the country for the purposes of employment.⁴⁸ In practice, work permits can be difficult to obtain and the government places strict control on the formal entry of foreign workers, particularly domestic workers.⁴⁹

45 Arab Republic of Egypt, The People's Assembly Law No. (64) of 2010 regarding Combating Human Trafficking. Available from www.protectionproject.org/wp-content/uploads/2010/09/Egypt_TIP-Laws-20082010.pdf.

46 Arab Republic of Egypt 2014 Constitution. Available from www.sis.gov.eg/Newvvr/Dustor-en001.pdf. See also: www.constituteproject.org/constitution/Egypt_2014.pdf.

47 Labour Law Book 1: Definitions and General Provisions. Available from www.egypt.gov.eg/english/laws/pdf/Book1.pdf.

48 Labour Law Book 2: Definitions and General Provisions. Available from www.egypt.gov.eg/english/laws/pdf/Book2.pdf.

49 R. Jureidini (2009), Irregular Workers in Egypt: Migrant and Refugee Domestic Workers. *International Journal on Multicultural Societies*, 11(1):75–90, UNESCO. ISSN 1817-4574. Available from www.unesco.org/shs/ijms/vol11/issue1/art4.

In Iraq, a number of key pieces of legislation with the aim of strengthening the country's counter-trafficking and exploitation framework have been passed despite protracted conflict. Slavery, forced labour, the slave trade, sex trade and trafficking in women or children were all prohibited in Article 37 of the 2005 Constitution.⁵⁰ In April 2012, Law No.28 on Trafficking in Persons, covering prosecution, protection of victims and prevention was passed. Perpetrators face sentences of a maximum jail term of life imprisonment and fines of up to 25 million dinars. The law protects victims by providing medical care, witness protection and financial assistance.⁵¹ The Act largely adopts the UN definition on trafficking in persons; however, there are omissions, such as not considering child prostitution as an act of trafficking.

The Jordanian Protection Against Trafficking of Human Beings Law of 2008 criminalizes all forms of trafficking for sex and labour, and prescribes punishments of 10 years' imprisonment for crimes of forced prostitution and other aggravated circumstances, including trafficking of a child and trafficking involving a public official.⁵² Government and NGOs reported that many cases of human trafficking and forced labour continue to be dealt with as breaches of the Labour Law (8) of 1996. The Law sets out comprehensive protections of worker's rights, including the following: (a) right to annual and sick leave (articles 64 and 65); (b) timely provision of wages including penalties for employers who fail to pay within seven days of the due date (article 46); (c) a weekly day off (article 60); and (d) right to personal protection from the hazards of work (article 78).

Despite their inclusion, domestic and agricultural workers are still subject to specific regulations issued by the government.⁵³ NGOs have reported that some provisions within the Labour Law are not followed in practice. For example, although Article 12(c)(1) states that the employer is responsible for the acquisition and payment of a work permit for every non-Jordanian employee, research reveals that in reality, Egyptian agricultural workers routinely pay at least half the value of the work permit to secure work with an employer.⁵⁴ Considering Egyptian workers constitute 97 per cent of migrant agricultural employers, this represents a significant concern in the protection of their labour rights.⁵⁵

Further, Article 12, which sets out the conditions under which workers can be deported by the Minister of Labour,⁵⁶ is problematic as it places the burden of responsibility upon the workers in situations where they are often unable to exert any control. Participants noted cases of employers exploiting their employees by failing to renew the employee's work permits, thereby jeopardizing the employee's residency/work status and coercing the employee to work under threat of deportation. Article 12 also does not consider cases in which the worker may have been exploited or trafficked. NGOs report ongoing issues with inconsistent judicial application of the Labour Law and the domestic worker regulations, with some judges awarding employees with the rights contained within the full law, others with only those contained in the specific regulations.⁵⁷ In practice, this has resulted in some cases of domestic workers being denied rights contained within the Labour Law, such as receiving overtime payment and being permitted to take religious holidays.⁵⁸

50 Republic of Iraq, 2005 Constitution. Available from www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf, Article 37, p. 13.

51 Law No.28 on Trafficking in Persons, Iraq, April 2012, Available in Arabic from <http://goo.gl/FLTbWy>.

52 Tamkeen Fields for Aid, *An Analytic Review of Jordanian Legislation Related to Anti-Trafficking* (2015). Available from www.tipheroes.org/media/1534/an-analytic-review-of-jordanian-legislation-related-to-anti-trafficking.pdf; p. 7.

53 Tamkeen Fields for Aid, *Between a Rock and a Hard Place* (Tamkeen Fields for Aid, Amman, Jordan, 2012). Available from www.tamkeen-jo.org/download/between_rock_hard_place.pdf; p. 5.

54 Tamkeen Fields for Aid, 2014, p. 75.

55 Tamkeen Fields for Aid, 2014, p. 100.

56 That is, workers who have been recruited without a work permit, are working for an employer other than the one authorized, or are working in a field other than the one authorized.

57 Tamkeen Fields for Aid, 2012, p. 6.

58 Ibid.

Saudi Arabia is governed by sharia law, which mandates rulers to apply established principles and rules in promoting and protecting human rights, as prescribed in the Holy Koran, the Sunnah of the Prophet and Islamic jurisprudence.⁵⁹ The Trafficking in Persons (Offences) Act defines and prohibits all forms of human trafficking, and is largely consistent with the definition provided in the Palermo Protocol however, includes prostitution as an offence that is inconsistent with international law.⁶⁰ Article 3 prescribes penalties of up to 15 years' imprisonment and a fine of up to SRI 1 million.⁶¹ The Act details guidelines for the investigation and prosecution of a trafficking crime, including informing the victims of their legal rights in a language they can understand (article 15(1)), and admitting the victims to medical, psychological or social rehabilitation if necessitated (article 15 (4)).⁶²

Several aspects of the Labour Law (2005) increase the vulnerability of migrant workers. The provisions of the Labour Law (2005) do not apply equally to all workers in the Kingdom. Domestic "helpers", some sea workers and agricultural workers (other than the categories stated in Article (5) of the law) are excluded (article 7).⁶³ Many migrant workers in the Kingdom are employed in these excluded categories that leave them reliant upon additional regulations drafted by authorities (domestic worker regulation discussed below). The provisions of the labour code oblige employers of workers in these categories to: (a) incur the fees pertaining to recruitment of non-Saudi workers, including renewing residence and work permits and return tickets to the worker's home country at the end of the employment period (article 40); (b) pay wages and not withhold any part of the worker's wage (article 61). Article 9 stipulates that Arabic is the official language to be used for "work contracts"⁶⁴ and if the employer uses a foreign language besides Arabic, the Arabic text shall prevail. This increases migrant workers' vulnerability to contract substitution and may leave workers unable to understand the terms of their contract in Arabic. Many migrant workers have reported facing working terms and conditions different to what they agreed to in their home country.

Victims of trafficking in Lebanon are afforded some protection under Law No. 164 Punishment for the Crime of Trafficking in Persons. The law provides a clear definition of trafficking, defines victims of trafficking and prescribes penalties for traffickers of up to 15 years' imprisonment and payment of a fine (from 300 to 600 times the official minimum wage) (article 586.1).⁶⁵ Victims of trafficking are exempt from punishment under circumstances where they were forced to break the law or violate the terms of their residency, and there are provisions for confiscating the perpetrator's assets. Gaps in protection remain, however, as no assurance is given of the victim's right to present his/her view during criminal proceedings, or to be protected during the court proceedings. The law also states that a defendant may stay in Lebanon during the period of the investigation, but it does not require the issuance of a temporary residence permit to the victim for the duration of the legal proceedings.⁶⁶

59 Human Rights Council, Working Group on the Universal Periodic Review (Seventeenth session, Geneva, 21 October–1 November 2013), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Saudi Arabia, United Nations General Assembly, A/HRC/WG.6/17/SAU/1 (5 August 2013). Available from http://www.upr-info.org/sites/default/files/document/saudi_arabia/session_17_-_october_2013/a_hrc_wg.6_17_sau_1_e.pdf; p. 3.

60 Ibid.

61 Anti-Trafficking in Persons Law, Royal Decree No. (M/40) Dated 21/7/1430H-14/7/2009. Available from www.gulfmigration.eu/database/legal_module/Saudi%20Arabi/National%20Legal%20Framework/Anti-trafficking/1.2%20Anti-Trafficking%20in%20Persons%20Law_EN.pdf.

62 Ibid.

63 Labour Regulation, Royal Decree No. M/51 of 23rd Sha'ban 1426 (27 September 2005). Available from www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SAU&p_classification=01.02&p_origin=SUBJECT.

64 The law requires an employment contract detailing the name of the employer and worker, nationality, identification, wage agreed upon, type and location of work, date of employment, and duration of the contract if fixed.

65 International Centre for Migration Policy Development (ICMPD), Trafficking in Human Beings: A Stock-Taking Report (ICMPD, Vienna, Austria, 2013). Available from www.icmpd.org/fileadmin/ICMPD-Website/ICMPD_General/Publications/Stock_taking_report_on_THB_in_Lebanon.pdf; p. 35.

66 Law No. 164 Punishment for the Crime of Trafficking in Persons. Available in Arabic from www.protectionproject.org/wp-content/uploads/2010/09/Lebanon_TIP-Law_2011-Ar.pdf.

The Lebanese penal code also criminalizes offences related to trafficking, such as deprivation of a person's personal freedom through abduction or any other means, fraud, deceit, violence, threats and abuse of power, exploitation of the prostitution of others or any other forms of sexual exploitation,⁶⁷ and abandonment of a minor for money or use of a minor for purposes of prostitution. Protections for workers, such as the need for a contract, maximum hours of work (article 34), leave entitlements (article 36, 39 and 40), minimum wage (article 44), and timely provision of wages (article 47), are set out in the Lebanese Labour Code.⁶⁸ Domestic workers employed in private homes are among those⁶⁹ excluded from the Labour Code (article 7), although basic rights, such as free movement throughout the country (article 4 and 12), are granted under the Law of 10 July 1962 on entry and stay in Lebanon.⁷⁰

As an interim measure while discussions regarding new legislation for migrant domestic workers took place, the Ministry of Labour adopted a standard contract on 1 April 2009. As a result, it is a legal requirement for the employer and migrant worker to sign a contract, which sets out the rights and responsibilities of both employer and employee, in the presence of a notary public. This requirement falls short of providing any real protection for workers as details of work conditions, such as the actual monthly salary and the type of work and tasks involved, are usually not included in the contract. In June 2013, a Code of Conduct was launched to provide guidance to recruiting agencies in promoting and protecting the rights of migrant domestic workers in the country.⁷¹ While this is a positive step forward, the Code does not replace the safeguards contained within labour laws, leaving domestic workers still vulnerable to exploitation with few options for redress. The Ministry of Labour also regulates the work of agencies that recruit migrant domestic workers through Order No. 5; however, the ongoing abuses against this population of vulnerable workers suggest greater efforts to enforce these provisions are urgently required.⁷²

Addressing discrimination

There have been some limited attempts to address the prevailing discrimination against migrant workers. In Lebanon, one of ILO's activities under the Action Programme for Protecting the Rights of Women Migrant Domestic Workers, operated in conjunction with the Ministry of Social Affairs, focused on sensitizing employers to migrant domestic worker issues, with a strong focus on understanding the source of xenophobia and how to overcome it. Civil society continues to host events to sensitize local society to the culture of migrant workers; for example, Souk El Tayeb hosts migrant workers on a regular basis, giving them a platform from which to prepare their country of origin's cuisine and offering tasting opportunities to the Lebanese public. Similarly, Souk al-Ahad, an open market space where migrant workers are invited to sell products and food from their country of origin, provides a friendly environment to allow communication and interaction between the Lebanese host society and migrant workers.

67 Lebanese Penal Code, Articles 503–506. Available in Arabic from www.ilo.org/dyn/natlex/docs/ELECTRONIC/89873/103350/F300391946/LBN89873%20Arab.pdf.

68 Republic of Lebanon, Labour Code, 1946, Comprehensive English translation of the Lebanese Code of Labour. Available from www.ilo.org/dyn/travail/docs/710/Labour%20Code%20of%202023%20September%201946%20as%20amended.Publication%202010.pdf.

69 Other exclusions include agricultural corporations with no trade or industry connection covered under a separate law, family members employed by father, mother or guardian and civil servants (article 7, p. 2).

70 Republic of Lebanon, Law on the entry and stay in Lebanon, 10 July 1962. Available from www.ilo.org/dyn/natlex/docs/SERIAL/39234/97115/F1369890137/LBN-39234.pdf.

71 Office of the High Commissioner for Human Rights (OHCHR), Lebanon: a Code of Conduct to recruit migrant domestic workers, 29 July 2013. Available from www.ohchr.org/EN/NewsEvents/Pages/LebanonCodeOfConduct.aspx#sthash.MP56J7I3.dpuf.

72 Order No. 5 of the Ministry of Labour, 17 January 2003.

In Jordan, in July 2015, the IOM, in collaboration with the Government of Jordan's Ministry of Labour, invited famous Jordanian stand-up comedian Abu Alghoor⁷³ to use humour as a tool in sensitizing the general public and shedding light on the different abuses faced by migrant domestic workers in a YouTube video.⁷⁴ In the two months since it was uploaded, this video had received limited views; however, it signals an important step towards challenging prevailing attitudes towards migrant workers. Alternative ways in which the video can reach a larger audience are currently being explored.

In Egypt, an amendment to the Penal Code (Article 3 of Law No. 147 of 2006) was approved by the Parliament of Egypt to criminalize the incitement of discrimination against groups of people for reasons including race and origin;⁷⁵ however, the implementation of this code is not witnessed in practice. In fact, recent civil unrest has led to an increase in nationalistic feeling, sometimes resulting in discrimination against refugees and undocumented migrant workers by the general population, as well as the authorities. Aside from physical and psychological abuses, discriminatory practices have included charging higher prices for basic commodities such as bread to foreigners and serving Egyptians first.⁷⁶

Although some efforts have been made to address discrimination against women in the region, their unequal status prevails due to laws, policies and attitudes that discriminate against women. As set out in Chapter I, acceptance of violence against women continues,⁷⁷ and where legislation exists, it is unlikely to lead to significant change given provisions that reduce sentences for the murder of a partner or family member who commits adultery, or when the perpetrator is in a "fit of rage",⁷⁸ and the lack of implementation.⁷⁹ In some countries, the additional risks faced by female migrant workers who are victims of sexual assault or rape are highly likely to prevent reporting of these crimes. For example, in Saudi Arabia, migrant workers who report sexual assault or rape must meet the exact evidentiary standards required to prove the offence or will risk prosecution for illegal extramarital sexual relations.⁸⁰ As a result, female migrant workers remain largely unprotected from physical, sexual and psychological abuse and are at greater risk of exploitation and trafficking.

Governments need to urgently address the persistent discrimination against migrant workers, particularly female domestic workers, to combat the chronic prejudice experienced by this population.

73 Abu Alghoor (n.d.). In *Facebook* [Fan page]. Retrieved 5 October 2015, from www.facebook.com/Abu.Alghooooor?fref=nf.

74 Focus Marketing and Advertising, "IOM Migrant Workers Rights and Obligations Campaign", 12 July 2015, YouTube video. Available from www.youtube.com/watch?v=DSEIbBLIEQI&feature=youtu.be.

75 NGO Alternative Report to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, "Egypt: Protection of the Rights of All Migrant Workers and Members of Their Families", April 2007. Available from www2.ohchr.org/english/bodies/cmw/docs/eipr_fidh.pdf.

76 Integrated Regional Information Networks (IRIN), "Egypt: Refugees hit by discrimination, violence amid heightened nationalism", IRIN News, 24 November 2011. Available from www.irinnews.org/report/94294/egypt-refugees-hit-by-discrimination-violence-amid-heightened-nationalism.

77 Eisner and Ghuneim, 2013.

78 Articles 340 and 98 of the Jordanian Penal Code.

79 Amnesty International, *Amnesty International Report 2014/15 – Kingdom of Saudi Arabia Narrative*. Available from www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/.

80 "...the offence can only be proven through the perpetrator's confession or the testimony of four witnesses." See Human Rights Watch, 2008, pp. 20–21.

The role of the kafala system in preventing workers from leaving abusive employers without permission

The five countries of interest have all adopted the definition of trafficking in persons contained within the Palermo Protocol with some amendments – Egypt and Jordan added the offence of forced begging as a form of trafficking, while Saudi Arabia included prostitution (which is not a trafficking crime as defined in international law). However, the kafala system conflicts with the trafficking laws. The sponsorship system intensifies the means used to exploit migrant workers, increasing the risk of trafficking and undermining protection of migrant workers. The system facilitates the confiscation of identification and/or travel documents, an abuse of power that can lead to various other forms of exploitation of migrant workers such as limiting freedom of movement. In some countries, if exploitation occurs within the first month when a victim begins work, the worker has no right to break the contract and risks being forced to pay back a deposit that the employer may have made to secure him/her as an employee.⁸¹ This inability to break the work contract further increases vulnerability.

Isolation of workers is another area of concern. The isolation of live-in domestic workers and other migrants confined to the workplace, coupled with the reality of limited labour inspections, further heightens the vulnerability of workers to a range of exploitative practices. Domestic workers are particularly vulnerable due to the limitation in MENA to inspect private homes. This isolation also makes it difficult to report or seek help. One participant's explanation of her inability to make contact with people outside the house highlights this isolation:

She (the employer) took my mobile phone from me. I had no way to contact anyone about what happened in the house. The only person I spoke to was the neighbour's maid. She told me to run away.

The *kafala* system places a heavy burden on sponsors whereby they are responsible for the actions of the migrant workers they employ. This often results in employers treating employees as commodities and holding unfair work expectations from the side of the employer due to the expenses related to securing the employment of a migrant worker (such as recruitment fees and flight tickets). Again, this was supported in interviews with victims, with one participant noting:

When I complained I was not getting paid my salary, the madam said to me: "We paid a lot of money to bring you to this country. We will pay you when you are off probation." I did not know how long that would be.

These aspects of the *kafala* system have contributed to a lack of active identification among employed domestic workers whereby only those who leave the homes of their employers can be identified and access assistance. Protection is further undermined as there is no mechanism by which the relationship between abusers and victims can be broken. Having been sponsored by the employer, a victim's ability to seek redress is hampered as they

81 KAFA (enough) Violence and Exploitation, Policy Paper on Reforming the "Sponsorship System" for Migrant Domestic Workers: Towards an Alternative Governance Scheme in Lebanon, January 2012. Available from www.kafa.org.lb/StudiesPublicationPDF/PRpdf47.pdf.

require consent from employers to take such action; for example, a release paper from the employer is required to grant exit clearance. Further, victims are at risk of being placed in detention when their employer files a report against them. Such reports often claim that the employee committed theft offences. Exit clearance is pending when the victim's name appears on police report as a suspect. This is illustrated through the experience of one participant who explained:

When the police caught me, they took me to a detention centre. That's where IOM found us. The police knew our monies were taken so they said IOM would help us. But I was held in detention for 5 months and 15 days because my employer was trying to sue me for running away. She said I stole money from her.

In recent years, government stakeholders, international organizations and NGOs throughout the region have been calling for and contributing to reviews and alternative proposals to the *kafala*/sponsorship system. For example, the Government of Lebanon's Ministry of Labour have invited a group of NGOs to join a national task force and submit a proposal on possible amendments to the system. It is unclear what time frame the government will take reviewing this document and/or whether there is significant political commitment to adopt a new system. The task force intends to undertake awareness-raising and implement safety nets in the Labour Code prior to the lifting of migration bans. Some participants indicated that the *kafala* system would need to be reformed broadly across the region before a single country would adopt major amendments. However, this is a positive initial step, and cross-collaboration with the civil society sector is key to creating change and fostering inclusive policy replacements. The Ministry of Labour in Saudi Arabia has begun steps to redefine some of the terms linked to the *kafala* system and abolished certain practices by employers, such as withholding of passport, restrictions on freedom of movement (without being accompanied) and the freedom of transfer of sponsorship.⁸² The official ways of settling disputes, when informal negotiations between employer and employee have failed, is to refer the case to Labour Dispute Settlement Court.⁸³

Widespread practice of passport withholding

The widespread practice of employers retaining their employee's passport continues, despite recent enactment of laws prohibiting this practice in Jordan, Lebanon and Saudi Arabia. The withholding of passports is a crime under Jordan's passport law and holds a penalty of six months' to three years' imprisonment; a September 2013 amendment increased the financial penalties for the withholding of a passport.⁸⁴ In Lebanon, Order No. 142/1 of the Ministry of Labour dated 20 November 2003 makes it illegal for employers to confiscate workers' passports.⁸⁵ Participants in this study were not aware of attempts by authorities to enforce this order; however, a case in 2014 reveals a judge instructed the employer of an absconding Filipina domestic worker to return her confiscated passport

82 Saudi Gazette, "Labor Ministry to redefine 'Kafeel' system, ease transfers", last updated 15 May 2012. Available from <http://webcache.googleusercontent.com/search?q=cache:Zk0CNktZM3IJ:www.saudigazette.com.sa/index.cfm/index.cfm%3Fmethod%3Dhome.con%26contentid%3D20120515124148+&cd=1&hl=en&ct=clnk&gl=au> (accessed 20 October 2015).

83 US Department of State, 2015 Trafficking in Persons Report – Saudi Arabia. Available from www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm (accessed 29 September 15).

84 US Department of State, 2014 Trafficking in Persons Report – Country Narrative: Jordan. Available from www.state.gov/documents/organization/226847.pdf, p. 223.

85 G. Shahinian, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Mission to Lebanon, 4 July 2012, United Nations General Assembly Human Rights Council. Available from www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-41-Add1_en.pdf, p. 6.

and travel documents. In Saudi Arabia, neither the Trafficking in Persons (Offences) Act nor the Labour Law addresses the withholding of passports as a practice that may lead to the exploitation or forced labour of an employee.⁸⁶ In 2000, the Saudi Arabian Council of Ministers Decision No. 166 of 12/7/1421 AH regulating relations between migrant workers and their employers, prohibited the practice of withholding worker's passports; however, this is a separate and lesser offence than what is contained in the trafficking and labour laws. Despite the practice of passport retention being criminalized, the practice remains common. More can, and must, be done to ensure workers are able to retain their travel and identity documents.

MEASURES TO PREVENT PROSECUTION OR DETENTION OF VICTIMS

In many countries, victims of trafficking are arrested, detained and even prosecuted for offences, such as entering or leaving a country illegally, working without the necessary permits or getting involved in illicit activities such as prostitution.⁸⁷ Immigration or other laws may require local authorities to arrest people who are seeking to leave a violent or abusive situation. This has implications in reality for the willingness of victims to seek the assistance of officials, or their practical ability to exit a situation. It may also result in victims of crime effectively being locked up or detained, further compounding their trauma and victimization.

There is an increasing recognition that trafficked persons should not be criminalized for status-related offences.⁸⁸ For example, if a victim is forced to provide commercial sexual services under force from a trafficker, the person who is criminally responsible is the trafficker and not the victim. This is recognized in the Arab standards that refer to prevention of re-victimization. Also, the issue of detention or arrest of trafficked persons has to be approached incredibly carefully to avoid perpetrating further abuse. Key considerations arising from international standards are not only on whether the detention is lawful, but also whether it is arbitrary, in the sense of being unjust, unpredictable, unreasonable and lacking proportionality.⁸⁹

Very often, the arrest or detention of victims is not deliberate but can reflect a lack of consistency between the policy objectives of one arm of government (such as labour and immigration) with another (such as crime prevention). This underscores why, as noted in the Arab standard, it is critical that public policies on preventing trafficking in persons are in harmony with related policies and programmes in the fields of migration, education, employment, health, security, non-discrimination, economic development, child protection, gender equality, crime prevention and human rights protection.

Unfortunately, there is no country of interest in this study with sufficient systems or procedures in place to ensure victims are not treated as criminals. Almost all respondents confirmed the tendency to detain absconding workers for breaching their employment and residency status, prior to screening for evidence of exploitation. Some government officials believed the international discourse about abuse of domestic workers in MENA was encouraging "bad people" to migrate to the region where they could exploit their employer by not doing their job properly or stealing from the house. Other respondents disagreed with this,

86 US Department of State, 2015 Trafficking in Persons Report – Country Narrative: Saudi Arabia. Available from www.state.gov/documents/organization/226848.pdf, p. 333.

87 Gallagher, 2010, p. 283.

88 Gallagher, 2010, p. 290.

89 Gallagher, 2010, pp. 291–92.

saying it is usually an employer's shame about a fleeing worker and the risk of having their private life disclosed to authorities that encourage employers to make counterclaims of "theft". Regardless of the reason, the result is often a vulnerable and traumatized worker spending months in detention awaiting sentence, in cases where it usually boils down to "his word against hers". Law enforcement must urgently create adequate screening processes so victims of trafficking are not re-traumatized and criminalized.

Victim identification

The prompt and accurate identification of victims is the critical entry point to any protection system. Without proper identification, victims of trafficking may be mistaken for irregular migrants and summarily deported or put in detention facilities without being properly identified. Indeed, without victim identification, any other response to human trafficking may be ineffective:

By failing to identify trafficked persons correctly, States effectively and permanently deny victims the ability to realize the rights and protections to which they are legally entitled.*

* Gallagher and David, 2014, p. 577.

Trafficking victims are victims of serious crimes and likely to have immediate and acute physical, sexual and psychological health needs. Further, these experiences often require particular security arrangements and procedures since the service delivery organization personnel assisting them are themselves exposed to particular risks.⁹⁰

An individual may identify one's self as a victim, or identification may be made by any number of entities who come into contact with the migrant, such as NGOs/international organizations, embassy/consulate staff, government agents in the receiving country (police officer, general security, labour inspector) or other agencies, such as recruitment agencies, migrant communities, faith-based communities, among others. Identification makes possible the referral of a victim, or potential victim, to an agency that can more fully assess their needs and provide available services, for example, IOM under the PAVE project.

Victim identification training in the PAVE Project

In 2014, IOM Jordan hosted a regional policy dialogue, bringing together government, NGO and international organizations from the five target countries and Kuwait. Several common policy issues on protection mechanisms were identified in all six participating countries, particularly the lack of proactive identification of victims of trafficking.

90 IOM, 2007, p.17.

To facilitate knowledge exchange on good practice, a study visit to Belgium took place in 1–5 December 2014, and involved Naif University for Security Sciences (Saudi Arabia), a representative from the Jordanian Women’s Union (JWU), and 11 senior government officials from Iraq, Jordan, Kuwait, Lebanon and Saudi Arabia coming from various ministries, including Justice, Labour, Interior and Social Affairs, as well as Human Rights Commissions and Counter- trafficking Units.

PAVE participants were educated in effective victim identification responses based on the Belgian model, particularly the necessity of building expertise between multiple stakeholders. Best practice in victim identification was presented as follows:

Victim identification: Specialization among different entities who may come across a case of trafficking helps to better identify victims of trafficking and the crime at an earlier stage. Specialized magistrates in human trafficking should be assigned to properly identify victims and recognize a person as a victim. Upon identification of the potential victim, steps should be taken by the front-line person:

- Inform the magistrate to initiate the investigation: Prosecution may be led by specialized magistrates who regularly meet with the specialized team working on a trafficking case to discuss it (federal police, social inspectors, immigration officials and others).
- Inform the immigration department.
- After seeking consent, refer the person to the shelter for assistance so he/ she can be protected under the Belgian system.

Further information about activities under the PAVE Project is set out in Appendix B.

In Jordan, there has been a concerted effort to train law enforcement officials, labour inspectors, and in particular high-risk areas, the public, on victim identification. IOM have conducted trainings in partnership with the government, both as part of the PAVE Project and in broader programmes assisting highly vulnerable communities. Throughout 2014, capacity-building workshops were held for Jordanian officials in Mafraq, home to the largest Syrian refugee camp, Za’atari, to educate authorities on identifying victims in the increasingly urgent, multifaceted trafficking situation emerging in this community. The ILO have also organized training for labour inspectors, police officers and prosecutors on how to identify and respond to cases of forced labour and trafficking,⁹¹ including operating the Decent Work Programme educating authorities on the provision of fair labour standards.⁹² Other international and local organizations, such as the American Bar Association and Tamkeen Fields for Aid, have also conducted smaller trainings with officials.

In Lebanon, the PAVE Project has actively sought to bring together relevant ministries to ensure all stakeholders’ objectives and activities are coordinated in the identification and referral of victims. A government representative indicated this was the first time such collaboration had occurred, and has led to improvements in victim identification and increased referrals of potential TIP victims to IOM’s direct assistance programme. Under the PAVE programme, many trainings have been provided to a variety of key stakeholders by many different organizations in various forms. The NGO sector has been

91 Jordanian officials receive training to combat human trafficking and forced labour, two-day workshop on 28–29 October 2015. Available from www.ilo.org/beirut/events/WCMS_224077/lang-en/index.htm (accessed 29 September 2015).

92 Decent Work Country Programme (2012–2015), The Hashemite Kingdom of Jordan, ILO Regional Office for the Arab States, March 2012. Available from www.ilo.org/public/english/bureau/program/dwcp/download/jordan.pdf.

actively coordinating with immigration and police officers to provide sector- and issue-specific training on victim identification. Caritas have trained the General Security officers on identifying potential victims at the international airport. Lebanon is working towards a National Referral Mechanism (NRM) to further streamline victim identification and assistance. An ongoing barrier to victim identification is the timely requirement for a legal process to formally identify victims of trafficking. Early screening by NGOs would better identify trafficked persons and spare the cost in time and money imposed by the legal system.

Victim identification remains problematic in Saudi Arabia. The Government has distributed victim identification guidelines to officials, but it is unclear whether sufficient training has reinforced these guidelines. The continuing arrest, detention and deportation of migrant workers with no systematic screening for victims of trafficking is indicative of the urgent need for training and mechanisms to support victim identification. The reluctance to allow the operation of international and local NGOs in Saudi Arabia prohibits the delivery of training to officials.

Iraq is failing to proactively identify trafficking victims and lack formal written procedures to guide officials in the identification of victims among high-risk persons with whom they came in contact, such as undocumented foreign migrants and women arrested on prostitution charges.⁹³ Initial government-led trainings, supported by IOM, are introducing officials to basic victim identification methods and screening procedures; however, ongoing security issues and budgetary constraints hinder the widespread dissemination of training, particularly to officers in high trafficking risk areas in Northern Iraq.

Similarly in Egypt, victim identification efforts are focused in city centres, with few people found outside of these areas. IOM continue to conduct awareness-raising and education sessions with judges, prosecutors and police personnel to strengthen the capacity of government ministries in identifying and protecting victims. In addition to working with government officials, IOM is training NGOs on victim identification to increase the capacity of front-line workers in identifying victims of trafficking and exploited migrants.

The establishment of hotlines that victims or concerned citizens can ring for advice and emergency response is a critical part of ensuring victim identification. Egypt, Iraq, Jordan, Lebanon and Saudi Arabia have all established hotlines⁹⁴ that migrant workers can call to report abuses or emergencies, file complaints, seek guidance and others. However, the level of effectiveness of these hotlines varies greatly across the countries.

In Egypt, the National Council for Childhood and Motherhood (NCCM) operates under the Ministry of State for Family and Population and has a special unit for combating trafficking of children and rehabilitating victims of trafficking. As the administrator of the victims of trafficking shelter, NCCM screens incoming cases that are reported first through the hotline (16021), to ensure these are eligible for the services as victims of trafficking. In many cases, they reject potential victims who are classified as vulnerable migrants or vulnerable Egyptians but not victims of trafficking.

The Government of Iraq operates a hotline (533), which is advertised on State television and various ministries' websites; it received 41 calls in 2014. The Kurdistan Regional Government also continued to operate the hotline it established in 2013 for workers to report labour

93 US Department of State, 2014 Trafficking in Persons Report – Country Narrative: Iraq. Available from www.state.gov/documents/organization/226846.pdf (accessed 29 September 2015), p. 212.

94 It should be noted that the term "hotline" has been used to signify both lines that function 24 hours a day, every day of the week, as well as those that only function during working hours.

violations and abuse, receiving 5–10 calls per day, but did not report the identification of any victims of trafficking.⁹⁵

The Government of Jordan's Ministry of Labour has operated a Migrant Worker Hotline since 2006 for workers seeking help or reporting abuse. Operators are trained by the IOM and voice-overs are available in some source country languages (English, Mandarin, Bahasa, Tagalog and Sinhalese). The hotline is toll-free and operates during daytime hours, with an answering machine picking up calls after 3:00 p.m.;⁹⁶ however, it does not maintain a complete record of calls received. Despite its availability, it is not very effective because most migrant workers do not know of its existence. Most cases are referred through labour inspection campaigns, embassies, NGOs and international organizations. In addition to the efforts of the Ministry of Labour, the Counter-trafficking Unit has a hotline that is accessible 24/7.⁹⁷ NGOs such as JWU also offer a hotline to provide confidential information for vulnerable or abused women where they can access legal, social and psychological counselling. With gradual improvements to living conditions of domestic workers, the majority of workers now have cell phone access, but according to NGOs, this has not resulted in an increase of calls to protection hotlines.

In Saudi Arabia, the police operate a 24-hour anti-trafficking hotline in Arabic and English. In addition, in 2014, a hotline to receive labour dispute complaints was established by the Ministry of Labour with operators that speak multiple languages.⁹⁸

The Government of Lebanon operates several hotlines. One hotline, operated by the Ministry of Labour, was recently upgraded to become available for all workers 24/7 whereby calls are transferred from the hotline number (1740)⁹⁹ to the mobile phones of six social workers outside of working hours. There is also the General Directorate of General Security hotline, which was established in 2014, and is available 24/7 in Arabic. Government representatives indicated that the indicators for hotline operators to identify victims have recently improved, providing clearer guide for operators. NGOs, such as Caritas and KAFA, also maintain hotlines. This is an area currently under development; in early 2015, a memorandum of understanding was signed between Caritas and the Ministry of Justice regarding an upcoming project to implement a hotline at the Ministry of Justice, to be accessible 24/7.

Particular efforts should be made to assess the efficacy of established hotlines. Hotlines are a central tool to initially identify victims, deliver real-time information and support, and alert relevant authorities of potential cases. Ensuring victims are aware of hotline existence, that operators are available 24/7 with translating or multi-language facilities, and referral mechanisms are in place post-conversation are essential to ensure adequate victim support. Efficacy concerns about the operation of government-run hotlines raised by NGOs in this study, in addition to a lack of transparency about how many cases are identified by hotlines, suggest independent reviews of functionality be conducted.

Despite participation in training programmes on the identification of victims, and positive initial signs of greater awareness of the problem and how to detect and respond to it in practice, it is clear that significant efforts from all key stakeholders are still needed to

95 US Department of State, 2015 Trafficking in Persons Report – Iraq. Available from www.state.gov/j/tip/rls/tiprpt/countries/2015/243458.htm (accessed 14 August 2015).

96 Government of Jordan, Ministry of Labour, Hotline. Available from <http://mol.gov.jo/Pages/Hotline.aspx>.

97 Roya News, "معالجة 109 ضحايا الاتجار بالبشر" (109 victims of human trafficking cases handled up until mid-year") (in Arabic), last updated 16 September 2015. Available from <http://goo.gl/Mjk4TG> (accessed 20 October 2015).

98 US Department of State, 2015 Trafficking in Persons Report – Saudi Arabia. Available from www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm (accessed 29 September 2015).

99 Lebanon Ministry of Labour, Contact details. Available from www.labor.gov.lb/_layouts/MOL_Application/ContactUs.aspx?lang=ar (accessed 29 September 2015).

ensure victims are actively identified. In comparison to estimates of the number of people living in situations of forced labour, only a fraction of victims are identified, hindering provision of victim services and prosecution of traffickers.

This lack of identification can be partially attributable to the infancy of many counter-trafficking units and initiatives. One participant described his department as taking “baby steps” to detect cases – “every entity starts slowly. In a year we most definitely will know more than we do now”. A challenge will be converting knowledge into practice. Almost all respondents indicated the disproportionate attention on identifying cases of sexual exploitation, with very few able to provide examples of cases identified by the police for forced labour.

Victim support

Broadly considered, victim support includes measures providing for physical, psychological and social recovery of victims of trafficking.¹⁰⁰ Operational experience confirms that while this includes immediately addressing basic needs, it also requires focus on recovery. The recovery phase is necessary for psychological and medical stabilization and to provide victims with the opportunity to reflect on their options in a safe and secure environment before making significant decisions; it feeds into the principles of empowerment and self-determination. This time is also required for administrative procedures related to assisted voluntary return or onward referral of the victim to the appropriate authorities. Any service delivery organization must always receive the victim’s informed and voluntary written consent before proceeding to offer any type of assistance.

Some forms of assistance may need to be provided before full screening to help stabilize the victim. The case worker should develop an individualized case management plan for each victim. The services and assistance that might be needed include a safe and secure place where the victim can reside, in addition to a basic needs package, counselling (individual or group), physical and mental health care, psychosocial care, legal assistance and recreational activities.¹⁰¹ Once the safety of the victim has been secured and she or he is psychologically and medically stable, an IOM official or designated service provider can help develop an individual plan to assess future options.

With increased awareness of trafficking in the MENA region, different types of support from civil society, international organizations and government entities have become available and more accessible, though many are still in their infancy. Regional and smaller-scale national trafficking projects and activities have been funded from external and local donors to amplify efforts in counter-trafficking. Jordan and Lebanon have progressed more quickly when it comes to implementing the necessary preventative and protective measures. Saudi Arabia, due to government restrictions and sensitivities surrounding the topic, as well as Egypt and Iraq, due to their respective turbulent political situations and related infrastructural challenges, have been slower in making improvements. A summary of key services is presented in Table 4.

100 UNODC, United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNODC, Vienna, Austria, 2004). Available from www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf, Article 6(3). See further, Gallagher, 2010, p. 306.

101 IOM, 2007, p. 170.

Table 4: Overview of support services available across the region

	Egypt	Iraq	Jordan	Lebanon	Saudi Arabia
Shelters	✓ Shelters only available to female victims of trafficking	✗ A shelter is currently inactive, waiting on funding for refurbishment	✓ Shelters available through NGOs and embassies, but the government shelter remains to be opened	✓ Shelters available through governments, embassies and NGOs – but not specific to trafficking	✓ Shelters available to women and children but not specific to trafficking victims
Psycho-social support	✓	✗	✓ Psychological support only provided by NGOs and international organizations	✓ Psychological support provided by NGO Caritas through a contract with the Ministry of Justice	✓ Psychological support only available for women and children admitted to a shelter
Medical	✓ Provided by NCCM shelter	✓ Provided by NGO, international organizations and embassies	✓ Provided by NGO, international organizations and embassies Access to general hospitals free of charge and available to all victims of violence regardless of nationality	✓ Medical support provided by NGO Caritas through a contract with the Ministry of Justice	✓ Medical support only available for women and children admitted to a shelter
Assisted return	✓ Through IOM or embassy	✓ Through IOM or embassy	✓ Through IOM	✓ Through IOM or embassy	✓ Through IOM and sometimes government sponsor
Hotlines	✓	✓	✓	✓	✓
Legal support	✓		✓ No government-provided or -funded legal support but help available from NGOs	✓ Legal support provided by NGO Caritas through a contract with the Ministry of Justice, KAFA, AMEL, Insan, Abaad	

Within the region, one of the promising practices beginning to emerge is the use of case conferencing. Case conferencing brings together relevant specialists to determine the best course of action for a victim or their dependants.

Case study: Rose and Petal from the Philippines, Story of a victim and her child

After being authorized to travel by a recruitment agency, Rose learned that she was pregnant and trapped in a debt bondage situation with a recruiter, who expected her to get an abortion. To make matters worse, she was deceived about her destination, type of work and salary. Refusing an abortion, the recruiter's exploitative plan was ruined by Petal's birth, shortly after Rose's arrival in Lebanon. However, this meant that Rose found herself unemployed and hopeless. Despite the private sector's positive involvement whereby the hospital where she was being treated covered all her medical expenses, she attempted suicide several times, and eventually her health deteriorated to the point where she died.

Without a legal guardian, planning for Petal's future was complicated and required the intervention of several local experts to address victim and child protection considerations and devise a comprehensive plan for her return to the Philippines and long-term care. In parallel, there was coordination with the Department of Social Welfare and Development (DSWD) in the Philippines to determine Petal's best interests. Once Petal's family was traced and an assessment of their eligibility to care for her was made, the DSWD determined that Petal should be reunited with her maternal family. However, after her escorted return, Petal's maternal family decided to sign a Deed of Voluntary Commitment, making her now legally available for adoption. This case provided a strong example of the benefits reaped from case conferencing.

As evidenced in the case study above, even though Lebanon lacks a formal process to determine the best interest of a child in danger and a NRM to assist and protect victims of trafficking, the engagement of the various concerned entities in helping and assisting with the case was a good indicator for promising future developments. The case conferences were used as a medium for each entity to share knowledge and expertise related to the victim and their child's protection. A key strength of this approach is found in the different expertise that various trafficking and child protection entities bring to the process and crucial to ensuring a comprehensive approach to victim assistance.

NRMs advocated for through the PAVE Project provide a framework for all stakeholders to work collaboratively in identifying victims and ensuring they receive appropriate support. These also allow countries to collect quality data about victims, which may allow governments and service providers the ability to monitor the scope and trends of trafficking in their country to inform good policy and funding. Of the countries of interest in this study, only Egypt has adopted an NRM, which was not yet effectively operational; however, Jordan has drafted and consulted on the first draft of its NRM and is proceeding with a second draft. Plans for creating an NRM in Lebanon are ongoing, but at the time of writing, no mechanism exists.

Despite the availability of the support services summarized above, there are still gaps in the victim protection services, with no governments providing comprehensive services. Comprehensive assistance is being provided by IOM. Following referral, IOM

staff determines the individual's trafficking status based on a standard screening form, developed based on indicators of human trafficking also defined by the Palermo Protocol. Individuals who are identified as having been trafficked are provided with comprehensive assistance that may include assisted voluntary return, legal assistance, recovery assistance and reintegration. Reintegration takes various forms, such as financial assistance, economic reintegration, recovery and education, according to the individual's needs.

Shelter and support services for migrant victims of exploitation tend to exclusively support women and children, leaving men with limited opportunities to seek support. A lack of clear avenues to seek support resulted in over half the PAVE Project beneficiaries finding their own way out of their trafficking situation.

In some countries of interest such as Lebanon, migrants who were working in Syrian Arab Republic and assisted across the border may find difficulty accessing the PAVE project itself in cases where the government mandates a limited transit time, which is usually 24 hours. This short period means that little time is available for PAVE to make a final assessment on whether a person is a victim of trafficking. Although IOM seeks to rapidly increase the response time, and utilizes tools such as trafficking indicators and forms in the process of assessment, the limited time allowed makes thorough assessment difficult.

Legal assistance, participation and right to remain

Victims of trafficking may be in very precarious legal situations.¹⁰² Some victims may have entered the country of destination within travel ban periods effectuated by their country of origin and as a result may be undocumented, risking detention or deportation. It is critical that this does not result in victims of trafficking going further "underground" and out of reach of help. They may also have rights and entitlements to recover things such as unpaid wages or illegally charged fees, and could also be critical witnesses in an investigation or prosecution. These realities point to the importance of providing legal assistance to victims of trafficking.

Exploited migrant workers and trafficking victims cannot currently access legal residency or work permits if they wish to remain in any of the countries of interest to pursue a case against their employer. This deters workers from accessing justice and eliminates their options for compensation, which is particularly problematic given the high rate of non- and partial payment of wages victims supported through the PAVE programme experienced.

A concerning finding of this report is the number of victims who said they were encouraged by embassy/consulate staff not to pursue criminal cases against their employers because trials are lengthy, and there was no guarantee of a successful outcome or compensation. Indeed, accessing compensation for any sexual, physical or psychological abuse suffered by the victim remains exceedingly difficult to obtain across the five countries. For those victims who receive compensation, usually with the support of NGOs, there is the practical challenge of accessing that money if they have been deported from the country. NGOs often face the challenge of cooperating with embassies to reach deported workers, which can take many months. In Jordan, NGOs are unable to keep compensation money beyond one year.

102 Gallagher, 2010, p. 321.

Case study: Egypt Sally from Sri Lanka

Sally was separated with three children at the time of her recruitment by a shop owner previously unknown to her. She entered Egypt with valid travel documents in 2010. The victim reported continuous abuse by her employer and was beaten for asking for a break. She suffered from psychological abuse and once tried to throw herself off the balcony. She used to work for 20 hours a day with no rest and no days off. Her passport was confiscated, and her salary was withheld for several months. Even though Sally showed signs of physical abuse, she refused to file a complaint.

Responding to the specific needs of child victims

Unfortunately, case files from the IOM PAVE project confirm that children have been trafficked into the MENA region. They can be exploited in the same way as adults (for example, in domestic work), but they can also be exploited in ways that are more particular to children (such as forced child begging and forced early marriage).¹⁰³ Children who are victims of trafficking have specific, additional protection needs. The UN Trafficking Protocol requires States to take into account the needs of child victims, when considering measures to assist and protect victims.¹⁰⁴

As a practical measure, it can often be difficult to ascertain the age of children, particularly when unaccompanied. They may not know their age, or they may even falsify their age if they fear getting into trouble. The Legislative Guide to the UN Trafficking Protocol suggests that where a person's age is unclear, and there is reason to think they may be under 18, it is advisable to treat them as a child in accordance with the Convention on the Rights of the Child until their age is verified.¹⁰⁵

Repatriation

The UN Trafficking Protocol requires repatriation from destination States to “be conducted with due regard for the safety of the person and for the status of any related legal proceedings” and to “preferably be voluntary”.¹⁰⁶ To ensure people are not returned to harm, it is vital that this obligation is considered alongside obligations not to return the refugees to situations where they may be harmed.

Within the target countries, the governments do not have any processes in place that they themselves apply. Repatriation is undertaken, with the agreement of governments by IOM.

IOM's primary concern is to provide voluntary and safe travel and/or transfer for victims from their host country to their country of origin or another destination of their choosing where feasible. It should be ensured that each assisted voluntary return respects the

103 IOM, 2007, p. 207.

104 UNODC, United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNODC, Vienna, Austria, 2004). Available from www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf; Article 6(4).

105 UNODC, Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocol thereto (New York, 2004). Available from www.unodc.org/pdf/crime/legislative_guides/Legislative%20guides_Full%20version.pdf, p. 289.

106 UNODC, United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNODC 2004). Available from www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf, Article 8.

individual rights of each beneficiary, can be facilitated safely and is sustainable. Special procedures are in place and must be taken into consideration for the return of minors. This phase will include risk assessment and a mitigation plan, along with specific procedural guidance to be followed at both the host country and country of origin for whomever may be assisting in receiving the victim.

Preventing re-trafficking through reintegration

The Arab Strategy refers to the need to prevent re-victimization. One of the ways this can be better ensured is through provision of reintegration assistance.

This process applies to victims who are returning to their country of origin (reintegration), as well as for those who have been granted the right to stay in the country of destination or transit or to a third country (integration).¹⁰⁷ The aim of the reintegration process is to provide for a victim's safe, dignified and sustainable reinsertion into society and a normalized life.

Reintegration assistance can complement immediate direct assistance provided (to meet critical needs) during screening and immediate rehabilitation process, and can include:

- Medical and psychological care;
- Counselling;
- Financial assistance;
- Legal assistance;
- Reinsertion into the educational system;
- School reinsertion and vocational training;
- Micro-enterprise and income-generating activities;
- Job placements, wage subsidies, apprenticeship programmes;
- Shelter assistance or other accommodation; and
- Orientation on their rights and responsibilities.¹⁰⁸

To proceed with reintegration, an initial pre-departure plan must be designed for each victim; this should be followed by individual and situational assessment in coordination with relevant entities in the country of origin who are in the best position to inform about the context in which the victim will be operating.

Building on these assessments, a comprehensive reintegration plan can be developed for implementation. It is important that the receiving mission helps the victim set realistic goals suited to personal needs while keeping in mind the available opportunities in the country and specific area where reintegration will take place. It must also be based on actual services that the receiving mission can provide.¹⁰⁹ It is recommended to have a written reintegration plan that includes and addresses the following components:

- Family mediation/reunification;
- Medical/health;
- Financial (reinstallation grants, family, dependant's support grants);
- Legal;
- Education/vocational training/apprenticeship;
- Income-generating activities; and
- Security.¹¹⁰

¹⁰⁷ Integration assistance will be provided on exceptional basis for very specific cases with fear of return from the exploiter.

¹⁰⁸ IOM, 2007, p. 87.

¹⁰⁹ Adapted from IOM, 2007, p. 83.

¹¹⁰ IOM, 2007, p. 84.

Case study: Cambodia, Reintegration account

A group of seven men were recruited by a personal contact to work as a factory driver in Saudi Arabia, where they were deceived about the work conditions and did not sign any contract. They ended up locked up in the factory, unable to leave from fear of being beaten and found that their salary was being deducted without clear reasons. After eight months of these unfair conditions, they managed to access assistance and were returned to Cambodia shortly thereafter. All seven decided not to file any complaint against the broker and initially viewed their situation as “bad luck” rather than trafficking in persons, simply because they were not aware of the concept. It also proved difficult to provide them with business training because all except one were illiterate, so they were given technical support along the way.

Upon their return, all the men decided to design business plans for a cassava plantation, except from one who decided to set up a motorbike washing service. The latter had previous experience in this livelihood with his siblings, and hoped to do the same building on their existing network. When filling out the business plan forms, victims are encouraged to assess the aspects that will help their businesses grow and be successful. He also determined that to set up his business, he needed an engine generator to pump the water to wash bikes and a pressurized air tank to get rid of the water and dry them. His ambitions include maintaining a good service, growing his business and opening a coffee shop where clients can wait.

Of the other six individuals, only four decided to go forward with the cassava plantation; several questions were asked as part of an assessment of the context they would be operating in: Is there any special way for planting cassava specifically? Are there techniques that need to be implemented to increase yields? Any risks associated to climate change, any measures put in place to address these risks? Any specific advantage related to the location they are considering (near a river or any other source of water...)?

Instead, the other two individuals chose to purchase cows and raise these close to their families, a choice that fit their current skill set more closely and allowed them to earn more for less effort. This shows the importance of some measure of flexibility in designing business plans and allowing victims sufficient time to consider their options, keeping in mind the limitations of their country of origin, skill set, funding and sustainability.

The final, but equally important stage, is monitoring the victim’s integration or reintegration progress to ensure that as far as possible, the victims are coping and able to sustain their livelihoods.

Significant improvements to reintegration support are required to avoid the risk of re-trafficking of migrant workers returning to MENA. Some victims indicated that they did not want to return to MENA, but with limited or no employment opportunities at home, felt they may have little choice in the future.

Victims interviewed for this study indicated they needed more frequent support from NGO staff, more financial assistance to establish a livelihood/business, and further training on how to conduct a business. It was also apparent that some victims needed more psychological

support, with the one-day counselling session upon return to the home country proving insufficient to ensure a sustainable reintegration. IOM staff suggested restructuring the reintegration programme to help beneficiaries overcome their exploitation and enhance their skills before getting engaged in business activity.

Business training to victims

In late 2014, specialized civil society stakeholders were involved in the recovery process of a group of victims from the Philippines who were identified in Lebanon. Following their recovery, and with the technical and financial support of IOM, the Philippine Embassy led a business training seminar in collaboration with local NGOs to empower the victims and prepare them for reintegration.

Reflecting on the assistance provided, participants expressed that they felt morally uplifted and encouraged to think positively about a brighter future for them and their families despite having had a negative experience in Lebanon. One participant noted:

I have learned so many things, including that I can work in my country and become rich and successful. I don't need to leave my country to become someone. I feel more confident now that I am a businesswoman.

The chance to take part in a seminar to improve their livelihoods and alleviate the poverty they would face upon return was very important to them. The women felt empowered by the idea of creating something of their own, perhaps even becoming self-employed. Treatment with respect, politeness and sympathy, without discrimination or racism, combined with a supportive learning environment was a key part of their assistance.

Many of the victims benefited from joining together to share their experiences for this study, and in doing so, reducing their feelings of isolation. This led the researchers to ask whether victims would like more opportunities upon reintegration to meet with other victims. Some participants in Ethiopia suggested opportunities to work together with other victims in a business established by an NGO. They said this would be more beneficial than expecting them to establish a business of their own due to administrative costs that drain most of the funds available; these include business licences, government taxes and the monthly rent. Suggestions for the type of business that could be jointly managed included a restaurant or beauty salon. Sharing these costs among two to three persons would allow them to keep the business open for longer and reduce the chances of the business failing – a risk that greatly discourages victims from trying to find other opportunities at home and leads to hasty attempts to re-migrate.

When this idea was posed to victims in the Philippines, however, most declined the suggestion because many were living scattered across multiple islands and would not wish to live in the capital city where they assumed such a business would be based. This different outcome to the same conversation in both countries highlighted the distinctly unique needs of different nationalities. While Ethiopian victims were eager to remain in Addis Ababa to make a living – as many faced stigmatization in rural villages and guilt for returning home without wages – the Filipinos wanted to remain in their own communities. This is an important learning

for practitioners in MENA providing vocational training to victims. Despite commonalities in the needs of victims (psychosocial support, financial and legal assistance, medical care), significant attention should be paid not just to the individual work the victim could perform, but how that work will instil a sense of belonging in the community. As this example shows, this may vary depending on the nationality in question.

LABOUR- AND IMMIGRATION-RELATED MEASURES

Amnesty periods

Amnesty periods allow a restricted time period, usually following inspections or raids of specific work zones, for migrant workers who are in conflict with the law or labour policies to correct their situation, and for facilitating the safe and voluntary return of migrants. For example, a migrant worker may correct the situation by paying overstay fines, renewing residency or work permits or registering a change in employment or employer depending on the regulations of each country or facilitating exit clearance for those who wish to return. However, it is worth keeping in mind that employers' tendency towards abuse of power can in some cases result in false police reports filed against the victims, resulting in a victim being denied exit from the country until legal proceedings take place.

In February 2015, the Government of Jordan's Ministry of Labour launched a two-month inspection campaign to identify migrant workers in violation of the Labour Law. During this time, amnesty was granted to migrant workers so they could obtain work permits.¹¹¹ Recent amnesty periods have included outreach to migrant workers and their embassies and waiving of overstay fines and fees for renewing expired work permits.¹¹² This may help ensure that some undocumented workers can regularize their employment and residency status.

Saudi Arabia has also exercised the use of amnesty periods most recently in March 2015 as a means to rectify the irregular status of migrant workers in the country or amend the details of their type of work or location according to their current position, prior to effectuating to deportations.¹¹³

Although not sufficient protection policies when considered on their own, amnesty periods can be an important recourse in the absence of mechanisms to protect migrant workers from being detained or deported, particularly if their situation is the result of being trafficked or exploited. If labour inspectors and front-line officers responsible for conducting sweeps for irregular migrant workers are trained to identify victims of trafficking or exploitation, this could be an added branch to NRM.

111 Philippine Overseas Employment Administration, "Jordan Amnesty Program for All Foreign Workers", Advisory No. 09 Series of 2015. Available from www.poea.gov.ph/advisory/2015/Advisory-09_2015.pdf.

112 US Department of State, 2015 Trafficking in Persons Report – Jordan. Available from www.state.gov/j/tip/rls/tiprpt/countries/2015/243464.htm.

113 M. Al-Shihry, "Fresh opportunity for illegals in Saudi Arabia to correct status", Saudi Gazette, Riyadh, 17 February 2015. Available from <http://english.alarabiya.net/en/News/middle-east/2015/02/17/Fresh-opportunity-for-illegals-in-Saudi-Arabia-to-correct-status.html>.

Regulating payment

United Arab Emirates' Wage Protection System

In 2009, the United Arab Emirates adopted an electronic wage protection system (WPS) to address frequent reports of non-payment of wages by ensuring workers are paid their salaries on time and in full. All companies that employ 100 workers or more are required to adhere to the WPS guidelines. The Ministry of Labour monitors the system and receives confidential complaints (either through a website or call centre) from workers who wish to report delays or withholding of their salaries. Employers who are found to breach the WPS guidelines by delaying or failing to pay wages may be subject to a fine of 10,000 dirhams for each worker and a maximum of 5 million dirhams. Defaulting companies also become ineligible for new work permits. By the end of 2013, almost 3.6 million workers received wages through the WPS. The adoption of this system has seen a notable reduction in payment-related complaints, and provides electronic evidence for a worker who wish to dispute payment, which was previously problematic to prove for cash payments.

I was told my employer was Egyptian. I was told I had a contract for four years. But for two years, I was not paid any money. In the contract, it said I would get a salary increase after six months. Not only did she not increase my money, I never got any salary. I told her to send me back to Ethiopia or give me my money or send me back to the recruitment office. But the lady didn't want any of the three options. So I told her I would no longer work in the house. I stopped doing any work and sat there because we were having this fight. Usually when the lady goes out of the house, she locks the door. But one day she left the door open, and I ran away. I had worked there for two years with no money.

I was getting abused in the house. One day, the lady took me to the supermarket to get some stuffs. And I took this chance to run away. I didn't have time to take my salary. In comparison with the second lady, the first lady was a saint. The second lady verbally abused me; she used to scream at me. I only had USD 400 after working for her for one year and two months.

These accounts, which are only two of several shared by participants in this study, highlight the need to enforce the payment of wages. Enforcing and regulating bank transfers or mandatory receipts for payment can help minimize the incidence of non-payment of wages and late or withheld salaries that contribute to the exploitation of migrant workers. In both Jordan and Lebanon, bank transfers for payment of migrant domestic workers' salaries have been proposed at the government level. These are currently being implemented in Jordan according to government consultation with stakeholders (not all participants were in agreement about whether this was being effectively implemented);

however, applying the practice to other types of migrant workers in Jordan, for example, Egyptian agricultural workers, wasn't considered feasible, as the workers are in areas so isolated that they do not have access to banks and therefore cannot withdraw these funds. In Lebanon, this remains an option and is being advocated for on several fronts, including by the ILO.¹¹⁴ Saudi Arabia has implemented a WPS that requires companies in the private sector to electronically submit employee's wage data to the ministry and pay employees their wages through local banks, thereby allowing the ministry to ensure workers are paid and sanction those who don't. At the time of writing, 82 companies had been sanctioned for non-compliance with the WPS.¹¹⁵

Blacklisting

The concept behind blacklisting is to place the names of persons or companies who have violated certain conditions on a private or public list that should trigger an automatic blocking of the violating party from hiring migrant workers again. This practice is upheld in both Jordan and Lebanon; stakeholders who participated in the consultation claimed that in Jordan, employers who are found to be violating the rights of the workers are disallowed from re-hiring. Media has reported on the Government of Jordan's Ministry of Labour shutting down private employment agencies (PEAs) for domestic workers who are in violation of the law.¹¹⁶ Further, participants in Lebanon noted that recruitment agencies who find that there are violations against specific employers blacklist them from their services, and in turn, recruitment agencies that are found to be in violation of the law are blacklisted by the General Directorate of General Security (GDGS), which maintains an internal blacklist of PEAs circulated monthly. Blacklisted PEAs will have a range of sanctions applied to them, such as being prohibited from applying for visas under their name, prohibited from facilitating the recruitment of migrants for employers, and on a more personal level, having their operations with the GDGS blocked, whereby owners of PEAs cannot apply for their own passport. The GDGS is able to forward the case on to the Ministry of Labour, at which point PEAs could potentially face shut down. The potential for crossover exists in this sphere, as the Government of Lebanon's Ministry of Labour undertakes a similar exercise, the media has reported on the Ministry of Labour shutting down PEAs due to human rights violations.¹¹⁷

Labour regulations for better protection

I went to an Iraqi lady's house. She has two houses. In the morning, I worked in one house, in the afternoon the other. But since I was still recovering [from a kidney infection], I couldn't work 24/7 like that. But when she goes out of the house, she locks the door on me. One day she did not lock the door, so I found my passport and materials and went out of the house.

114 ILO, Information Guide for Migrant Domestic Workers in Lebanon (ILO, Beirut, Lebanon, 2012). Available from http://ilo.dataflow.com.lb/pdfs/english_informal.pdf, p. 50.

115 US Department of State, 2015 Trafficking in Persons Report – Saudi Arabia. Available from www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm (accessed 29 September 2015), p. 297.

116 H. Namrouqa, "Authorities shut down three domestic helper agencies", The Jordan Times, 26 May 2014. Available from www.jordantimes.com/news/local/authorities-shut-down-three-domestic-helper-agencies.

117 "Azzi suspends 65 MWDW employment agencies and focuses on competition from Syrian labor", Women Economic Empowerment Portal (26 March 2015). Available from www.weeportal-lb.org/news/azzi-suspends-65-mwdw-employment-agencies-and-focuses-competition-syrian-labor. See also: "Labor Ministry aiming to regulate recruitment of domestic workers", NOW, 22 July 2014. Available from now.mmedia.me/lb/en/archive/556974-labor-ministry-aiming-to-regulate-recruitment-of-domestic-workers.

I had been there for four months. The broker told me to run away from the house. He told me I could get part-time jobs and get paid USD 200.

In Jordan, although the Labour Law applies to domestic workers, two regulations specifically regarding their employment have been issued: Regulation (89) of 2009 governing the employment of non-Jordanian domestic workers by the private sector and Regulation (90) of 2009 governing domestic workers, cooks, gardeners and similar categories. Regulation 90 has since been amended on 13 September 2011 to permit employees to leave the house after informing their employer, instead of formerly requiring the employee to obtain the employer's permission prior to leaving the house.¹¹⁸ This was an important recognition of the right to freedom of movement of domestic employees.

Regulation (90)¹¹⁹ provides clear outlines of the rights and duties of employees and employers. Under Section 4, the employer is required to pay for the employee's residency and work permits (4a), pay wages monthly and keep records of payment (4b), treat with worker with respect and supply all necessities including access to ventilated and well-lit accommodation and the right to privacy (4d), enable the worker to phone home once a month at the expense of the employer (4e), buy return airfares for the worker (4g), and allow the worker sleep time of no less than 8 hours per day (Section 6c). In return, domestic workers are obligated to work ten hours per day excluding idle time (Section 6a), perform their work diligently and faithfully (Section 5), and entitled to a day-off per week, annual leave and sick leave (Section 7). Under Section 5(c) if the domestic worker runs away "without good cause" they are responsible for all financial obligations in the contract and are required to pay repatriation costs. This is particularly problematic considering a number of domestic workers interviewed in this research fled exploitative circumstances with little or no money, often fleeing for the reason of non-payment of wages among other forms of exploitative treatment. While non-payment of wages constitutes "good cause", the common practice of employers is to make a counter-claim that the worker stole from the house, which workers are often unable to disprove. This leaves workers in a vulnerable economic position in which they may not be able to afford their repatriation.

In Saudi Arabia in 2013, seven years after the Council of Ministers announced their intention to establish regulations for protecting domestic workers, the Government passed Decision No. 310 of 1434 on Domestic Workers, which aims to regulate the relationship between domestic workers and their employees. The worker is entitled to nine hours rest, a weekly day leave, one month paid vacation after every two years and sick leave.¹²⁰ In return, the worker must respect Islamic teachings, the Kingdom's rules and regulations and should obey the employer and family members.¹²¹ The employer must pay the agreed wage at the end of each month without delay, and should document receipt of the wages in writing. Violation of the employment contract by the employee will result in the issuance of a fine and being banned from recruitment for one year. For workers who run away from homes, they will be fined, prevented from working in the Kingdom and required to pay for their own flight back home.¹²² While the enactment of this regulation is a positive step

118 Tamkeen Fields for Aid, 2012, p. 6.

119 Regulation No. 90/2009 of Domestic Workers, Cooks, Gardeners and Similar Categories. Originally published on p.5348 of Official Gazette No. 4989, 1 October 2009. Available from www.ilo.org/dyn/travail/docs/642/Regulation%2090.2009.pdf.

120 Government of Saudi Arabia, Decision No. 310 of 1434 on Domestic Workers (in Arabic). Available from http://nshr.org.sa/wp-content/uploads/2013/11/696_PDF.pdf.

121 P.K. Abdul Ghafour, "New law to protect domestic workers", Arab News, 17 July 2013. Available from www.arabnews.com/news/458281.

122 Ibid.

towards recognizing basic employment rights for domestic workers, it remains clear that the provisions are discriminatory and do not reflect the same rights afforded to other workers in the Kingdom.

Application of standardized contracts

Given the key role of deception in many cases of trafficking in persons, efforts to align expectations of the recruiter, employer and employee can reduce the likelihood of migrant workers being victimized. Prior to the migrant worker travelling to the destination country, it is ideal for the worker and employer to sign a standardized contract that needs to be re-signed upon arrival in witness of a public notary or another authority. Lebanon has explored this idea extensively for regulation of work and living conditions of migrant domestic workers with its own national Standard Unified Contract (SUC) drafted by the Lebanese National Steering Committee. This SUC was signed by the Ministry of Labour and became effective in 2009;¹²³ theoretically, it is supposed to be made available to all notary publics, in the languages of migrant workers, and the only official standard contract in use in Lebanon. However, it is often only available in Arabic so many migrant domestic workers do not know its terms. Further, there is no monitoring system to ensure that all conditions are met. In a study by Insan, as many as 40.6 per cent of employers and 64.1 per cent of employees were all unaware of the terms of the contract.¹²⁴

In 2012, ILO also proposed an SUC, which puts forward articles that adhere more closely to international principles for domestic work. This SUC has not yet been put into practice; however, it is often used as a starting point for bilateral agreements between Lebanon and the sending countries of migrant workers. A representative of the Syndicate of the Owners of Recruitment Agencies in Lebanon noted that they would also launch an SUC that will create a comprehensive guide for migrant worker contracts within the limitations of what they are able to adhere to. Addressing problems will ideally become as simple as placing a call to PEAs. SUCs are recognized by governments in both origin and destination countries despite not expressly provided in the Labour Code. Participants noted that issues arise with SUCs in the country of origin; migrant workers may be unaware of their destination, salary, working hours and duration of employment without an SUC. In coordination with embassies from countries such as the Philippines, Ethiopia and Madagascar, the goal of SUCs are to clarify on both ends the obligations and rights of both parties.

STAKEHOLDER COLLABORATION

All countries are strengthening these ties to some extent by identifying areas where there is overlapping work being done, or opportunities to complement each other's. For example, in Jordan, stakeholders and IOM staff reported increased collaboration and sharing of programme agendas among relevant entities in the short amount of time between the round-table and government consultations. This collaboration helps to ensure minimal overlap in the activities of key stakeholders and creates an environment where they could complement one another's activities with the needed expertise, facilities, knowledge and funds.

Government representatives in Lebanon have also indicated that co-ordination between

123 OHCHR, "Creative solution: a unified contract to protect domestic migrant workers in Lebanon", March 2009. Available from www.ohchr.org/EN/NewsEvents/Pages/UnifiedContractLebanon.aspx.

124 Insan Association, The Kafala System: When Employers Also Accepted to Share Their Perspective (Insan Association, Lebanon, 2014). Available from www.insanassociation.org/en/images/the%20kafala%20system%20when%20employers%20also%20accepted%20to%20share%20their%20perspective%20en.pdf, p.19.

government ministries is moving faster and has become more effective while ministries have also been increasingly collaborating with NGOs.

Countries of origin through their embassies and visiting government representatives have played a role in expediting and facilitating case management and return processes for victims. In the relevant countries they are often able to provide shelter and other urgent services to victims including liaising with both the sending and receiving country governments on administrative procedures.

CONCLUSION

As discussed in this chapter, clear identification of what constitutes a “protection mechanism” has to commence with identification of what constitutes a risk factor: with a protection mechanism being a response intended, and actually having the effect of reducing or addressing that risk. For this reason, this chapter focused on government responses in place regarding the vulnerabilities identified in Chapter I. Important guidance on what governments consider to be protection mechanisms is also found in the international treaties they have voluntarily ratified. This chapter also examined government responses for obligations related to: (a) victim identification; (b) non-prosecution or detention of victims; (c) protection and support of victims; (d) legal assistance and the specific needs of child victims; and (e) repatriation, remedies and criminal justice responses. With the current refugee crisis, it is critical that States put in place systems to identify trafficked persons within broader refugee populations, as well as migrant worker populations.

This chapter identified a number of protection systems already in place. Namely, many countries in the region are being incredibly generous in admitting and allowing millions of refugees and displaced people to remain. However, the response cannot end there. With large numbers of migrant workers already facing vulnerability in the region, the influx of additional people – all needing livelihoods, all without their usual social structures and supports – creates what could be considered a perfect storm for deterioration in the situation of working conditions for migrant workers in the region. To avoid this, it is critical that governments ensure that addressing human trafficking is clearly understood and seen as a priority.

While governments have taken important steps, particularly with the ratification of treaties and enactment of laws, this must now be followed up by implementation. This will require a focus on some of the barriers to accessing justice, such as discrimination, ensure workers are free to leave or change employers, the proper functioning and coverage of labour laws for vulnerable groups, such as domestic and agricultural workers, passport withholding and lack of rights awareness for workers. A priority has to be ensuring that victims are not routinely detained and arrested. Existing support services, particularly victim identification and support services, are in their infancy and need government support to continue reaching the needs that are already identified.



CHAPTER III

MEASURES TO INCREASE PROTECTION

Measures to increase protection need to respond to the vulnerabilities identified in Chapter I and the gaps identified in Chapter II. Key considerations include:

- Competing priorities with other national interests (security, terrorism, urgent need for humanitarian assistance to refugees and IDPs);
- Pervasive discrimination against migrants;
- The role of the kafala system in preventing workers from leaving abusive employers without permission;
- Lack of protection in labour law for particularly high-risk groups, domestic and agricultural workers;
- Widespread practice of passport withholding;
- Lack of rights awareness among migrant workers;
- Laws, policies and attitudes that discriminate against women;
- Need to improve victim identification including among refugee populations;
- Need to ensure victims of trafficking are not being routinely arrested and detained; and
- Need to strengthen victim support services.

The recommendations that follow are all intended to address these concerns.

LABOUR-RECEIVING GOVERNMENTS

Ensuring government focus and coordination

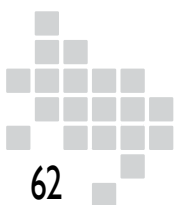
Given perceived attitudes about the lack of importance of this issue, governments must show leadership by making it clear that identifying and responding to human trafficking is a government priority.

- Government leaders and ministers can show leadership by making clear statements on the importance of preventing human trafficking, directing government departments to take action and then holding officials to account for their action or inaction.
- Ensure that efforts to address trafficking include measurement of the extent and nature of the issue, as well as risk factors so changes in trafficking and the impact of responses over time can be effectively monitored.
- Where not already in existence, governments should establish a national coordinating committee at a senior level, including representatives from civil society, to develop and ensure implementation of national policy on this issue. This committee must:
 - » Act as an interface with other parts of government working on related issues, such as the response to the refugee crisis and discrimination against women;
 - » Streamline the work of ministries to avoid duplication, to ensure each ministry's responsibilities are clear, so ministries may be held accountable; and
 - » Enhance cooperation between government and NGOs, civil society and embassies to better streamline service delivery to victims. Improve cooperation and partnership regionally and internationally.

- To ensure visibility of this issue and its accountability, it is important to establish and fund an independent body to monitor and publicly report on the situation of migrant workers and victims of trafficking in the country, and responses being made by governments.
- Establish an interregional cooperation to build and extend knowledge exchange between MENA countries and countries of origin of migrant workers.
- Because of the high prevalence of risk against migrant domestic workers, it is critical that best practice laws and policies are put in place. To ensure this, governments should consider ratifying and implementing ILO Convention 189 on Domestic Workers.
- The government should provide a period of amnesty for migrant workers without proper residency or exit clearances. The Ministry of Labour and the Ministry of Interior should work together to implement a monitoring system that will review the residency status of employees. E-mail, post or telephone alerts should be issued to employers when they need to renew or extend their employee's visa.
- Implement measures to discourage employers from filing false allegations against workers, in order to ensure that workers can access all available protection.
- Ensure all migrant workers are physically present when work permits are issued and renewed to ensure that the workers are willing to work and/or remain in their current employment and their employers do not fraudulently retain the workers without their consent.

Improving identification of victims and legal protections for migrant workers

- Ensure that migrant workers are able to leave or transfer jobs and exit the country without employer consent. Retract provisions in legislation about absconding and ensure victims are not criminalized for fleeing exploitative situations.
- Ensure all workers, such as domestic and agricultural workers, are granted equal protection under national labour laws. Where necessary, reform labour laws should ensure this.
- Undertake targeted national campaigns to combat passport withholding by making it both socially unacceptable and high risk. For example, this could involve combining wide publicity about the unfairness and illegality of withholding passports, with a targeted campaign to identify and prosecute offenders.
- Establish safe, spacious activity areas for migrant workers to meet on their day off to encourage the legal day off in a place employers feel comfortable giving them permission to frequent. This can become a focal place for delivery of services to migrant workers, such as basic rights education welfare checks and access to legal and other support services.
- Create a specialized operational team – drawing from key agencies, such as social services, law enforcement, refugee and labour relations, and including victim support services – with specific training in identification of cases of human trafficking and responding to their cases. In addition to responding to specific cases, this team can advise non-specialist front-line officers on victim identification and handling and undertake regular liaison with embassy officials from relevant sending countries.
- Ensure training is provided on identifying victims of trafficking and responding to their cases, for front-line staff, as well as those in law enforcement and staff/



officials involved in refugee intake and support services. Enact a mentoring and monitoring framework to ensure that trainees operationalize the newly acquired information and skills.

- Build the capacity of prosecutors, lawyers and the judiciary for a deeper understanding of when the labour law or counter-trafficking law should be applied. Where there is a complex or significant case load, develop the capacity of the judiciary by assigning a specialized judge to handle cases of trafficking.
- Investigate ways to minimize the duration of litigation procedures for migrant workers; for example, establish private courts with specialist judges. Migrant workers should be able to have expedited processes so they do not choose to leave the country over legal recourse.
- Provide temporary protection visas for workers who wish to remain in the country to pursue legal proceedings (both civil and criminal), with provisions to allow them to work or financial aid to support themselves for the duration of proceedings.
- Ensure legal aid is available to victims of trafficking as a standard part of victim support. This is crucial, to include not just access to legal assistance through the assignment of pro bono lawyer for litigation, but also for lawyers to provide victims with necessary information regarding rights and options and empower them to make decisions for the future, including on the investigation and litigation process.
- Ensure systems are in place so properly trained officials can waive overstay fines for migrant workers who have suffered exploitation and abuse and permit them to leave the country. Ensure this process is fast-tracked so migrant workers do not languish in holding facilities awaiting processing of their fine waiver.
- Ensure high publicity is given to cases of employers or agents who are prosecuted for passport withholding, or other crimes related to abusing or trafficking migrant workers.

Improving victim support

- With many organizations potentially involved in responding to human trafficking, it would be useful to develop a system to ensure referrals are quickly and safely undertaken between agencies, both in the government and non-government sector. An NRM like this would greatly improve coordination and cooperation and lead to increased identification and protection of victims of trafficking. This victim-centred approach should prioritize:
 - » Victim protection and care throughout the whole process of handling a case of trafficking to ensure victim cooperation, which will in turn result in more effective identification and prosecution of the related trafficking crimes;
 - » Collaboration with key stakeholders (judicial bodies, immigration officers, police, civil society, namely shelter staff) as well as countries of origin of victims;
 - » Regular amendment and updating of indicators of trafficking;
 - » Consistent record keeping of any incident that could be linked to a trafficking situation even if not all components are identified
- There is a need to improve and increase access to psychosocial support, legal aid, medical care and rehabilitative services from trained specialists for identified victims of trafficking.
- Sufficient time to recover needs to be given to the victim at the shelter. Apart from general assistance, victims should also be prepared for the investigation, interrogation, decision-making and complaint-filing processes.

- There is a need to address the empowerment needs of victims through provision of business training, vocational skills courses and support groups.
- Ensure that victims are shielded from any abusers (employers, recruiters and others) throughout the recovery period and legal proceedings.

Monitoring employers and recruitment companies

- Investigate, prosecute, and in severe cases, withdraw practicing licenses of recruitment agencies that deceive workers, ignore reports of exploitation, or forcibly return workers to abusive employers. Obligate agencies to notify authorities immediately (within 12 hours) when cases of abuse are found – fine companies who fail to report.
- Prevent, investigate and prosecute employers accused of criminal violence against migrant workers, who confiscate workers' passports, restrict movement and withhold wages.
- Blacklist employers, recruiters or companies who have proven records of abuse of migrant workers. Prevent known offenders from employing domestic workers in their private homes.
- Recruitment agencies should be legally bound to provide protection for workers who report abuse and required to notify authorities immediately when cases of abuse are found. Agencies that return workers to abusive employment situations or do not alert authorities should be blacklisted and prosecuted.

Combating xenophobic attitudes

- Conduct widespread, systematic education campaigns to counter stereotypical attitudes of migrant workers and promote diversity. Involve schools, universities and religious leaders, and publicize on radio, television and print media.
- Inspire attitudinal change with targeted awareness programmes on the value of domestic workers to society.

Recommendations for labour-sending governments

Although actions to protect migrant workers in labour-sending countries were not the focus of this report, governments and non-State actors in both labour sending and receiving countries are responsible for the protection of migrant workers. Interviews with victims, government and NGO representatives highlighted several protection issues that are best addressed by labour-sending governments. The recommendations below are intended to address those concerns.

- Closely cooperate with the host country to establish effective mechanisms to monitor the recruitment and employment of migrant workers.
- Urge host countries to protect the rights of migrants regardless of whether their entry was legal.
- Launch targeted information campaigns to ensure that prospective migrants to the host country are informed both of the risks they may face on the journey, as well as risks they may face living and working in the host country and their rights with respect to authorities.
- Ensure migrant domestic workers are given pre-departure training in job-specific skills, such as education on how to use electrical and gas appliances.

- Educate workers on their employment and residency rights, as well as provide current information on how to access help and seek redress for exploitation.
- Monitor local recruitment agencies for deceptive recruitment practices, such as substituting contracts and charging excessive recruitment fees, and enforce national laws to ensure compliance.
- Cooperate with other sending countries to advocate common standards for the protection of domestic workers, so the banning of one country from sending migrant domestic workers (for example), does not result in the destination country simply recruiting from another country.
- Strengthen the capacity of embassies in receiving countries to support runaway domestic workers who have escaped exploitative workplaces. Ensure trained embassy staff are able to provide counselling and legal support, and shelters or adequate living conditions can be arranged to reduce risk of overcrowding and reports of unequal distribution of food or sleeping on office floors.

COUNTRY-SPECIFIC RECOMMENDATIONS

Egypt

- Ensure the NRM is functional – fine-tune it with all stakeholders’ input within the next two to three years.
- Cooperate in regional dialogue to gather best practices for NRMs.
- Prioritize the research and development of durable solutions for victims in trafficking with civil society.
- Resettlement – many migrants need help in this case, UNHCR sometimes is unable to place them.

Iraq

- Train members of the Ministry of Interior (police officers, staff at the Residency Department and labour inspectors) and members of the High Judicial Council (judges, prosecutors, lawyers) on counter-trafficking and build their abilities on the identification and protection of victims, such as assistance delivery and recovery needs, to be the focal points for counter-trafficking efforts. These people will then become trainers to others.
- Develop a policy for quick relief to deliver immediate assistance to potential victims.
- Create a hub or service centre (referral centre) to accommodate victims in case of trafficking, or a victim support centre to which they can be referred while determining the case status. This centre could provide medical, legal or other support; it can be run by an NGO and supervised through the government to overcome bureaucracy.
- Fundraising for the diversification of funding sources such as the private sector.

Jordan

- Amend Article 3 of the Labour Law to ensure domestic workers and agricultural workers are afforded the same rights as other workers in the country. In the interim, issue a comprehensive regulation for agricultural workers to ensure their right to occupational health and safety, maximum working hours, minimum wage and others.
- Put in place a monitoring mechanism to ensure that agricultural workers are not being made to pay for the issuance of their work permits.

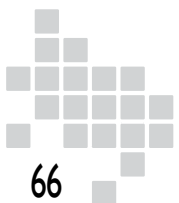
- Right of association ban should be lifted to allow migrant workers to advocate for their employment and residency rights. Migrant workers should be given the right to not only join unions but also establish these.
- Finalize the establishment of a government-operated shelter that meets international standards. Residents should have access to medical, psychosocial and legal support. These shelter services should be available to both men and women.

Lebanon

- Issue a law securing the legal status of the victim and protecting them from harm, which includes a legal framework for the creation of a comprehensive government approach (that is, through a national committee).
- Create a judicial commission to tackle all the victims' cases presented; through investigation, evaluation and analysis, to be headed by a judge. The members of the commission can include multidisciplinary team such as psychiatrist/psychologist, the shelter coordinator, the head of the Counter-trafficking and Moral Protection unit at Internal Security Forces (ISF), a police officer, an officer from the Immigration department and others.
- Centralization of recruitment agencies so that agencies without licenses are removed.
- Train ISF staff on the other aspects of human trafficking – not just a reliance on forced sexual exploitation and strengthen the overall capacity of ISF, as well as the General Directorate of General Security officers.
- Give the authority to specialized shelters to communicate with administrators on behalf of the victims they are assisting to finalize all administrative procedures in coordination with General Security.
- Establish formal partnerships between government and service providers for more effective oversight of cases.

Saudi Arabia

- Enable international organizations such as IOM and local and regional NGOs to better collaborate with the government and each other to provide effective protection and support for victims.
- Order border guards, military and law enforcement personnel to rescue migrants who are victims of human trafficking and arrest their captors where possible.
- Forbid border guards from shooting at migrants on the border.
- Allow domestic workers to enter and exit the house they live in without obtaining the permission of their employer.
- Establish specialized shelters for victims of trafficking, including victims of commercial sexual exploitation.
- Begin monitoring domestic workers' conditions, facilitate rescues, ensure recovery of unpaid wages and prosecute employers who have abused their employee.



CONCLUSION

While important steps are being taken to build the foundations for a response to human trafficking, across the five countries are important measures that can and should be taken to ensure increased protection for migrant workers whether from human trafficking or exploitation.

A critical first step has to be recognizing the priority of responding to human trafficking at the highest level. While the region is confronted by crises, such as conflict and massive displacement, this, in fact, is the reason why human trafficking must be a focus. These conditions lead to further deterioration of already precarious situations. Clear recognition of priority must be backed up by practical measures, such as improved coordination across agencies, independent oversight, increased specialization in some areas alongside broad-scale training in victim identification for potential first responders, including those in close contact with refugee populations and improvements in victim support. Key legal reforms are needed to ensure the most vulnerable workers – agricultural and domestic workers – are covered by basic labour law protection. Urgent action must be taken to challenge and address the predominance – almost universal practice of withholding passports of certain migrant workers, and steps must be taken to ensure victims are not being further traumatized by arrest and detention. Employers and recruiters must be held to account for their role in exploitation to deter further offending. Finally, efforts must be made to challenge perceptions about migrant workers, so their value, humanity and contribution to MENA's economic and social development is recognized.



APPENDIX A

TRAFFICKING RESPONSES IN FIVE TARGET COUNTRIES

EGYPT

Egypt hosts large communities of migrants and asylum-seekers. Many of these asylum-seekers are fleeing violence and persecution from neighbouring countries, such as Eritrea, Ethiopia, Iraq, Libya, the Occupied Palestinian Territory, Somalia, Sudan, South Sudan and the Syrian Arab Republic. Following the Libyan crisis, 796,915 migrants crossed the border, out of which 263,554 reached Egypt, 66 per cent were Egyptians and 34 per cent were third-country nationals.¹²⁵ Since obtaining regular work authorization is not possible, the majority of the undocumented migrants, asylum-seekers and refugees are engaged in the informal sector. Egypt is a source, transit and destination country for human trafficking where almost all forms of exploitation are evidenced.

National legal frameworks on counter-trafficking and exploitation

On 20 April 2010, Law No. 64 of 2010 on combating human trafficking was passed. The definition in the Act matches the Palermo Protocol, while Article 2 prohibits trafficking for the purpose of exploitation, including acts of prostitution and all forms of sexual exploitation, exploitation of children in such acts and pornography, forced labour or services, slavery or practices similar to slavery or servitude, or begging or removal of human organs, tissues or a part thereof.¹²⁶ Perpetrators are subject to punishments of a maximum lifetime imprisonment and fines of up to 500,000 Egyptian pounds.

The Act provides for protection of victims including non-punishment, neither criminally or civilly, for any crime committed while directly related to being a victim (article 21), the State's duty to "create the appropriate conditions for assistance" including health, psychological, educational and social care (article 22), and the victims' right to be removed from the perpetrator at all stages of the evidence gathering, investigation and trial period (article 23). Article 89 of Egypt's new Constitution, passed in January 2014, includes provisions that explicitly prohibit and criminalize slavery and forced exploitation including sex trafficking.¹²⁷

Labour law

The Egyptian Labour Law No. 12 of 2003 governs employment relations in the republic. The provisions of the law apply to all workers, with the exception of public servants and "domestic service workers and the like".¹²⁸ Article 28 stipulates that "aliens" (migrant workers) are ineligible to work unless they have obtained a permit from the ministry, authorizing their entry and residency in the country for the purposes of employment.¹²⁹ In practice, work permits can be difficult to obtain and the government places strict

125 IOM, Facts and Figures: Egypt. Available from www.iom.int/countries/egypt/general-information.

126 Arab Republic of Egypt, The People's Assembly Law No. (64) of 2010 regarding Combating Human Trafficking (in English and Arabic). Available from www.protectionproject.org/wp-content/uploads/2010/09/Egypt_TIP-Laws-20082010.pdf.

127 Arab Republic of Egypt, Constitution of the Arab Republic of Egypt 2014. Available from www.sis.gov.eg/Newvr/Dustor-en001.pdf. See also: www.constituteproject.org/constitution/Egypt_2014.pdf.

128 Labour Law Book 1: Definitions and General Provisions. Available from www.egypt.gov.eg/english/laws/pdf/Book1.pdf.

129 Labour Law Book 2: Definitions and General Provisions. Available from www.egypt.gov.eg/english/laws/pdf/Book2.pdf.

control on the formal entry of foreign workers, particularly domestic workers.¹³⁰ The government prioritizes local employment over foreign workers in an effort to reduce the high unemployment rate of the local population and widespread poverty.

Foreign worker residency laws

An unofficial translation of Article 40 of Presidential Decree No. 89 of 1960 states: “Without violating any other stricter sanctions stipulated in other laws, any person who utters false statements or submits incorrect papers in order to facilitate his or someone else’s entry and residence in the Arab Republic of Egypt shall be penalized with incarceration for no more than two years and a fine of no more than two thousand EGP or with one of these two punishments.” Presidential Decree No. 89 of 1960 was amended by Law 88/2005 on Entry, Residence and Exit of Foreigners.

Counter-trafficking efforts in Egypt

National Coordinating Committee on Preventing and Combating Human Trafficking

In 2011, the National Coordinating Committee (NCC) initiated a two-year plan to combat human trafficking in Egypt. In 2013, a decree was issued to restructure the NCC to include representatives from the ministries of Justice, Health and Population, Interior, Foreign Affairs, Social Security, Labour and Manpower, Tourism, Media and High Education, along with representatives of the National Council for Women and NCCM and consultants and experts in the field of human trafficking. The aim of the committee is to regulate migration and protect victims of trafficking.¹³¹

The National Council for Childhood and Motherhood

The NCCM, established in 1988, operates under the Ministry of State for Family and Population and has a special unit for combating trafficking of children and rehabilitating victims of trafficking. In partnership with IOM, NCCM provides several services to victims of trafficking from both local and migrant communities.¹³²

Support available to victims of trafficking in Egypt

Vulnerable migrants have access to health and psychosocial services provided by agencies such as IOM. There is one shelter available for trafficking victims; it was assigned by the Ministry of Social Solidarity as per Law 64/2010.

An NRM was previously established, yet it was not effectively operational, and many stakeholders were confused about their role in the process. This issue was compounded by the temporary gap in shelter provision, as the Ministry of Solidarity had not yet opened a new shelter for victims while the old shelter had closed. Stakeholders identified gaps in psychosocial and other forms of support in cases where victims had no personal networks, language barriers and in reintegration procedures where strict budget limitations did not allow the best use of funds.

Budget and time restraints also hindered gathering contextual information on the country of origin that negatively impacted reintegration assistance. Stakeholders noted

130 Jureidini, 2009.

131 For further information, see: Arab Republic of Egypt, Ministry of Foreign Affairs, National Coordinating Committee on Preventing and Combating Illegal Migration: Action Plan 2014–2015. Available from www.mfa.gov.eg/Arabic/InsideEgypt/economyindicator/Documents/NCCPIM%20Action%20Plan%202014-2015.pdf.

132 See also: www.bosla-egypt.info/en/issues/victims-of-human-trafficking.

that the support provided would not be enough to assist victim reintegration when they encountered abuse. IOM representatives noted that to achieve the sustained psychosocial support, comprehensive assistance and constant monitoring required, a network of NGOs in countries of origin must be established. The project did not receive enough referrals to provide the full package of reintegration and meet targets. Project expectations were too high, as due to time limits, the six-month monitoring cycle was not feasible.

Case studies

A total of 23 victims of trafficking, aged between 15 and 53, were assisted through PAVE in Egypt. All but two of the victims of trafficking were female, and most were from Bangladesh, Cameroon, Egypt, Ethiopia, Kenya, Liberia, Nigeria and Sri Lanka; a small number were also from Indonesia. Most were promised domestic work (74%) and all but two were placed in this type of work. Two women were deceived about the nature of the work and trafficked for sexual exploitation. The victims of trafficking experienced an average of seven forms of coercion and exploitation, the most common involving withholding of identity/travel documents, psychological abuse, denial of freedom of movement, false promise/deception, excessive working hours and physical abuse. Most of the victims of trafficking were helped to leave the trafficking situation by NGOs, and then referred to IOM for assistance.

IRAQ

The current armed conflict and subsequent humanitarian crisis in Iraq continues to significantly impact the security of civilians and migrant workers present in the country. Prior to the outbreak of violence, Iraq was developing as a destination for migrant workers, particularly from Bangladesh, Indonesia, Nepal, the Philippines, Sri Lanka and Thailand. Migrant workers, either knowingly or unknowingly, came to Iraq to meet manpower demands in growing sectors, such as construction, domestic work, hotel and restaurant service and the medical profession. There are also reports of Asian migrants forced into prostitution.¹³³ To attract more local and foreign investors, Iraq passed an investment law in 2006, which ensured the right of companies to employ foreign workers and for non-Iraqi workers to remit their salaries.¹³⁴

Migrant workers in Iraq were already vulnerable to forced labour and debt bondage commensurate with trends in the region. However, the crisis is introducing new risks and threats. In mid-2014, hundreds of South Asian migrant workers in Iraq became caught in crossfire between the Iraqi military and Islamic State insurgency. Those migrant workers wanting to leave the country faced difficulty as employers retained workers' passports. There are reports of Indian migrant workers striking because they wanted to return home but could not access their passports.¹³⁵ During an intense period of conflict in Tikrit, north of Baghdad, Sunni militants briefly captured Bangladeshi workers,¹³⁶ 41 Indian construction

133 US Department of State, 2015 Trafficking in Persons Report – Iraq. Available from www.state.gov/j/tip/rls/tiprpt/countries/2015/243458.htm (accessed 14 August 2015).

134 Republic of Iraq, *Investment overview of Iraq*, National Investment Commission. Available from www.mofa.gov.iq/trash/assets/investmentoverview.pdf, p. 12.

135 S. Zain Al-Mahmood and N. Mandhana, "South Asian Migrant Workers Stuck in Wartorn Iraq", *The Wall Street Journal*, 2 July 2014. Available from www.wsj.com/articles/south-asian-migrant-workers-stuck-in-wartorn-iraq-1404317860.

136 Ibid.

workers were detained indefinitely in Najaf, south of Baghdad,¹³⁷ and 46 Indian nurses were left stranded in a hospital.¹³⁸

The encroachment of ISIL also impacts other forms of modern slavery, namely the kidnapping and trafficking of women and girls for sexual exploitation and slavery-like practices such as forced marriage. Although beyond the scope of this research, it is important to recognize the proliferation of different forms of servitude during conflict as it contributes to a broader state of vulnerability for Iraqi nationals and foreigners alike.¹³⁹

National legal frameworks on counter-trafficking and exploitation

In the past 10 years, and despite protracted conflict, the Government of Iraq has passed a number of key pieces of legislation with the aim of strengthening the country's counter-trafficking and exploitation framework. In 2005, Article 37 of the new constitution outlined that, alongside prohibitions against torture, "Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited".¹⁴⁰

Human trafficking

In April 2012, the Iraqi parliament passed Law No.28 on Trafficking in Persons, covering prosecution, protection of victims and prevention. Perpetrators face sentences of a maximum jail term of life imprisonment and fines of up to 25 million dinars. The law protects victims by providing medical care, witness protection and financial assistance. The Act largely adopts the UN definition on trafficking in persons; however, there are omissions such as the facilitating of child prostitution that are not considered acts of trafficking.¹⁴¹

Counter-trafficking efforts in Iraq

Identification of victims

There is almost no proactive identification of victims in Iraq and low levels of understanding of what constitutes a trafficking in persons crime among law enforcement personnel, according to participants at the consultation. The Ministry of Labour and Social Affairs (MOLSA) is responsible for the inspection of workplaces according to the Labour Law. Despite this, no MOLSA staff has been trained on labour inspections. The large number of vulnerable migrant workers working across the country means even training a few staff could not possibly account for all the workplaces that need review. Migrant workers are extremely vulnerable to exploitation as the conditions at workplaces are determined solely by employers and unregulated.

Uneven application of laws

Despite the existence of the Trafficking in Persons Law No.28 designed to protect victims and prosecute perpetrators of human trafficking, IOM reports inconsistent application

137 "Migrant workers caught up in Libya and Iraq conflicts", Migrant Rights, 14 August 2014. Available from www.migrant-rights.org/2014/08/migrant-workers-caught-up-in-libya-and-iraq-conflicts/

138 ITUC, 2014. See also Amnesty International, 2014.

139 For more information on violence against women in the Iraq conflict, see: M. Puttick, *No Place to Turn: Violence against women in the Iraq conflict* (Ceasefire Centre for Civilian Rights and Minority Rights Group International, London, United Kingdom, 2015). Available from <http://reliefweb.int/sites/reliefweb.int/files/resources/ceasefire-report-no-place-to-turn.pdf>.

140 Republic of Iraq, 2005 Constitution. Available from www.iraqnationality.gov.iq/attach/iraqi_constitution.pdf, Article 37, p.13.

141 Law No.28 on Trafficking in Persons, Iraq, April 2012 (in Arabic). Available at <http://goo.gl/FLTbWy>.

of the trafficking act and in reality, the labour and residency laws are applied. A lack of understanding among government officials of what is contained in the trafficking law and how to apply it is detrimental to the protection of vulnerable migrants. Greater awareness raising and education for authorities, as well as judicial clarification on the conflict between the laws is required.

Lack of awareness-raising efforts and restrictions on NGOs

There are few NGOs advocating for the protection of migrant workers and victims of human trafficking. In addition, there are many restrictions placed on the work of NGOs and civil society groups that increases the difficulty of providing protection to victims.¹⁴² Recently, the government has indicated willingness to work with NGOs to better protect migrant workers.

Support available to trafficked migrants, unaccompanied minors and victims of trafficking

Very limited support is available to victims in Iraq, and of those services that exist, they assist a range of people, such as orphans, the elderly, victims of domestic violence and victims of trafficking. The recovery needs of trafficking victims require specialized support; however, the government shelter built to accommodate 100–150 male and female victims has not yet been opened. According to government representatives, the shelter requires funding for refurbishment, and it is uncertain when it will open. Specialized staff within MOLSA can provide psychosocial and medical care to victims, but it was unclear if any victims were given this support. No legal aid services were identified.

Currently, there is no return assistance for trafficking victims. However, representatives spoke of growing cooperation and discussion between the Ministry of Foreign Affairs, Ministry of Interior and other relevant ministries to shortcut the difficult exit requirements for foreign workers.

Strengths and gaps in support for trafficked persons and vulnerable migrants

Counter-trafficking efforts in Iraq are limited by multiple factors, such as limited awareness and understanding of the crime of human trafficking among the public and officials alike, lack of referral mechanisms, lack of capacity among NGOs and poor implementation of legislation. Government officials do not have any procedural guidelines to identify potential high-risk victims of human trafficking including migrant workers.¹⁴³

Workers abandoned by their employer in Iraq have little to no protection or humanitarian services to turn to. Workers without passports or permits (many employers allow permits to expire and fail to renew them) have no clear access to help. PAVE staff were unable to assist victims who law enforcement had already designated for deportation. PAVE staff spoke of difficulties identifying victims of trafficking who are in jail facing minor infractions, such as overstaying visas, illegal border crossing, missing identity documents, forged entry visa and forged residency documents. In this way, victims of trafficking continue to be re-victimized.

¹⁴² International Center for Not-for-Profit Law, “NGO Law Monitor: Iraq”, Last updated 26 July 2015. Available from www.icnl.org/research/monitor/iraq.html.

¹⁴³ US Department of State, 2014 Trafficking in Persons Report – Iraq. Available from www.state.gov/j/tip/rls/tiprpt/countries/2014/226743.htm.

Case studies

A total of 16 victims of trafficking, aged between 18 and 40, were assisted through PAVE in Iraq. The victims were all male and originated from four countries – Bangladesh, Egypt, Ethiopia and Philippines. The men were all deceived about the type of work they would perform. They were promised jobs in construction, restaurants and hotels, agriculture, school services and in one case, as a baker. The victims of trafficking experienced an average of seven forms of coercion and exploitation; the most common involving denial of freedom of movement, withholding of wages, excessive working hours, withholding identity and travel documents and physical abuse.

Most of the victims of trafficking were removed from the trafficking situation through intervention by the Ministry of Interior. These men were provided pre-departure assistance in Iraq and legal and medical support. PAVE liaised with receiving missions to ensure victims received reception services and transfer to final destinations, as well as reintegration assistance. PAVE was also able to expedite the legal process for more than 30 other victims of trafficking in Iraq, but was unable to provide direct assistance due to their deportation.

JORDAN

According to data from the Government of Jordan's Ministry of Labour's Annual Reports, in 2014, Jordan granted 324,410 workers, an increase on the 280,300 working permits granted in 2011. Domestic workers in Jordan come from the following countries, in order from the largest to the smallest: Bangladesh, Sri Lanka, Philippines, Indonesia, Kenya and Ethiopia. Egyptian nationals dominate the construction and agriculture sectors, and in the period from 1994 to 2011, the Egyptian workforce made up more than 60 per cent of all foreign nationals holding work permits.¹⁴⁴

The physical isolation and geographical dispersion of agricultural workers increases vulnerability to exploitative practices by employers and reduces the ability of labour inspectors to access farms. NGOs indicated that there was little to no donor support for outreach to workers in this sector, therefore, they were forced to use their funds to support migrant domestic workers and workers in the Qualified Industrial Zones. All participants in this study confirmed the labour violations suffered by agricultural workers, but indicated that little is being done to address it by international organizations or the government. Research by Tamkeen in 2014 reveals many foreign workers in the agricultural sector are in irregular situations, including those working for sponsors other than those officially written on their work permit, those who are self-employed and those who simply do not hold work permits. Despite reports indicating over 1,000 agricultural workers who may be victims of forced labour and human trafficking in Jordan, the Counter Trafficking Unit opened 27 cases in 2013 and 30 cases up until mid-2014 according to participants. This low figure may reflect deficient monitoring and persisting discrimination against foreign workers.

Exploitation of female migrant domestic workers in private homes continues to be one of the greatest challenges in combating human trafficking in the Kingdom.

¹⁴⁴ Migration Policy Centre (MPC), MPC Migration Profile: Jordan (June 2013). Available from www.migrationpolicycentre.eu/docs/migration_profiles/Jordan.pdf, p. 3.

I would tell other women to try their best not to do that [migrate for work]. I have talked to many about my experiences to raise awareness of the dangers. Some people accept that and some want to learn for themselves. I can't make them listen, but I can share my story with them.

National legal frameworks on counter-trafficking and exploitation

In 2009, the Lower House in Jordan passed the Protection against Trafficking of Human Beings Law of 2008, making it the third country in the Arab region to pass a law on human trafficking.¹⁴⁵ The Act criminalizes all forms of trafficking for sex and labour and prescribes punishments of 10 years' imprisonment for crimes of forced prostitution and other aggravated circumstances, including trafficking of a child and trafficking involving a public official. Failing to alert authorities to a trafficking crime is penalized with imprisonment for up to six months. The rights of victims and access to protection are not explicitly provided for within any provision of the Act, nor are victims awarded temporary residence under the Act. Government and NGOs reported that many cases of human trafficking and forced labour continue to be dealt with as breaches of labour laws.

Labour law

Jordan's Labour Law (8) of 1996 governs the labour market and all workers are subject to its provisions, including domestic and agricultural workers.¹⁴⁶ Despite their inclusion, domestic and agricultural workers are still subject to specific regulations issued by the government.¹⁴⁷ The Labour Law provides comprehensive protections of worker's rights in the country, including right to annual leave (article 64) and sick leave (article 65), timely provision of wages including penalties for employers who fail to pay within seven days of the due date (article 46), a weekly day off (article 60) and right to personal protection from the hazards of work (article 78). Article 4 also provides that should a worker's rights be better protected in another law, work contract or agreement, then that will prevail above the terms in the Labour Law.

NGOs have reported that some provisions within the Labour Law are not followed in practice. For example, although Article 12 states that the employer is responsible for the acquisition and payment of a work permit for every non-Jordanian employee, research reveals that in reality, Egyptian agricultural workers routinely pay at least half the value of the work permit to secure work with an employer.¹⁴⁸ Considering Egyptian workers constitute 97 per cent of migrant agricultural employers, this represents a significant concern in the protection of their labour rights.¹⁴⁹

Article 12 also allows the Minister of Labour to deport a worker who has been recruited without a work permit, is working for an employer other than the one he/she is authorized to work for, or is working in a field other than what his/her work permit designates. Should the employee violate Article 12, the minister may prevent his/her recruitment and employment for three years from the date of deportation. This article is particularly problematic as it places a burden of responsibility upon the worker to have a work permit.

145 Tamkeen Fields for Aid, 2015.

146 Public servants and employees of the municipalities are governed under separate legislation.

147 Tamkeen Fields for Aid, 2012, p. 5.

148 Tamkeen Fields for Aid, 2014, p. 75.

149 Tamkeen Fields for Aid, 2014, p. 100.

Participants noted cases of employers exploiting their employees by failing to renew the employees' work permits, thereby jeopardizing the employees' residency/work status and coercing them to work under threat of deportation. Article 12 also does not consider cases in which the worker may have been exploited or trafficked.

NGOs report ongoing issues with inconsistent judicial application of the Labour Law and the domestic worker regulations, with some judges awarding employees with the rights contained within the full law, others with only those contained in the specific regulations.¹⁵⁰ In practice, this has resulted in some cases of domestic workers being denied rights contained within the Labour Law, such as receiving overtime payment and being permitted to take religious holidays.¹⁵¹

Agricultural worker regulation

The Labour Law was amended in 2008 to include agricultural workers subject to a specific regulation governing their rights.¹⁵² At the time of writing, the agricultural workers' regulation has not been passed, creating a lack of clear governance in relation to these workers. NGOs report that discrimination against both migrant and national farm workers remains commonplace, with specific labour requirements particularly harming the rights of Egyptian farm workers.¹⁵³

Counter-trafficking efforts in Jordan

The Government of Jordan continues to be engaged in efforts to combat human trafficking and reduce the exploitation of migrant workers across the country. Several ministries, including the Ministry of Interior, Labour, Agriculture and Health, have specific mandates from the Prime Minister's office to address trafficking in persons. In addition, local NGOs and international organizations provide legal, policy and direct assistance services.

Anti-Human Trafficking National Committee and Counter-trafficking Unit

On 6 April 2012, a memorandum of understanding was signed between the Ministry of Labour and the Public Security Directorate to establish a specialized counter-trafficking unit, working under the Criminal Investigation Department. The unit works closely with the Police and Security Department and commenced its work on 19 January 2013. Several criminal cases and suspected cases relating to human trafficking have been investigated and sent for judicial processing. In some cases, the Ministry of Labour can activate investigation through the General Prosecutor if the employer refuses to cooperate with inspection. Participants for this study however, indicated that the counter-trafficking unit needed to better protect workers by dealing with trafficking as an integrated crime with forced labour.

Cross-governmental and civil society collaboration

The government has been cooperative in engaging with both NGOs and international organizations; however, both parties cited an increased need for cross-ministerial cooperation and stronger engagement with NGOs providing victim assistance. Improvement was already noted in this respect in the three-month period between the round-table and the government consultation, participants to the latter mentioned

150 Tamkeen Fields for Aid, 2012, p. 6.

151 Ibid.

152 Technically advanced roles within the agricultural sector such as veterinarians and agronomists were always included.

153 Tamkeen Fields for Aid, 2014, p. 61.

they had even begun working with NGOs with which they had not previously worked. All relevant entities (embassies, recruitment agencies, government, civil society and others) wanted to be better informed and involved in national initiatives, citing a desire to work together on identification and protection of victims. Service-providing NGOs, such as the JWU, Tamkeen and Adaleh, cited fractured collaboration resulted in duplication of efforts on some workers' cases. For example, lawyers from two NGOs arrived at one worker's case, as workers sometimes "forum shop" to find legal support.

Labour inspections

The Ministry of Labour's Directorate of Labour Affairs and Inspection is responsible for all inspections, including inspections of employment conditions, occupational safety and health standards, and child labour. Labour inspectors operate out of each of the 23 regional labour offices located throughout the country. Inspectors report monthly to the Labour Inspection Directorate on official labour statistics, the number of visits conducted, measures taken by inspectors when violations occur, the number of work-related injuries reported by enterprises and the number of complaints handled. Participants for this study indicated that the number of inspectors is insufficient to comprehensively address the mistreatment and working conditions of migrant workers across the country. Recognition of the effectiveness of labour inspections in Qualified Industrial Zones for those migrant workers in the garment-making sector was noted, including support for the recently implemented Gold List (compliant employers) and Black List (violating employers). Inspections have also served as opportunities to raise awareness, for example by handing out brochures in factories.

Awareness and education

In April 2013, under the patronage of Her Royal Highness Princess Basma bint Talal, the Government of Jordan's Anti-Human Trafficking National Committee launched the IOM campaign "We Are All Workers" from the Royal Cultural Center in Amman to sensitize the public and combat trafficking in human beings through the dissemination of information and educational material, awareness-raising sessions for community groups, the production of public service announcements and other forms of media campaigns.¹⁵⁴

Government agencies, NGOs and international organizations have made significant efforts to raise awareness of migrant workers' rights; however, all focus group participants cited the need for greater education for all stakeholders. The ILO Decent Work Project launched in the Qualified Industrial Zones was perceived to have significantly reduced cases of employer violations. Current awareness-raising efforts have centred on distribution of brochures to migrant domestic workers, which were circulated throughout embassies and recruitment agencies. However, NGOs working with identified exploited domestic workers reported that they had never received copies of these brochures, indicating flaws in the circulation of information. In other cases, domestic workers indicated these brochures were confiscated by their employers. Innovative suggestions on improving awareness, particularly among migrant domestic workers, included safe spaces for migrant domestic workers to spend their day off where workers can learn more about their rights and access support (this has begun in Amman through support of the Solidarity Centre and Adaleh), information booths at the international airport, and compulsory employer labour rights education seminars.

¹⁵⁴ ILO, "We are All Workers – We have Rights and Duties", Flash report, IOM MENA, 23 April 2013. Available from www.iom.int/files/live/sites/iom/files/Country/docs/IOM-Flash-Report-18.pdf.

Medical services

In 2010, the Office of the Prime Minister issued a decision to allow all victims of violence regardless of nationality to be treated free of charge in general hospitals of Jordan. The Ministry of Health, together with the Family Protection Unit, has been referring cases of violence and recently cases of trafficking to hospitals and medical centres. It is unknown how many exploited or trafficked migrant workers have accessed these services.

Shelters

Jordan has no operating government-run shelter for migrant workers escaping abuse. The National Strategy to Combat Trafficking in Persons for 2010–2012 planned for the establishment of one or more shelters for use by victims of trafficking; however, as of the time of writing, the shelter is still not operational. The Government of Jordan informed researchers that they are currently furnishing the specialized shelter (which will house only women and children) and recruiting staff. The shelter has begun receiving cases, although it is not officially opened yet. The government has allocated a budget for furnishing to start immediately receiving victims.

The JWU is the only NGO to provide shelter services. They deliver comprehensive services such as legal, psychosocial and medical assistance. They assist in voluntary returns, fundraise for victim's operations, support pregnancy cases such as provision of birth certificates, and assist workers to contact their families. The JWU does not receive government funding for these services.

Support services

The provision of support services, such as mental health care, vocational training, legal aid and child care, are not provided by the State. Local NGOs JWU, Tamkeen and Adaleh all provided some services but lack of resources limited widespread support to all identified workers in need of care.

SAUDI ARABIA

Since the discovery of oil, Saudi Arabia has been a destination country for professional, technical and medical personnel from across the Western world. However, increasingly low-, semi- and un-skilled workers from across Asia and the Horn of Africa have become the dominant population of workers in the the country, fulfilling demand for low-skilled staff in the service sectors, such as cleaners, cooks, janitors, gardeners, domestic workers, retail staff and waiters, as well as workers in the agricultural and construction sectors.

Saudi Arabia receives more Indian workers than any other country in the Gulf region,¹⁵⁵ with close to 1,000 Indian low-wage workers being provided emigration clearances to travel to Saudi Arabia each day.¹⁵⁶ These workers send almost 500 billion INR (approximately USD 8.2 billion) back to India every year.¹⁵⁷ Women from Indonesia, the

155 S. Irudaya Rajan and K.C. Zachariah, Kerala's Gulf Connection 1998–2011: *Economic and Social Impact of Migration* (Orient Blackswan, New Delhi, 2012), p. 12.

156 Government of India, Ministry of Overseas Indian Affairs, "Annual Report 2012–2013" Annual Labour Outflow from India Destination Wise from 2008–2012. Available from http://moia.gov.in/writereaddata/pdf/Annual_Report_2012-2013.pdf, p. 53.

157 World Bank, Migration and Remittances Data, Bilateral Remittance Matrix 2012. Available from http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1110315015165/Bilateral_Remittance_Matrix_2012.xlsx.

157 Ibid.

Philippines, Sri Lanka, and more recently from Bangladesh, Nepal and Vietnam,¹⁵⁸ make up the estimated 1.5 million domestic workers in Saudi Arabia.¹⁵⁹ These women migrate through both legal and illegal channels, often circumventing bans on their recruitment to the country. For example, Nepalese domestic workers have continued their migration to Saudi Arabia by first travelling to India.

There is a stream of migration into the country by people from the Horn of Africa and Yemen who seek work upon arrival. This is particularly true for Ethiopians who flee poverty and repression at home in the hope of securing employment in Saudi Arabia and other Gulf States.¹⁶⁰ These irregular migrants make the often treacherous sea and land journey to Saudi Arabia via Djibouti and Yemen. They are highly vulnerable to severe human rights abuses from criminal gangs who have been known to capture and torture the migrants, often demanding ransom from family and friends to release hostages.¹⁶¹ There are concerning reports of Saudi border guards assisting in the illegal crossings of migrants from northern Yemen into Saudi Arabia.¹⁶² There have also been reports that guards have fired gunshots at migrants injuring or killing them, as well as guards handing over captured illegal migrants to Yemeni traffickers for a fee.¹⁶³

National legal frameworks on counter-trafficking and exploitation

Saudi Arabia is governed by Sharia law, which mandates rulers to apply established principles and rules to the promotion and protection of human rights, as prescribed in the Holy Quran, the Sunnah of the Prophet and Islamic jurisprudence.¹⁶⁴

The Trafficking in Persons (Offences) Act, promulgated pursuant to Royal Decree No. M/40 of 14 July 2009, defines and prohibits all forms of human trafficking. The Act is largely consistent with the definition provided in the Palermo Protocol however, includes prostitution as an offence that is inconsistent with international law.¹⁶⁵ Article 3 prescribes penalties of up to 15 years' imprisonment and a fine of up to SRI 1 million.¹⁶⁶ The Act details guidelines for the investigation and prosecution of a trafficking crime, including informing the victim of their legal rights in a language they can understand (article 15(1)), and admitting the victim to medical, psychological or social rehabilitation if necessitated (article 15 (4)).¹⁶⁷

158 C. Trenwith, "Saudi Arabia to recruit domestic workers from 9 new countries", ArabianBusiness.com, 14 August 2013.

Available from www.arabianbusiness.com/saudi-arabia-recruit-domestic-workers-from-9-new-countries-513525.html.

See also: A. Al-Qahtani, "Go ahead given for hiring 1.2 million workers for Saudi Arabia", Saudi Gazette, 9 July 2015.

Available from <http://webcache.googleusercontent.com/search?q=cache:0dPzO7hcR-kJ:www.saudigazette.com.sa/index.cfm%3Fmethod%3Dhome.PrintContent%26fa%3Dregcon> (accessed 20 October 2015).

159 Human Rights Watch, *Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East* (Human Rights Watch, USA, 2010). Available from www.hrw.org/report/2010/04/27/slow-reform/protection-migrant-domestic-workers-asia-and-middle-east.

160 Human Rights Watch, *Yemen's Torture Camps: Abuse of Migrants by Human Traffickers in a Climate of Impunity* (Human Rights Watch, USA, 2014). Available from www.hrw.org/sites/default/files/reports/yemen0514_ForUpload.pdf, p 25.

161 Danish Refugee Council, *Desperate choices: conditions, risks & protection failures affecting Ethiopian migrants in Yemen, October 2012* (Danish Refugee Council and Regional Mixed Migration Secretariat, Nairobi, Kenya, 2012). Available from www.refworld.org/docid/52401aba4.html, p.7.

162 Ibid.

163 Human Rights Watch, 2014, pp. 70–71.

164 Human Rights Council, 2013.

165 Ibid., p.3,

166 Anti-Trafficking in Persons Law, Royal Decree No. (M/40) Dated 21/7/1430H-14/7/2009, www.gulfmigration.eu/database/legal_module/Saudi%20Arabi/National%20Legal%20Framework/Anti-trafficking/1.2%20Anti-Trafficking%20in%20Persons%20Law_EN.pdf

167 Ibid.

Labour law

The main Saudi Arabian statute governing labour relations is the Labour Regulation, Royal Decree No. M/51 of 23rd Sha'ban 1426 (27 September 2005). The provisions of the Law do not apply equally among all workers in the country, with Article 7 excluding domestic "helpers", some sea workers and agricultural workers (other than the categories stated in Article (5) of the law).¹⁶⁸ Many migrant workers in the country are employed in these excluded categories of workers, which leaves them reliant upon additional regulations drafted by authorities (Domestic worker regulation is discussed below). The provisions of the labour code oblige employers of workers in these categories to: (a) incur the fees pertaining to recruitment of non-Saudi workers, including renewing residence and work permits and returning tickets to the worker's home country at the end of the employment period (article 40); and (b) pay wages and not withhold any part of the worker's wage (article 61).

The Labour Law requires an employment contract detailing the name of the employer and worker, nationality, identification, wage agreed upon, type and location of work, date of employment and duration of the contract if fixed. According to Article 9, Arabic is the official language to be used for "work contracts", and if the employer uses a foreign language besides Arabic, the Arabic text shall prevail. This increases migrant workers' vulnerability to contract substitution and may leave workers unable to understand the terms of their contract in Arabic. Many migrant workers have reported facing working terms and conditions different to what they agreed to in their home country.

Neither the Trafficking in Persons (Offences) Act nor the Labour Law address the withholding of passports as a practice that may lead to the exploitation or forced labour of an employee.¹⁶⁹ In 2000, the Saudi Arabian Council of Ministers Decision No. 166 of 12/7/1421 AH regulating relations between migrant workers and their employers prohibited the practice of withholding worker's passports; however, this is a separate and lesser offence than what is contained in the trafficking and labour laws. Despite the practice of passport retention being criminalized, the practice remains common.

Counter-trafficking efforts in Saudi Arabia

Efforts to combat human trafficking, protect vulnerable migrant workers, and punish offenders remain inconsistent in Saudi Arabia. Recent reforms and proposals for changes to the labour and immigration laws suggest Saudi Arabia has begun to acknowledge these problems and improve its response. For example, the Ministry of Labour has begun steps to redefine some of the terms linked to the kafala system and abolished certain practices by employers, such as withholding of passport, restrictions on freedom of movement (without being accompanied) and the freedom of transfer of sponsorship.

The Government of Saudi Arabia have made financial contributions to combating human trafficking, such as funding of IOM programming to ensure the reintegration of migrants who have been returned to their countries in the Horn of Africa and a USD 100,307 donation to the UN Voluntary Trust Fund for Victims of Human Trafficking.¹⁷⁰ The Government of Saudi Arabia cooperates with international organizations to combat trafficking and

168 www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=SAU&p_classification=01.02&p_origin=SUBJECT

169 US Department of State, 2015 Trafficking in Persons Report – Country Narrative: Saudi Arabia. Available from www.state.gov/documents/organization/226848.pdf, p. 333.

170 UNODC, United Nations Voluntary Trust Fund for Victims of Human Trafficking. Available from www.unodc.org/unodc/en/human-trafficking-fund/partners.html

migrant labour issues, including being a member of the Abu Dhabi Dialogue. In 2015, the Government conducted anti-trafficking trainings for 11 police officials and hosted a pan-Arab anti-trafficking conference for 30 participants.¹⁷¹

The Ministry of Labour continues to implement a WPS that requires companies in the private sector to electronically submit employees' wage data to the Ministry and pay employees their wages through local banks, thereby allowing the Ministry to ensure workers are paid and sanction those who don't. At the time of writing, 82 companies had been sanctioned for non-compliance with the WPS.¹⁷² The Ministry of Labour has also set sanctions and fines against individuals and companies who violate a ban on labourers working in the sun during the hottest hours of the day. By law, violators are fined a minimum of SRI 3,000 and a maximum of SRI 10,000 (equivalent to approximately EUR 2,393 at the time of writing), as well as the potential temporary or permanent closure of the establishment.¹⁷³

Support available

Sources of support for migrant workers are very limited, and social customs dictating freedom of movement for women means female migrants remain isolated and unable to access services. Migrant workers generally cannot join unions, public meetings are prohibited, and associations are only legal when these perform a social function. Consequently, there are few independent NGOs advocating for the rights of migrant workers.¹⁷⁴ Embassies are a possible source of assistance, but not all had shelter services for migrants who needed longer-term support.

Positive developments include the the Government of Saudi Arabia's creation of centres for domestic workers who have left their employment, and who in many cases have no passport or exit visa to return home. These centres provide mechanisms to repatriate domestic workers otherwise stranded in the country and mediate wage disputes with employers. A welfare centre in Riyadh for female victims provides rehabilitative care, legal aid and case assistance, although dedicated support services outside of the capital are limited.

The Nitaqat programme

In 2013, the Nitaqat programme was introduced to rebalance the labour market in favour of Saudi employees and address the ongoing issue of migrant workers violating the country's residency and labour regulations by working for individuals or firms other than their sponsor.¹⁷⁵ The Nitaqat programme promotes Saudization of companies and businesses¹⁷⁶ by incentivizing private companies to employ Saudi citizens and ensuring they comply with staff quotas.¹⁷⁷

171 US Department of State, 2015 Trafficking in Persons Report – Country Narrative: Saudi Arabia. Available from www.state.gov/documents/organization/226848.pdf, p. 297.

172 Ibid.

173 Al Arabiya, "Saudi Arabia fines 24 companies for violating midday work ban", 20 August 2013 (Last updated 21 August 2013). Available from <http://english.alarabiya.net/en/business/economy/2013/08/20/Saudi-Arabia-fines-24-companies-for-violating-midday-work-ban.html>.

174 P. Sakdapolrak, Protection of women migrant workers: Policies of selected sending and receiving countries (World Bank, Washington, D.C., 2002). Available from www.academia.edu/2044111/Protection_of_women_migrant_workers_-_Policies_of_selected_sending_and_receiving_countries.

175 P.K. Abdul Ghafour and G. Ali Khan, "KSA goes tough on illegals", Arab News, 19 March 2013 (last updated 22 March 2013). Available from www.arabnews.com/news/445349.

176 Human Rights Council, 2013, p.19.

177 Amnesty International, "Exploited dreams: Dispatches from Indian migrant workers in Saudi Arabia (Amnesty International India, Bangalore, 2014). Available from www.amnesty.org/en/documents/ASA20/025/2014/en/, p. 13.

As part of this process, in November 2013, Saudi authorities began a nationwide campaign to locate, detain and deport undocumented migrant workers.¹⁷⁸ Saudi Arabia has continued the crackdown on undocumented workers to date, with authorities reporting on 23 March 2015 that 300,000 workers had been detained and deported in the previous five months, an average of nearly 2,000 per day.¹⁷⁹

IOM have been providing emergency post arrival assistance to returnees since the expulsions began in 2013. In Ethiopia alone, 163,018 individuals were returned,¹⁸⁰ and IOM recorded 613,743 Yemni workers returning across the al-Tuwal border between June 2013 and November 2014. Many of these workers have reported to IOM staff that they endured abusive conditions while detained, including limited food and water, overcrowded and unsanitary lodgings, and mistreatment by guards.¹⁸¹ Many of the returnees being assisted are destitute having had their personal property confiscated. In 2015, Human Rights Watch reported no returnee they interviewed was provided an opportunity to legally challenge their deportation,¹⁸² which leaves migrant workers in the Kingdom vulnerable to unfair detention and abuse.

Strengths and gaps in support of trafficked persons and vulnerable migrants

Counter-trafficking efforts in Saudi Arabia are limited by multiple factors including limited awareness and understanding of the crime of human trafficking among the public and officials alike, lack of referral mechanisms, lack of capacity among NGOs, and poor implementation of legislation. Efforts to counteract the lack of identification of victims however, are being made through the distribution of victim identification criteria.

As IOM does not have official representation in Saudi Arabia, staff must use different ways to facilitate and support cases of potential victims of trafficking. IOM often refers cases to concerned Saudi authorities through unofficial means such as e-mail. These cases are followed-up and discussed unofficially during official visits to Saudi authorities. IOM also attempts to contact victims directly or indirectly to follow-up cases, as well as informs the concerned embassy of the victim. IOM encourages embassies to pursue Saudi authorities to address victim's cases. IOM assists the voluntary repatriation of exploited workers and trafficking victims.

Case studies

A total of seven male victims of trafficking, aged between 24 and 45, were assisted through PAVE in Saudi Arabia. They were all from Cambodia and trafficked for labour exploitation in a brick factory. The men were exploited in a number of ways – psychological abuse, false promises and deception, partial denial of freedom of movement, denial of medical treatment, partial withholding of wages, withholding of travel documents and excessive working hours. All sought assistance from their embassy who referred them to IOM.

178 Ibid.

179 Human Rights Watch, "Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions", May 2015. Available from www.hrw.org/report/2015/05/10/detained-beaten-deported/saudi-abuses-against-migrants-during-mass-expulsions, p. 1.

180 IOM, "Ethiopian Diaspora Continues its Support to IOM for Migrants Returning Home from Saudi Arabia", IOM, Special Liaison Office in Addis Ababa, Ethiopia. Available from <https://ethiopia.iom.int/ethiopian-diaspora-continues-its-support-iom-migrants-returning-home-saudi-arabia> (accessed 18 February 2015).

181 Amnesty International, *Amnesty International Report 2014/15 – Kingdom of Saudi Arabia Narrative*. Available from www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/.

182 Human Rights Watch, 2015, p. 2.

LEBANON

According to data published for 2014 by the Ministry of Labour, a total of 159,587 work permits were granted to migrant workers in Lebanon. Of those, 43,284 were for newcomers,¹⁸³ while 116,303 were work permit renewals.¹⁸⁴ However, these figures do not accurately give the full scope of the actual number of migrant workers in the country especially since it does not include those who work without regular/legal documents. There is a special category that is not captured by these statistics because they do not require a work permit: “the artists” (entertainers). According to General Security (agency responsible for managing migration), there are over 5,000 artists operating in Lebanon each year. The artist visa scheme which governs the work of women in the super nightclubs was established through an official decree in 1962. Women employed are aged between 19 and 31 from Belarus, Moldova, Russia, Ukraine, and Uzbekistan as well as Algeria, Morocco and Tunisia.¹⁸⁵

Migrant workers are recruited either by the sponsor directly or through agencies specialized in foreign labour recruitment and the sponsor’s name is registered on the visa. They can enter Lebanon legally, after which their sponsors are responsible for arranging their residency and work permits within 3 months from the date of entry. Those permits are valid for one year and renewed each year. In some cases, the high costs incurred by Lebanese employers seeking to employ foreign domestic workers, particularly from countries with a ban in place (due in part to multiple transits in their journey from country of origin), have contributed to the prioritization of the employer’s rights over those of the worker.

National legal frameworks on counter-trafficking and exploitation

On 4 August 2011, the Lebanese Parliament passed Law No. 164 Punishment for the Crime of Trafficking in Persons, an anti-trafficking law that amended the Lebanese penal code and criminal procedures to specifically address the crime of trafficking in persons. The law provides a clear definition of trafficking, defines victims of trafficking, and prescribes penalties for traffickers of up to 15 years’ imprisonment and payment of a fine (from 300 to 600 times the official minimum wage) (Article 586.1).¹⁸⁶

The law includes a non-punishment clause for victims, as well as provision for the confiscation of the perpetrator’s assets. Gaps in protection remain, however, as no assurance is given of the victim’s right to present his/her view during criminal proceedings, or to be protected during the court proceedings. The law also states that a defendant may stay in Lebanon during the period of the investigation but it does not require the issuing of a temporary residence permit to the victim for the duration of the legal proceedings.¹⁸⁷ Victims of trafficking are exempt from punishment under circumstances where they were forced to break the law or violate the terms of their residency.

The Lebanese penal code makes the following offences punishable: deprivation of a person’s personal freedom through abduction or any other means, fraud, deceit, violence, threats and abuse of power, exploitation of the prostitution of others or any other forms

183 Ministry of Labour, Lebanon, 2014. Available in Arabic from <http://goo.gl/XuGQJO>.

184 Ministry of Labour, Lebanon, 2014. Available in Arabic from <http://goo.gl/Cj9emh>.

185 H. Haroff-Tavel and A. Nasri, Tricked and trapped, *Human trafficking in the Middle East* (ILO Regional Office for the Arab States, Lebanon, 2013). Available from www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_211214.pdf, p. 77.

186 ICMPD, 2013, p.35.

187 Law No. 164 Punishment for the Crime of Trafficking in Persons. Available in Arabic from www.protectionproject.org/wp-content/uploads/2010/09/Lebanon_TIP-Law_2011-Ar.pdf.

of sexual exploitation,¹⁸⁸ abandoning a minor for money or using a minor for purposes of prostitution. Protections for workers, such as the need for a contract, maximum hours of work (article 34), leave entitlements (articles 36, 39 and 40), minimum wage (article 44), and timely provision of wages (article 47), are set out in the Lebanese Labour Code.¹⁸⁹ Domestic workers employed in private homes are among those¹⁹⁰ excluded from the Labour Code (article 7), although basic rights, such as free movement throughout the country (articles 4 and 12), are granted under the Law of 10 July 1962 on entry and stay in Lebanon.¹⁹¹

In June 2013, a Code of Conduct was launched to provide guidance to recruiting agencies on promoting and protecting the rights of migrant domestic workers in the country.¹⁹² While this is a positive step forward, the Code does not replace the safeguards contained within labour laws, leaving domestic workers still vulnerable to exploitation with few options for redress. In addition to the code, Order No. 5 of the Ministry of Labour dated 17 January 2003 was introduced to regulate the work of agencies that recruit migrant domestic workers.

As an interim measure to ensure that the rights and duties of both employers and employees are clearly laid out while discussions on new legislation for migrant domestic workers took place, a standard contract was adopted on 1 April 2009 by the Ministry of Labour. It is a legal requirement to have a signed contract in front of the notary public between the employer and migrant worker. The contracts state the responsibility of the employer towards the migrant domestic workers; however, it does not very much influence the actual work conditions. Usually, details of the contract are not discussed, such as the actual monthly salary, the type of work and tasks involved.

Counter-trafficking efforts in Lebanon

Increasing numbers of government, social and civil society actors in the region have become engaged in tackling forced labour and human trafficking in recent years, whether from a legal, policy or service delivery standpoint.¹⁹³ The increased number of government agencies with some responsibility for combating trafficking in persons has not been accompanied with efforts to coordinate the responses. This has led to many options for referral when a potential victim is identified. The lack of a clear referral pathway was a problem raised in several interviews with both government and NGO representatives. Once identified, a potential victim can be referred to a number of agencies: GDGS, Ministry of Labour, including the ISF, Ministry of Social Affairs or General Prosecutors working within the Ministry of Justice. The lack of coordination, and in some cases, overlapping roles and responsibilities, results not only in confusion for all involved, but in some cases, conflicting policies.

Although the ISF amended its mandate with the Anti-Human Trafficking and Morals Protection Bureau and is now tasked with investigating trafficking cases related to

188 Articles 503–506. Available (in Arabic) from www.ilo.org/dyn/natlex/docs/ELECTRONIC/89873/103350/F300391946/LBN89873%20Arab.pdf.

189 Republic of Lebanon, Labour Code, 1946, Comprehensive English translation of the Lebanese Code of Labour. Available from www.ilo.org/dyn/travail/docs/710/Labour%20Code%20of%2023%20September%201946%20as%20amended.Publication%202010.pdf.

190 Other exclusions include agricultural corporations with no trade or industry connection are covered under a separate law, family members employed by father, mother or guardian and civil servants (article 7, p. 2).

191 Republic of Lebanon, Law concerning the entry and stay in Lebanon as well as the exit, 10 July 1962. Available from www.ilo.org/dyn/natlex/docs/SERIAL/39234/97115/F1369890137/LBN-39234.pdf.

192 OHCHR, 2013.

193 OHCHR, 2013, p. 13.

physical abuse, sexual harassment and trafficking in persons, particularly for forced prostitution, the multiple referral pathways result in the cases not always reaching because not everyone is aware of its functions in this capacity. Even the TIP report for 2014 does not yet acknowledge the existence of this anti-trafficking unit, leaving Lebanon on the Tier 2 Watch List for a third consecutive year because according to the report, it has not shown evidence of having increased its efforts in combating human trafficking in the past year.¹⁹⁴ ISF has the legal responsibility for handling cases where a victim of trafficking has been identified; however, administrative issues such as residency/work permits of migrants are processed through the GDGS. Further, because of this role, civil society often refers to the GDGS regardless of the type of case, although it is necessary to involve them in cases involving domestic workers who leave their workplace.

When a migrant worker decides to break the contract and reach out to a civil society organization, often an investigation of the employer's house is pushed for upon authorization from the General Prosecutor. Additionally, sometimes there is no proper screening and identification for victims of trafficking.

In interviews with NGOs, it was suggested that an organization's ability to report crimes to police and have those investigated was dependent upon their relationship with key agencies. Some established their own criteria for referral, for example, referring urgent cases (that is, where a worker is at high risk of violence or self-harm) to ISF as they are in a position to enter an employer's house, check on and/or remove the worker. ISF's ability to respond immediately made it the preferred agency for dealing with emergency situations. For non-urgent cases, a letter asking for assistance is sent to GDGS. This process is slower and chosen when the potential victim is not at immediate risk of harm from the employer or one's self, upon the determination of trained operators of hotlines in the case of Caritas. GDGS then proceeds independently and conducts an investigation.

Protections

Although measures exist, for example recruitment agencies and exploitative employers are at risk of penalties and withdrawal of licenses for law-violating recruitment agencies under mandate of labour inspectorate at the Ministry of Labour, workers' willingness to file complaints are impeded by fear and a lack of trust in the government. In January 2015, a domestic workers' union that seeks to mobilize workers and raise their awareness about their legal rights was established, but as yet has not been officially recognized.

In 27–28 February 2015, IOM's PAVE Project hosted a workshop on "Creating a National Protection Framework and Strong Referral Mechanism in Lebanon for Trafficked Victims and Exploited Migrants", from which major policy gaps were identified and solutions discussed collectively among the stakeholders in attendance. It was determined that to better identify and assist victims, there needs to be an "enabling environment" for a victim to be properly identified and assisted. This means that: (a) general public/civil society members are aware of the issue and actively report cases of exploitation and trafficking to the relevant authority; (b) law enforcers, criminal justice agents, authorities and NGO actors have specialized skills needed to assist and protect victims; and (c) governments' institutions have sustainable mechanisms to address the issues. Despite current efforts, this enabling environment has not yet been realized to ensure that victims are being properly and proactively identified and assisted. The assistance package is not comprehensive

¹⁹⁴ US Department of State, 2014 Trafficking in Persons Report – Lebanon. Available from www.state.gov/j/tip/rls/tiprpt/countries/2014/226760.htm.

enough to address the multifaceted needs of victims. Unfortunately, members of society are still not fully aware of the issue and consider exploitative practices to be common practices that are not priorities to address, given Lebanon's many other societal problems.

Case studies

Of the 95 PAVE beneficiaries assisted through the Lebanon mission, the majority were from the Philippines (75%); this is largely because the Philippines' embassy in Lebanon has actively identified and referred cases to IOM, followed by the next largest group originating from Liberia (14%). Other beneficiaries were from Bangladesh, Cameroon, Ethiopia, Jordan, Kenya, Nepal, Sudan and Uganda. Almost all PAVE beneficiaries were female; 2 men were trafficked from Jordan and Sudan. Nearly three quarters were aged below 36 years; 44 per cent between 26 and 35 years, and 29 per cent between 18 and 25 years.

9 in 10 victims assisted by IOM were domestic workers in Lebanon; the most common form of work was as a beautician or hairdresser (6%). Nearly 7 in 10 of the victims assisted by IOM in Lebanon found themselves in the same type of work they had been promised during recruitment; however, each person experienced an average of eight forms of coercion and exploitation. Nearly all the victims were denied freedom of movement and confined within private homes (96%), and a large proportion were made to work excessive hours (89%), had their wages and identity documents withheld (83% and 81% respectively), were given false promises or deceived (75%) and suffered psychological (71%) and physical abuse (60%). Half of all victims also received threats (51% threats to the individual and 51% threats of action by law enforcement).



APPENDIX B

ACTIVITIES UNDER IOM'S PAVE PROJECT

Regional activities: Many countries of interest in this report have begun signing bilateral agreements and memorandums of understanding between countries of origin and destination. Largely however, these agreements have detailed conditions for the sending of female migrant domestic workers, and the rights afforded to these workers in the agreements continue to restrict their full access to labour law protections afforded to all other workers in the receiving countries.

While there is growing commitment to combating human trafficking crimes, one of the largest barriers remains the continual stance of many governments in the region that human trafficking and labour issues are distinct. Engagement at the country level is needed to translate regional discourses into advocating new policies or improved enforcement. IOM's regional PAVE project was designed to combine regional responses and country-level engagement. Three regional events within the PAVE Project, namely two regional policy dialogues and one study visit, were organized to assess challenges and help create evidence-based responses at the country level through capitalizing knowledge, expertise and experience.

REGIONAL DIALOGUE

A desktop review of available reports and literature and consultation with key stakeholders revealed that countries in the region have limited resources and capacity to ensure the protection of victims of trafficking. The first regional policy dialogue, "Creating a Regional Protection Framework for Trafficked Victims and Exploited Migrants in Middle East and North Africa," was hosted in Jordan on 10–12 June 2014.¹⁹⁵ 19 senior government officials heading up counter-trafficking efforts and migration management from the five target countries and Kuwait attended the event. In addition, civil society actors and embassy officials from key sending countries also participated.

The dialogue sought to update participants on how each country had progressed in protecting exploited and trafficked migrant workers, reflecting on the domestic laws on counter-trafficking and challenges in addressing the gaps. Thematic experts from MENA and the Asia-Pacific region from both IOM and ILO presented on international human rights standards relating to victim protection, the current lack of protection in the region and the utility of a regional mechanism to address the challenges.

Several common policy issues on protection mechanisms were identified in all six participating countries:

- lack of active identification of victims of trafficking;
- a minimum service available for victims;
- lack of funding to finance protection policies especially when victims are non-nationals; and
- lack of legal frameworks to ensure that victims are properly identified and assisted.

¹⁹⁵ At the time of writing, the second Regional Dialogue had not taken place; however the theme was intended to highlight innovation in combating human trafficking with a special focus on the private sector's involvement.

Discussions also revealed the lack of policy enforcement particularly related to prosecuting the traffickers, such as lengthy legal procedures. This discourages victims to come forward, which leads to a minimum number of convictions. Discussions also noted the lack of coordination mechanisms among stakeholders to protect and assist victims. The dialogue resulted in a set of key recommendations, which included:

- Encouraging identification of presumed victims and to set up a mechanism of protection that respects human rights principles;
- Setting up a specialized treatment and care to assist victims through stronger referral mechanisms, including considering the financing of such assistance;
- Reviewing lengthy justice system procedures;
- Strengthening multi-stakeholders coordination;
- Creating regional cooperation framework and intraregional cooperation framework;
- Enhancing the staff capacity to treat victims; and
- Encouraging research and development on the topic.

The event created an opportunity for practitioners and experts to reflect on the magnitude of the crime of trafficking and the regional response required, as well as what each country has done to combat trafficking in the MENA region. The common interest in sharing good practices and lessons learned drove the discussions towards improving current practices in respective countries, and focusing in-depth on regional cooperation. The need for a regional mechanism to curb the prevalence of trafficking and prosecute offenders was considered to be urgent. A study visit to Belgium was organized following the regional dialogue.

STUDY VISIT

The study tour aimed at encouraging experience sharing and international cooperation. The study visit to Belgium took place between 1–5 December 2014, and involved Naif University for Security Sciences (Saudi Arabia), a representative of the JWU, and 11 senior government officials from Iraq, Jordan, Kuwait, Lebanon and Saudi Arabia coming from various ministries, such as Justice, Labour, Interior, Social Affairs, Human Rights Commissions, as well as Counter-trafficking Units. The visit sought to facilitate a knowledge exchange between the participating countries and the European – and specifically Belgian – experience on combating human trafficking including lessons learned and good practices through the prosecution of offenders and protection of victims. In particular, participants were able to benefit from first-hand learning of the solid, evidence-based anti-trafficking and victim protection policies, infrastructure and referral mechanisms to assist victims of trafficking and exploited migrants.

Belgium was chosen as the country to host the delegation based on a number of considerations of sufficient similarities of the respective human trafficking situation to MENA countries and greater experience in victim protection. Belgium is both a destination and transit country for victims of trafficking subjected to forced labour and sex trafficking.¹⁹⁶ It has a strong response to trafficking that has resulted in a significant number of prosecutions and victims identified and assisted. A critical aspect of their protection policy is the recognition of the rights of migrants and domestic policy, which

¹⁹⁶ Group of Experts on Action against Trafficking in Human Beings (GRETA), "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium", First evaluation round (GRETA, Strasbourg, 25 September 2013). Available from www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2013_14_FGR_BEL_with_comments_en.pdf.

has been amended to protect migrants from exploitation and abuse. Belgium also has a good victim protection mechanism, such as provision of residence permits for victims so they can be referred to specialized treatment and care and decide what is best for them after recovery, whether integration or assisted voluntary return and reintegration. In addition, Belgium hosts the European Union headquarters in which MENA counterparts can meet their European Union counterparts to learn from each other on the trafficking in persons situation in these two regions, discuss set-up of a regional framework to combat trafficking and assess potential collaboration between MENA and European Union countries to combat human trafficking.

During the visit, the delegation met with the Government of Belgium's Ministry of Justice and Coordination Platform against Trafficking in Human Beings, a specialized magistrate (network of excellence), the Immigration Department, the Belgian police and the Interfederal Centre for Equal Opportunities. In addition to national meetings, delegates also had the opportunity to meet with European Union Institutions (Home Affairs and External Action Service) and officers in charge of European Union's EMPACT and Frontex. Some of the results of the study visits are reflected below:

Reflection on evidence-based policies

The Belgian authorities continuously shape their policies to address the crime of trafficking based on evidence identified and gathered throughout the process of prosecution of the crime of trafficking and protection of the victims, which includes:

- Continuous amendment of trafficking law;
- Continuous updating of indicators, especially given that traffickers are regularly using new trafficking techniques; and
- The advanced response that the Belgian authorities reached is the result of a progress done throughout the years. The legal process was accelerated, where it used to take four years to recognize a person as a victim; nowadays and after establishing the Specialized Magistrate in Trafficking in Human Beings, the process takes two to three months.

Reflection on expertise and coordinative multidisciplinary approach to handle cases of trafficking

To tackle trafficking in human beings, it is necessary to build expertise and multidisciplinary work between several stakeholders that lead the Belgian authorities to apply the principles of specialization and coordination in victim protection. Coordination happens through the Interdepartmental Coordination Platform, whose role is to ensure the coordination of the policies related to trafficking and smuggling. These two principles of specialization and coordination were inserted into the response that the Belgian authorities are currently implementing and helping build a more comprehensive response in regard to:

- **Victim identification:** Specialization among different entities who may come across a case of trafficking helps to better identify victims of trafficking and the crime at an earlier stage. Specialized magistrates are assigned to properly identify victims and recognize the person as a victim. Upon identification of the potential victim, steps should be taken by the front-line person:
 - » Inform the magistrate to initiate the investigation: Prosecution is led by specialized magistrates who regularly meet with the specialized team working on a trafficking case to discuss it (federal police, social inspectors, immigration officials).

- » Inform the immigration department.
- » After seeking consent, refer the person to the shelter for assistance.

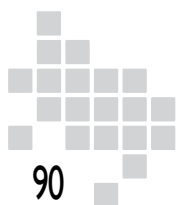
For the victim to be protected under the Belgian system, three conditions must be met:

- » Cooperation with law enforcement (not necessarily a complaint; a statement is enough).
 - » Stop any contact with the presumed trafficker.
 - » Accept specialized assistance at the shelters. Victim will lose the right to be protected in case s/he decides to leave the shelter.
- **Recovery:** Once a victim identified, the priority is given to the victim's protection and care. To strengthen the cooperation, the Belgian authorities foresaw:
 - » A reflection period of 45 days (preparation and decision to initiate the process) to avoid putting any pressure on the victim and offer psychosocial and medical care needed for rehabilitation by facilitating access to the specialized shelters. At the end of this period, the victim will decide if s/he wants to give statement or if s/he would like to return to the country of origin.
 - » Offering legal counselling is crucial and must include not just access to legal assistance through the assignment of a lawyer but also provide counselling to inform victims of trafficking about the rights and options, as well as build capacity and empower victims to face investigators and the investigation process.
 - » Giving rights for work and residency in Belgium: During the process of prosecution, the shelters approach different government entities to facilitate the issuance of work permit and residency permit.
 - » At the end of the process, if the person is identified as a victim, s/he will benefit from a permanent residency permit. If not, s/he will be referred to other available services.
 - **Return and reintegration:** In case the victim refuses to file a complaint and if s/he would like to voluntarily return back to her/his country of origin, her/his return is conducted in coordination with the immigration department and IOM to assess any risk before conducting the return. The victim's right to file a complaint or choose a voluntary return should be respected. The legal procedures will continue even if the victim decides not to pursue a complaint.

Outcome and recommendation

Participants recognized:

- The need to have a specialized team to handle cases of trafficking and cooperation among different stakeholders involved in combating the crime at the national, regional and international levels.
- Areas for improvement among different delegations in their current responses at country level, and the need to work towards more comprehensive strategies using the two key principles of cooperation and specialization in the field of counter-trafficking.



1. Develop the institutional capacity: Need to put in place mechanism to properly identify and protect victims of trafficking.

Belgium started with a modest system that was developed throughout the years. This motivated delegations to start building their response by learning from the Belgian system as they acknowledged the importance of the following:

- Victim cooperation to allow a better identification and prosecution of the crime. In the Belgian system, the priority is given to the victim's protection and care throughout the whole process of handling a trafficking case.
- Cooperation with other stakeholders is also crucial (judicial bodies, immigration officers, police, shelters).
- Civil society organizations as a key part of the referral mechanism, especially when shelters are managed by NGOs and financially supported by the government.
- Indicators, which consistently need to be amended and updated along with the need to keep a record of any incident that could be linked to a trafficking situation even if not all components are identified.

2. Building the individual capacity.

In MENA countries, victims are not properly identified and the legal system often leads to the re-victimization of victims.

3. Establishing an interregional cooperation.

Discussion took place on the possibility and need to extend such knowledge exchange between MENA and countries of origin.

Countries' responses

Following the regional dialogue and study visit, IOM maintained the engagement with participating countries at the country level to ensure the knowledge gained was passed on as a country reflection, a number of multi-stakeholders' capacity-building sessions have thus far been implemented to reflect on country's response. These workshops have resulted in discussions on drafting an NRM in PAVE target countries. A number of country-based actions were conducted, which include:

- Multi-stakeholder workshops: Workshop attended by government, NGOs, embassies and justice agents, law enforcers, and private sectors, resulting in discussion of creating NRM policies;
- Trainings for front-line officers (preliminary and advance): Immigration, police officers, hotline officers, NGO actors, embassy staff;
- Round-table discussions: Judges and prosecutors; and
- Consultative sessions to address institutional tools to protect victims with High Council for Human Rights, Supreme Court and others.

REGIONAL CAMPAIGN

To supplement the research, IOM also conducted awareness-raising on the exploitative conditions faced by migrant workers with a view to increasing sensitization on the need for fair and equal treatment of migrant workers in the region. This is aimed to increase societal capacity to actively participate in crime mitigation. The campaign was developed following several focus group discussions with migrant workers, governments and civil society actors in PAVE countries (except for Saudi Arabia) to understand the main problems around exploitation and protection of exploited and trafficked migrant workers. The information collected was used to develop a strategy that helped IOM

identify key messages and appropriate media platforms for effective awareness-raising campaign. Various campaign materials were developed with the main message “Kuluna Oemal, Kuluna Wahad” (We are All Workers, We are All One), which include:

- Printed/non-printed media: Brochures, short message service (SMS);
- Audiovisual: TV public service announcements;
- Audio: Radio campaign;
- Social design: Sporting event, stand-up comedy; and
- Social media: Facebook, YouTube channel

These activities were carried out in collaboration with the relevant governmental and civil society bodies and built on existing national campaigns and information materials produced by other organizations working on such issues across the region. Key messages were centred on the fair and equal treatment of migrant workers, including how migrant workers can be better empowered to know their rights. Extensive outreach activities focused on preventing future abuse and exploitation for migrants working in the target countries.

Country-specific activities in the PAVE target countries:

- Building individual and institutional capacity of government and non-governmental front-line officers, service providers on victim identification, International Human Rights standard, monitoring, labour exploitation, human trafficking and assistance models. This activity is being carried out through a number of trainings, round-table discussions, development of tools with the specific aim to advocate for better protection policy.
- Providing direct assistance to exploited migrant workers identified as highly vulnerable, with a specific focus on female domestic workers in collaboration with government, non-government actors including embassies of sending countries.
- Conducting outreach activities (such as through diaspora) to inform migrant workers of their rights in collaboration with government, civil society actors and private sectors.
- Conducting awareness raising on the exploitative conditions faced by migrant workers using a number of visual, printed, mobile and web-based platforms.



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