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PEOPLE ON THE MOVE: HUMAN TRAFFICKING AND MIGRATION IN JORDAN, LEBANON AND SYRIA

June Kane

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People on the move:
Human trafficking and migration in Jordan, Lebanon and Syria

JUNE KANE

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Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and forecast migration in Southern & Eastern Mediterranean and Sub-Saharan Countries (hereafter Region).

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The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

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I hope that all those who helped with this study will find it a useful resource as they continue their work to eliminate human trafficking, exploitative labour and the trafficking and exploitation of children.

June Kane

Melbourne, February 2011

Abbreviations and acronyms

ECPAT	End Child Prostitution, Pornography and Trafficking (NGO)
ENP	European Neighbourhood Programme
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GFC	Global Financial Crisis
ICMC	International Catholic Migration Commission
ID	Identity (often used to mean ‘proof of identity’)
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	(ILO’s) International Programme on the Elimination of Child Labour
ITC-ILO	International Training Centre of the ILO
NGO	non-governmental organization
NLC	(US) National Labour Council
NPA	National Plan of Action
OCHA	Office of the (UN) Coordinator for Humanitarian Affairs
OHCHR	Office of the (UN) High Commissioner for Human Rights
QIZ	qualified industrial zone
SAPFL	(ILO’s) Special Action Programme against Forced Labour
TIP	Trafficking in Persons (here the US report of that name)
TVPA	(US) Trafficking Victims Protection Act
UAE	United Arab Emirates
UN	United Nations
UNFPA	UN Population Fund
UN.GIFT	UN Global Initiative to Fight Trafficking
UNICEF	UN Children’s Fund
UNODC	UN Office for Drugs and Crime
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East
US	United States
USDOL	US Department of Labour

Executive summary

The region that to English-speaking peoples is known as ‘the Middle East’ has throughout history been a region where people move – for work, along trade routes, through displacement or exchange. People movement, though, does not only comprise migration. For centuries, people have also moved as a result of being trafficked. Human traffickers, in fact, commonly use people’s desire to move for work or to improve their lives, to deceive or coerce them into labour exploitation of many different kinds.

This report aims to map current trends in people movement to, from and through the three Mashreq countries of Jordan, Lebanon and Syria, and to throw light on the phenomenon of human trafficking affecting these countries as sending (origin), transit and receiving (destination) countries.

Because much human trafficking takes place within the context of labour migration – those seeking to move for work, for example, are particularly vulnerable to falling into the hands of unscrupulous recruiters at the beginning of the ‘trafficking chain’ -- Section II briefly outlines the major migratory flows into and out of Jordan Lebanon and Syria, noting that there has been a shift in recent years in labour migration into the oil-producing Gulf states, as Arab workers have been increasingly replaced by cheaper labour from Asia and Africa. The same is true to some extent in Jordan and Lebanon, with an increase in labour immigration from South and South-East Asia. Along with this increased supply of relatively cheap labour has come concern about reports of violations of the rights of these workers and of widespread exploitation in some sectors.

It is this exploitation that has to some extent clouded the demarcation line between labour migration and trafficking, since some commentators consider all forced or exploitative labour to be *de facto* trafficking.

This is not the case, and Section III begins with a reminder of the definition of human trafficking contained in the UN trafficking protocol, and the importance in programming terms of making a difference between trafficking and labour exploitation.

A lack of clarity in understanding of what constitutes human trafficking is compounded by the lack of reliable data relating to human trafficking (and indeed labour exploitation) in the three countries. This section attempts, therefore, to cut through the anecdotal reports of trafficking and put forward what are clearly examples of human trafficking with explanations of how reports of forced labour may or may not mask trafficking cases.

Section IV gives an overview of the legislative and regulatory framework in place in Jordan, Lebanon and Syria. All three countries have ratified the principal international instruments relating to trafficking (including the two child-specific conventions, the UN Convention on the Rights of the Child and ILO Convention No.182 (1999) on the Worst Forms of Child Labour). National laws have also been put in place, although only Jordan has developed a National Plan of Action against Trafficking (Syria is reported to be in the process of developing a plan).

Despite the lack of data, a number of organizations have begun to implement anti-trafficking programmes and projects in all three countries, although most of these focus on providing services to ‘trafficking victims’, whether or not these are, in reality, actually victims of exploitative labour. Section V provides a snapshot of some of the principal programmes currently in place, and concludes with a list of outstanding gaps and challenges.

Section VI concludes this study with a brief list of recommendations considered to be priority actions that should be taken to move towards the prevention of human trafficking, the protection of victims and the prosecution of perpetrators. These cover the need to:

1. Address urgently the gap in reliable, hard, disaggregated data relating to trafficking into and out of the three countries;
2. Ensure that all those providing data – police, border controls, health facilities, judicial systems, shelter managers etc – are trained;
3. Map the training that has already been undertaken of police, judiciary, media, NGO personnel, customs/border officials etc, and suppress duplication, address those areas where training is still needed, and build a library of usable training materials that can be re-used frequently;
4. Map prevention and programming initiatives and use this mapping to suppress duplication, address areas where programmes and projects are lacking, and build a library of usable lessons, good practices and resources that can be used to improve future actions;
5. Promote further bilateral (as well as regional) information sharing and agreements;
6. Promote further bilateral/cross-border cooperation on trafficking;
7. Mobilize workers' and employers' organizations to use their unique workplace knowledge and access;
8. Ensure that labour inspectors have a good understanding of human trafficking;
9. In due course, ratify the planned ILO Convention on domestic work and undertake a thorough survey of the realities of women (and men) working in this sector to build a suitable platform for action;
10. Investigate, monitor and address the role of recruitment agencies, recruiters and other avenues of recruitment;
11. Recognize the crucial role of the media in promoting understanding of human trafficking, labour migration and child labour;
12. Pay special attention to the situation of children who may be at higher risk of exploitation in child labour or of being trafficked;
13. Recognize that adolescents and young people are particularly at risk of trafficking and target appropriate awareness-raising and safe migration programmes at adolescents and young people;
14. Bring together organizations and agencies to develop coordinated approaches to victim support.

I. Introduction

The region that to English-speaking peoples is known as ‘the Middle East’ has throughout history been a region where people move – for work, along trade routes, through displacement or exchange. Conflict in the region and differentials in labour markets have increased the flow of people moving across borders for work and, in recent times, the uneven impact of the Global Financial Crisis (GFC) has led to a steep decline in financial markets in some countries and has impacted upon traditional movements of workers, both manual labourers and professionals (GMG 2009, p.1).

Delineating the Mashreq

The geographical scope of the Middle East has been defined in several different ways since the term was first coined in the late 1890s in the British India Office.¹ Today, it is variously considered to cover the countries of Afghanistan, Bahrain, Iran, Iraq, Israel, Jordan, Kuwait, Kyrgyzstan, Lebanon, (the Occupied Territories of) Palestine, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tajikistan, Turkey, Turkmenistan, the United Arab Emirates, Uzbekistan and Yemen. Many commentators also include the North African countries of Algeria, Egypt, Libya, Morocco and Tunisia.



Source: www.worldatlas.com

¹ The term has been criticized as being ‘Eurocentric’, but over time the same term has come to be used in Arabic (الشرق الأوسط).

For the purposes of analysis of migration flows, the region is commonly divided into subregions that reflect the migration systems historically operating in the region:

The Maghreb (from the Arabic root for ‘west’) comprises Algeria, Libya, Morocco and Tunisia;

The Gulf Cooperation Council (GCC) states consist of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates;

The Mashreq (from the Arabic root for ‘east’) includes Egypt, Jordan, Palestine, Lebanon, Syria and Lebanon.

The remaining countries: Afghanistan, Israel, Kyrgyzstan, Pakistan, Tajikistan, Turkey, Turkmenistan and Uzbekistan are generally considered separately when migratory history and systems are considered, having different migration patterns. They also do not fit into what is traditionally called ‘the Arab world’ and do not in general share language or ethnic roots.²

Geographical scope of the study

This report concerns itself with three countries of the Mashreq: Jordan, Lebanon and Syria, which share land borders and which have consequently long exchanged migrant workers, both long- and short-term.³ Other subregions, however, and the GCC in particular, are inextricably linked to labour migration in Jordan, Lebanon and Syria as important receiving countries.

People movement, though, does not only comprise migration. For centuries, people have also moved as a result of being trafficked. Human traffickers, in fact, commonly use people’s desire to move for work or to improve their lives, to deceive or coerce them into labour exploitation of many different kinds.⁴

This report aims to map current trends in people movement to, from and through the three Mashreq countries of Jordan, Lebanon and Syria, and to throw light on the phenomenon of human trafficking affecting these countries as sending (origin), transit and receiving (destination) countries.

The study does not represent an *ab initio* data collection exercise nor does it purport to be exhaustive. It does, however, bring together available knowledge on the subject and information from major agencies working on trafficking/migration issues in the field, and it proposes some priority areas for policy and programme action.

II. Labour migration: The context in which trafficking takes place

Labour migration is a fundamental right of all people. However it also provides a context in which trafficking for labour exploitation occurs, since it is often the unfulfilled desire to migrate that puts people at risk of falling in to the hands of traffickers. Additionally, the legitimate recruitment and movement of people for work is often used to mask trafficking events, and sometimes traffickers will set up recruitment agencies, transport facilities and other components of trafficking alongside their legal counterparts. For this reason, it is important to have a sense of the scope and nature of labour migration in Jordan, Lebanon and Syria before trafficking in the region is described.

² The case of Israel, of course, is complex and any generalizations made here should not be read as political statements on the ‘ownership’ or ethnic history of the lands in question.

³ Palestine’s borders are closed, except for short-term (daily) workers entering Israel under special permits. Since the southern Palestine (Gaza)/Egyptian border is closed, this means that Egypt has no land access to the three Mashreq countries being considered.

⁴ As will be discussed later in this report, deceit or coercion are necessary elements of adult trafficking in internationally agreed definitions, however this does not apply to the trafficking of children (people under the age of 18).

The broad Arab region has long been a major hub for people migrating for work. It is estimated that, in 2005, the region hosted one in every 10 migrants in the world (ESCWA 2006). Between 1990 and 2005, migration to the Arab states grew by seven million international migrants, to a total of almost 20 million, just over 7 per cent of the region's population (ESCWA 2006).

In 2005, three Arab states figured among the 20 countries with the largest number of migrants in the world: Saudi Arabia (6.4 million), the United Arab Emirates (UAE) (3.2 million) and Jordan (2.2 million) (ESCWA 2006, p.2). By 2010, Syria was the fourth largest host of refugees in the world, with a total of 2.2 million, of whom 1.6 million were refugees. Despite this, the region has one of the lowest proportions of women among the migrant population in the world, with just 36 per cent of migrants being women or girls (UNFPA 2010).

Inter-Arab migration in the Mashreq subregion

The concept of an integrated Arab economic grouping – along the lines of the European Union – has figured in the region's political discourse for half a century. For a number of reasons, this has never happened, however Arab labour movement is hailed as the “single manifestation of Arab integration and ... the most active economic activity taking place in this region” (Nassar 1994).

While some of this migration is uni-directional – workers from the Mashreq subregion going to work in Libya, for example – for some countries it works in both directions. Jordan is a good example of this, since it sends out both skilled and unskilled workers but is also an important destination country for incoming labour migrants.

Since the mid-2000s, countries considered ‘sending’ countries in the region have promoted out-migration in response to the GFC, and poor domestic labour market conditions. Economies in the region are reported to have grown at a slower rate than any other region in the world (Nasser u.d.), with the expected consequences of rising unemployment, particularly among young people. Youth unemployment as a result of stunted job creation is a particular problem in the Mashreq countries, with unemployment rates of around 15 per cent in Jordan in 2002 (Arab Fund 2002). Population growth in both Jordan and Syria is expected to exacerbate this problem.

Commentators note that, between the 1960s and 1990s, there was a clear demarcation between labour sending and receiving countries in the region, with oil being the factor that drew the line (ESCWA 2007, p.40). Until the 1980s, most Mashreq migrants – some sixty per cent – moved to work in the oil-producing countries of the GCC (the majority of those migrating from Jordan are generally considered to have been primarily Palestinians living in Jordan [Chatelard 2010]). Since the early 1970s, this subregion had become heavily dependent on foreign labour, as a result of the region's low labour force participation (particularly women), small indigenous population, low literacy and educational levels and high disposable, non-earned income for citizens of the GCC states.

Increase in extra-regional migration

From the 1990s onwards, Asian and European migrant workers gradually replaced large numbers of Arab workers migrating to the GCC until, by 2007, the number of Arab migrant workers in the GCC was just one-third of the total it had been 20 years earlier (ESCWA 2007, p.v).

There is also significant migration from the Mashreq to countries outside the region, particularly from Lebanon. Youth unemployment across the Mashreq is an important push factor.

Syrian Kurds represent a specific group of migrants leaving the Mashreq and arriving mostly in Europe to seek asylum (Ali, 2010).

The countries of the Maghreb attract migrants in transit, seeking to enter Europe, often illegally. It is estimated that between 100,000 and 120,000 unauthorized migrants cross the Mediterranean each year, half of whom originate from the Maghreb (UNFPA 2010).

Migration into the Mashreq

In-migration (immigration) to Jordan, Lebanon and Syria mostly comprises low-skilled labour from Asia. In the 1980s in particular, there was high demand for labour in agriculture, construction and services (primarily hotels) in Jordan, and this demand could not be met by the local labour force. Jordan thus became an important receiving country for migrant labour, first from Syria and Egypt and later from further afield (Chatelard 2010).

Jordan and Lebanon are also significant receiving countries of women migrating into domestic labour. Before the early 1970s, most domestic workers were local women or Arab women from neighbouring states, however the oil boom and the start of the civil war in Lebanon in 1975 marked a shift in employment patterns, as Lebanon in particular followed the GCC lead and began importing labour from Asia. Women from Sri Lanka, India, Vietnam, the Philippines as well as Ethiopia are now regularly employed as domestic help in both Lebanon and Jordan. These women are seen as more submissive and ready to work for lower wages (Murphy 2006, p.2).

Figures on the number of women migrating into domestic labour are difficult to obtain, as are migration statistics in general because of weak data collection in all three countries. In 2002, for example, Lebanon's Central Administration of Statistics advised that 90,000 work permits had been issued to foreigners (Murphy 2006, p.2), although Sri Lanka alone estimated that 160,000 Sri Lankan nationals were working in Lebanon, of whom just 32,497 held valid permits.

There are fewer foreign domestic workers in Syria, with totals estimated at between 10,000 and 15,000. Most of the women are from Indonesia, the Philippines and Ethiopia (IOM 2003). The relatively low numbers compared to Jordan and Lebanon are a result of a government ban on manpower agencies importing foreign domestic workers. Domestic work in Syria is consequently frequently performed by asylum seekers whose unresolved status does not allow them to obtain work in the formal sector.

In general, Syria is not a significant receiving country of foreign workers. In its 2008 report to the UN Committee on the Rights of Migrant Workers (CMW/C/SYR/1), Syria noted that most migrant workers in Syria are low-skilled nationals of poor Arab states who are not able to find work in the Gulf states. The same report noted that systematic data on migrant workers were not collected.

In 2010, Lebanon was still considered "an important destination country for migrant workers" (CARIM 2010). In 2008, some 130,000 work permits were granted to foreign nationals, the majority of whom came from Asia. However, since 2005 Asian migration flows into Lebanon have gradually been replaced by migrant labour from Africa. It is important to note that, for political reasons, Syrian labour migrants do not figure in Lebanese migration data, although they figure prominently in the migrant workforce in the construction and agricultural sectors (CARIM 2010). Foreign immigration into Lebanon includes migrant workers whose stay is often seasonal.

All three countries host large refugee populations, both long-term refugees from Palestine and more recent arrivals from Iraq; those who do not settle permanently in the host country consequently represent a significant temporary (albeit often long-term) migrant population.

The "brain drain"

Labour migration from Jordan, Lebanon and Syria to the GCC also includes large numbers of professionals, constituting what is often called a 'brain drain' (where skilled workers migrate to another country to take up employment) from the Mashreq. Some commentators point out, however,

that the phenomenon is more accurately described as ‘brain circulation’, since there is significant exchange of skilled professionals within the region. This is considered a win-win situation, since the skilled workers are employed and gaining experience that will benefit their home countries when they return, while the host country benefits from their skills.

Not surprisingly, the large numbers of workers who have emigrated from Jordan, Lebanon and Syria give rise to a thriving regime of remittances, as workers send home income to their families and in investments.

The World Bank estimated remittances to Syria at US\$1.4 billion for 2010, significantly higher than previous estimates. Of this, US\$1.25 billion was classified as ‘workers’ remittances’. Lebanon was expected to receive US\$8.7 billion in remittances in 2010, and Jordan US\$3.8 billion (Syria Report 2010).

External factors impacting on labour markets

Conflict and occupation

Conflict and crisis in the region have impacted on people movement in a number of ways, typically resulting in forced migration that seriously disrupts labour markets and therefore has a broader impact on migration for work. After the second Gulf War (1990-91), for example, Arab sending countries experienced an unexpected forced migration of some two million workers (ESCWA 2007, p.v).

Following the second *Intifada* in September 2000 and the subsequent Israeli reoccupation of a large part of Palestine, some 200,000 middle class and upper-middle class Palestinians relocated to Jordan or transited through Amman en route for third countries (Chatelard 2010).

More recently, war in Iraq since 2003, the Lebanon crisis of 2006 and the ongoing roller-coaster of the Israel-Palestine conflict have affected migration trends in the region in a number of ways.

The invasion of Iraq in 2003 prompted an outpouring of Iraqi nationals into neighbouring Arab states, particularly in the context of strong political reluctance to accept Iraqi asylum seekers in the industrialized world. With its long, shared border with Iraq, Jordan received large numbers of Iraqis in 2003 and 2004, some of whom eventually returned but many of whom sought to stay in Jordan either long-term or in transit to a country of asylum. Additionally, ‘Iraqi sympathizers’, including 200,000 Jordanians and 150,000 Palestinians, were forced to leave the GCC states (Baldwin-Edwards 2005, p.6). In 2010, Syria was reported as still hosting the largest externally displaced Iraqi population in the region (IOM 2010).

The July/August 2006 crisis in Lebanon resulted in an outpouring of Lebanese residents, both nationals and foreigners, with some 10,000 people arriving at the Syrian border each day. While the plight of Lebanese citizens fleeing their homes was widely reported in the international press, there was little coverage of the fate of hundreds of thousands of migrant workers who also had to flee Lebanon (Murphy 2006, p.1).

Globally, migration from the Mashreq to western industrialized countries was negatively affected by the events of 11 September 2001. Restrictions on visas and job placements are reported to have led to an increase in illegal migration (Nasser u.d).

The Global Financial Crisis

More recently, the GFC has impacted negatively on the Mashreq countries, although limited market capitalization is thought to have mitigated its impact on Jordan to some extent (GMG 2009, p.1). The impact of the GFC is disproportionately felt among unskilled migrants, since skilled migrants have a better chance of finding employment if they do lose their jobs and, indeed, may move to another country in order to take up work.

Reported labour rights violations

The number of non-Arab immigrants, particularly from East and South Asia, increased through the 1990s and early 2000s and is still significant in the Mashreq countries in the specific sector of domestic labour. Women working as domestic helpers comprise approximately half of the estimated 214 million migrants worldwide, and women from the Philippines, Indonesia and Sri Lanka migrate in large numbers into domestic labour in a number of countries. They are to be found in Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, Jordan and Lebanon (HRW 2010a, p.7).

For a time, the Philippines banned its citizens from going to work as domestic helpers in Jordan amid claims of widespread abuse by Jordanian employers (BBC 2008). Domestic workers already in the country complained of non-payment of wages, physical and sexual abuse. At that time approximately 15,000 of the reported 70,000 foreign domestic workers in Jordan were Filipinas. In 2009, Jordan reported that there were 51,689 foreign domestic workers legally in the country and that it was growing dramatically (Olwan 2010, p.5). The problem of labour rights violations is broadly considered to be linked to the *khafeel* or *kafala* system in place in Jordan (as well as in the Mashreq more broadly and in the GCC states), a sponsorship system that binds migrant workers to their employers and makes the workers' stay conditional on a nominal work contract, limiting mobility. Typically, employers will confiscate the passport of the worker in order to control the worker's movement and, in case of a dispute between the worker and employer, the employer will just revoke sponsorship and the worker will be sent home without redress (Baldwin-Edwards 2005, p.30).

Jordan is, however, the first country in the region to address the fact that domestic workers are generally not included in labour law. A 'Special Working Contract for Non-Jordanian Domestic Workers' was concluded in 2003 specifying, inter alia, that the employer must not withhold the passport of a migrant domestic worker and governing conditions of work such as minimum wage, rest days and the employer's responsibility to establish and maintain work and residence permits for the worker (Baldwin-Edwards, 2005, p.35).

Reports of Egyptian workers being denied their rights in Jordan hit the headlines in 2010 but were strenuously denied (Al Masry Alyoum 2010). Some 71 per cent of the 458,000 migrant workers in Jordan in 2010 were reported to be from Egypt.

Additionally, there are ongoing campaigns by US trade union groups to monitor and denounce exploitation of migrant workers by US suppliers in Jordan. The US National Labour Committee issued a report documenting illegal sweatshop conditions at Jordan's largest garment factory, Classic Fashion Apparel (which supplies clothing to Wal-Mart, Hanes and Macy's). The Galaxy Apparel factory in the Al Hassan qualified industrial zone (QIZ) in Irbid, in the north of Jordan, has also been rigorously targeted for criticism, including that it manufactures fake charges against workers who attempt to claim their rights. The conditions of workers in the QIZ are now monitored by the Jordanian National Centre for Human Rights.

Cases of abuse against migrant domestic workers have also been documented in Lebanon. An employer accused of physical abuse of a Filipina migrant worker in 2005 was eventually found guilty and sentenced to 15 days in prison and to pay compensation to the worker (ICMC 2009).

In anticipation of cases of exploitation of foreign domestic workers, Syria moved in 2010 to tighten up the regulatory framework governing private employment agencies. The Regulation of Private Employment Agency for Non-Syrian [Domestic Helper] Conditions and Rules of their Employment in the Territories of the Syrian Arab Republic (Decision No.27), regularized recruitment procedures for both employment agencies and individual employers. The same directive outlines minimum standards for the worker and a system of licensing for employment agencies.

Summary of principal migratory flows into/out of Jordan, Lebanon and Syria

Egypt Syria Palestine Iraq Ethiopia Sri Lanka Bangladesh India Vietnam Philippines	TO 4□	JORDAN	FROM □	Libya Gulf States
Syria Ethiopia Sri Lanka India Vietnam Philippines	TO 4□	LEBANON	FROM □	Libya Europe Gulf States
Iraq Low-income Arab States Indonesia Philippines Ethiopia	TO 4□	SYRIA	FROM □	Libya Gulf States Europe (Syrian Kurds)

Challenges of migration from/to the Mashreq countries

Observers insist that “most Arab countries are satisfied with the status of migration to them” (ESCWA 2007, p.43). Nevertheless, the flow of migrants into and out of all the subregions remains complex and highly volatile, subject to fluctuations as a result of conflict, financial instability and, most importantly, the almost total lack of a comprehensive management of the flows based on long-term vision and an adequate regulatory framework in the sending subregions of the Maghreb and Mashreq (Olwan, 2008).

At the heart of this is the lack of comprehensive and timely data relating to migration. In most countries in the region, the latest comprehensive data exercises were undertaken in the 1980s and are now unusable for formulating policy or programming.

In the light of weak or non-existent policies relating to migration, it is not surprising that there are regular and frequent reports of instances of migrants’ labour rights being denied, of discrimination in receiving countries, and of labour exploitation. This is exacerbated by the increase in Asian workers arriving in the GCC subregion, which facilitates under-cutting of wages, reduction of standards and threats of unemployment for those who complain.

Where labour migration is complex, workers are not guaranteed suitable employment, and regulatory frameworks do not provide the protection to which workers have a right (whether through appropriate preparation, monitoring of conditions or systems of redress), there is also an increased risk of would-be migrants falling prey to those looking to exploit them, including human traffickers.

The next section, therefore, sets out what is known about human trafficking in Jordan, Lebanon and Syria, and throws light on the links between trafficking, migration and labour exploitation.

III. Human trafficking in Jordan, Lebanon and Syria

Human trafficking has not long been high on the agenda of the three Mashreq countries, all of which have been criticized in the past for not adequately recognizing the risk of trafficking in a situation of such intense labour migration and shifting markets (Heartland, 2010).

In recent years, however, the governments of Jordan, Lebanon and Syria have all moved to put in place a stronger legislative framework relating to human trafficking (see below) and a number of initiatives have been launched focusing primarily on identifying and supporting victims of trafficking (see also below).

These actions, however, have been taken in the context of a significant gap in available research and hard data on human trafficking. The few studies that have attempted to include information on trafficking in the three countries suffer significantly from a lack of conceptual clarity, in particular in regard to the internationally accepted definition of human trafficking.

Conceptual clarity

All three countries are Party to the United Nations Convention on Transnational Organized Crime and, importantly, its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000) – also known as the ‘Palermo Protocol’. It is useful, therefore, to recall how the Protocol defines human trafficking:

Article 3

- a) “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;
- b) 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;
- c) 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;
- d) “Child” shall mean any person under eighteen years of age.”

Human trafficking is therefore essentially composed of three distinct parts: ‘recruitment’ (or some ‘act’ that initiates the trafficking process), ‘movement’ and ‘exploitation’, and all three must be present in order for trafficking to have occurred (ILO-IPEC 2008, 1:13).

It is the ‘movement’ element that essentially makes the difference between labour exploitation and human trafficking. It is important to note that, in the case of adults, the ‘movement’ element must involve coercion or deception, while for anyone under the age of 18 this is not the case. To this extent there must be, for adults, an *ab initio* intent to exploit even before the person moves/is moved.

On this basis, voluntary migration for work that does not involve anyone coercing or deceiving the (adult) migrant, but which ultimately results in labour exploitation, is not considered to be trafficking (although the labour exploitation is, of course, unacceptable and generally against national labour laws).

This is particularly important to understand in the cases of Jordan, Lebanon and Syria, because there is such a sizeable migrant population in each of the countries, as well as a considerable refugee

presence. In the case of Lebanon and Syria, where refugees do not generally have the right to enter the workforce and where they may be employed clandestinely and often in exploitative situations, the situation would still be one of labour exploitation even though the worker had ‘moved’ at some point.

For analytical clarity, therefore, this study considers as human trafficking only those cases that comply with the Palermo Protocol definition, ie where the ‘victim’ has been ***ab initio* forced or deceived to migrate into work that is exploitative or, in the case of a person under the age of 18, where that person has moved or been moved into labour exploitation by someone who intended that they be exploited.** The ‘movement’ does not necessarily have to involve the crossing of a border. “Domestic” or “internal” trafficking also occurs; generally the principle applied is that the person who is trafficked has moved away from her/his familiar surroundings and is thus more vulnerable to exploitation.

Challenges of source reliability

Information available on trafficking in Mashreq poses two significant and determinant challenges:

The first is that there is almost no primary research or hard data on trafficking in Jordan, Lebanon and Syria. The information available is generally anecdotal and not based on primary sources such as police or customs/migration data, or on documented cases that are clearly examples of trafficking. The most-quoted source of information is the US State Department’s Trafficking in Persons (TIP) Report, but the methodology of the TIP Report is problematic, since it is essentially ‘compilational’, ie a mix of information from diverse sources, some of which may not be reliable. The 2010 TIP Report describes the methodology adopted as “using information from US embassies, government officials, NGOs and international organizations, published reports, research trips to every region, and information submitted to tipreport@state.gov” (US TIP 2010, pp.19-20). Clearly these sources do not have equivalence in terms of reliability and many of the information received will be from organizations that have an ‘agenda’. Governments will, understandably, tend to underestimate the problem and highlight government response, while NGOs may overstate the problem in order to prompt response.

In turn, NGOs and researchers using secondary sources then quote the TIP Report.⁵ As a result, there is a circular quoting of often unsubstantiated secondary sources, and this gives rise to blanket statements about the ‘problem’ that become frequently-quoted common wisdoms but which are not necessarily true.

Desk research undertaken for this study, for example, shows that there are a limited number of current descriptions of trafficking in Jordan, Lebanon and Syria, and that they all derive from or quote the 2009/2010 TIP Reports, thus including in their analysis and ‘measurement’ of trafficking, situations such as the domestic labour exploitation examples outlined earlier.

It cannot be sufficiently emphasized how important it is, in attempting to fully analyse the issue of trafficking, to use data compiled by official sources (police, customs and border agencies, health referral units etc) wherever possible, and to verify these by cross-referencing. Direct information from identified trafficking victims is vital, and this presumes that anyone found to be in labour exploitation is appropriately questioned about the means and mechanisms that led to their exploitation, in order not only to ascertain whether they have been trafficked but also to add to understanding about the mechanisms and routes used by traffickers.

The second obstacle to accurate information on trafficking in Jordan, Lebanon and Syria is the misleading conflation of trafficking with labour exploitation in general. This is exacerbated by the fact

⁵ This present study does, too, although it does so critically, with caveats and expanded analysis of the TIP Report’s assertions.

that the US State Department – and by extension the TIP Report -- considers all labour exploitation as *de facto* trafficking, whether or not the victim of the exploitation moved/was moved for the purposes of that exploitation.⁶ This is not strictly in accordance with the Palermo Protocol definition and, more importantly, results in serious policy and programming gaps.

While situations of labour exploitation – whether the domestic labour exploitation quoted or labour exploitation in other sectors such as construction, agriculture, the sex sector or service industries – must be documented and addressed, it is a disservice to victims of human trafficking to conflate this with trafficking.

It is crucial, for example, to promote the promulgation and application of dedicated laws against human trafficking, and to secure convictions using them. Not only does this encourage the identification of human trafficking along the whole length of the trafficking ‘chain’ – recruiters, transporters, exploiters and the many intermediaries who facilitate the links that join them – it also allows for the legal status of ‘trafficking victim’, with the special needs of such victims thus being enshrined in law. These include protection during investigation and prosecution of the traffickers, the right of stay in a host country (ideally not conditional on giving evidence against the traffickers) where safe return is not possible, and immunity from prosecution for crimes potentially committed during the trafficking event (for example, holding false travel documents).

Additionally, and most importantly, recognizing the complex nature of human trafficking and in particular the recruitment-movement-exploitation elements involved in it, allows those fighting against trafficking to respond appropriately programmatically. Unlike ‘simple’ labour exploitation, for example, action against human trafficking requires that preventive and protective actions be implemented not only at the destination workplace but vitally at the point of origin – the sending country or location – as well as in known transit locations, for example through investigation and action relating to recruitment agents, transporters or methods. Frequently, also, this will lead to a better understanding of the links between recruitment agents, transporters and end-exploiters, allowing governments and other appropriate anti-trafficking agents to act against trafficking networks, including those involving organized crime.

With these important principles in mind, the description and analysis of trafficking in Jordan, Lebanon and Syria that follow cover instances with are clearly examples of human trafficking as defined in the Palermo Protocol. Also included, additionally, are examples of documented labour exploitation where the details given suggest that there is a high probability that trafficking may have taken place, even where this is not necessarily noted in the source documents.

Human trafficking in Jordan

The 2010 TIP Report states that “Jordan is a destination and transit country for women and men from South and South East Asia trafficked for the purpose of forced labour. Jordan is also a destination for women from Eastern Europe and Morocco for prostitution; women from Bangladesh, Sri Lanka, Indonesia and the Philippines migrate willingly to work as domestic servants, but some are subjected to conditions of forced labour...” This report should be read subject to the caveat outlined above relating to the conflation of forced labour with human trafficking. Women who migrate but have not been coerced or deceived, for example (ie there is no evident intent to exploit them before they leave

⁶ This results from the fact that the TIP Report defines human trafficking according to US law, notably the US Trafficking Victims Protection Act of 2000 (TVPA). While the TVPA does, in fact, underline the transnational/‘movement’ nature of trafficking, it also leaves room for interpretation of whether such movement must always be present for trafficking to have occurred. Subsequent to the TVPA, the TIP Report compilers have categorically concluded that movement does *not* have to be present, thus including ‘simple’ labour exploitation into the mix. “A victim need not be physically transported from one location to another for the crime to fall within these definitions [ie severe forms of trafficking]” (US TIP 2010, p.8).

their country of origin), and who subsequently find themselves in exploitative labour, are victims of forced labour, not of trafficking.

Trafficking into factories in Jordan

The US National Labour Committee (NLC) reports that Jordanian factories (Al Shahaed Apparel & Textile Factory and Al Safa Factory are named in a 2006 report) run advertisements in Bangladeshi newspapers announcing jobs that pay high wages, provide healthcare and accommodation, serve food that is "like the West" and offer a chance to see the country (Lazare 2006). The recruiters typically charge a fee of between US\$1,000 and US\$3,000 for arranging a three-year contract guaranteeing them work when they get to Jordan. Many would-be migrants go into debt in order to pay this fee, believing that they will be able to pay it off with wages they earn in their new job.

When they arrive in Jordan, the Bangladeshi workers are immediately stripped of their passports. Typically they also soon find that they will not even receive the legal minimum wage and, according to the NLC, are often cheated of half the wages owed to them. Factory owners commonly require them to work more than 100 hours a week without overtime pay, enforce seven-day working weeks and provide only one or two days off a month. Workers told the NLC that they are forced to work up to 72-hour shifts and are beaten if they fall asleep. If they complain, they are beaten or threatened with deportation (Kernaghan 2006).

These workers are victims of human trafficking since, although they sought to migrate for work willingly, their recruitment into what amounts to debt bondage/forced labour was based *ab initio* on lies and misrepresentation – the deception required by the Palermo Protocol for trafficking to occur.

When their contracts expire, most of the workers are denied the return ticket promised them by employers and have to borrow money so that they can return to their homes.

Support services to these victims of trafficking must be provided, however in prevention terms it is important also that action be taken along the whole chain of trafficking, from the agent placing the ad in the Bangladeshi newspaper to the recruitment agents used to dupe the would-be worker, and including any other intermediaries who knowingly facilitated the recruitment, movement and exploitation of the trafficked worker.

It is important to note that not all the workers in the factories may have been trafficked. Some may have migrated 'safely' for work (ie through legitimate employment channels) and subsequently found themselves in labour exploitation. In such cases employers exploiting their labour should be punished under Jordan's labour laws, however they are not traffickers if they were not complicit in an organized process to recruit and relocate the workers. The exploited migrants should be helped to seek redress – unpaid wages, the opportunity to seek alternative employment (freed from their *kefala* obligations to the employer), health and social support, and help to return home if they wish.

Jordan as a transit/stop-over place for workers trafficked to Iraq

In January 2009, a news report from the Office of the UN Coordinator for Humanitarian Affairs announcing the Jordanian Parliament's endorsement of new legislation to combat human trafficking (IRIN 2009a) detailed the case of Nepalese workers transited through Jordan to forced labour in Iraq. Thirteen men were hired to work as kitchen staff in hotels and restaurants in the Jordanian capital, Amman, but were sent to Baghdad by their employers against their will. Twelve of the men died in Iraq.

Although it is not clear whether the employers had initially recruited the men from Nepal with a view to on-sending them to Iraq (ie using deception), it is clear that coercion was used to oblige them to travel to Baghdad against their will. The men were therefore either trafficked to Jordan and on-trafficked to Iraq (with Jordan as a transit point), or recruited as migrant workers to Jordan and then trafficked to Baghdad (with Jordan as a point of origin).

Iraqi women and girls forced into early marriage and commercial sex

There are numerous reports of Iraqi women and girls residing in Jordan and Syria but unable to work legally, who are preyed upon by exploiters offering them work as dancers and then forcing them into prostitution. Under the strict definition of the Palermo Protocol, these women and girls are certainly being exploited but have not been trafficked (Assyrian 2010).

Conversely, the women and girls who are reportedly abducted on the streets of Iraq and moved to Jordan and Syria to work in the sex industry are most definitely trafficking victims. Those who are below the age of 18 are also considered to have been subjected to a worst form of child labour, both through the act of trafficking and also because of the sector in which they have been exploited.

There are also reports of Iraqi families agreeing to send girls as young as 11 years of age to Jordan and Syria in so-called *muta'a* marriages, which involve the family receiving a payment for the girl, the 'husband' sexually exploiting the child-bride, and the 'marriage' being terminated at a pre-destined time (Swett and Webster 2010). Some of the girls are also reported to be taken into a trafficking ring by their 'husbands' and never allowed to return home.

Domestic workers: exploited or trafficked into exploitation?

The situation of the many women from the Philippines, Indonesia and Sri Lanka who work as domestic helpers in Jordan is often described as human trafficking but is not always necessarily so. It is clear that many foreign women working in domestic labour in the country are not only exploited but subjected to both sexual and physical violence. This is widely reported (see above). However, there seems to have been little attempt to document exactly how the women ended up in exploitative labour and, until that is clarified, it is impossible to say whether or not they were trafficked.

A woman who responds to a legitimate advertisement for domestic help and who migrates 'safely' and legitimately to take up employment is a migrant worker and not a trafficked person. If that woman is subsequently subjected to exploitative conditions, then she is a victim of labour exploitation. If she is subjected to violence, then she is a victim of assault, rape or other forms of violence depending on national laws. Whatever the nature of the crime against her, she has a right to redress and to victim support.

Jordan is the first country in the Middle East to fully acknowledge this reality by including domestic workers in its labour laws. Amendments were made to Jordanian labour law in 2008 to specifically include domestic workers, so often denied the protection that labour laws provide.

Across the globe, governments argue that they cannot legislate to protect workers who are working in a domestic setting, since it is not considered a 'workplace', and that they cannot send labour inspectors or other law enforcement officers into what is effectively a private home (Kane 2004), however this is set to change since a proposed new ILO convention covering the rights of domestic workers went into negotiation in 2010. The proposed convention was debated for the first time at the International Labour Conference in 2010 and received much support. If the convention is adopted, then ratifying states will over time review their national legislation to bring it into line with their international commitment, and offer enhanced protection to domestic service workers.

Unfortunately, although there are hundreds of documented cases of foreign women being exploited in domestic labour in Jordan, there is a serious shortage of information on how they arrived in Jordan to take up the work. If trafficking is to be stopped or at least interrupted at the beginning of the process, in the country of origin of the would-be migrants, then women who are identified as exploited workers should be systematically interviewed to determine how they were recruited, what they were promised and who was involved. If there are indications that a woman was coerced or deceived and that there was a clear intention to introduce her into labour exploitation in another country, then this is trafficking, and bilateral cooperation between Jordan and the sending country should lead to investigations in the country of origin and identification of the traffickers. In such cases, the

trafficking victim should be offered protection during the investigation and subsequent judicial processes, as well as other support and protective services.

Human trafficking in Lebanon

Mindful of the caveats outlined above, the US TIP Report 2010 suggests that, “Lebanon is a source and destination country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The country may also be a transit point for Eastern European women and children destined for forced prostitution in other Middle Eastern countries.” No further information is given on these cases, however examples follow that are clearly forced labour but may or may not involve trafficking:

“Women from Sri Lanka, the Philippines, Ethiopia, and Madagascar who travel to Lebanon voluntarily and legally to work in domestic service, with the assistance of recruitment agencies, often find themselves in conditions of forced labour, including through the use of such practices as withholding of passports, non-payment of wages, restrictions on movement, verbal abuse, and physical assault”. Here, again, the question is whether the recruitment agencies quoted were complicit with trafficking or were legitimate agencies that had no idea of the potential outcomes of the migration they facilitated.

Central to this differentiation is the importance of upholding the women’s right to migrate for work. Citing exploitative domestic labour as equivalent to trafficking potentially prompts responses that stop legitimate migration into domestic service, as in the case of a ban on migration for domestic work in Jordan imposed by the Philippines Government in 2008 (BBC 2008).

It is important to stress again that the exploitation and abuse of women working in domestic labour – indeed in any sector of work – is contrary to the fundamental principles and rights of women both as workers and as women, and contravenes both national and international law. It must be addressed as a matter of urgency, not only through legal revision but through strict application of the law, punishment of perpetrators and support for the victims.

However, such rigorous response will not stop human trafficking. Those who initiate the recruitment and transport of the women, and secure their placement in exploitative conditions, will simply look to diversify their ‘business’ and either move into new sectors of work or shift to another country. This reflects the nature of human trafficking, which is a multi-dimensional problem. Addressing the ‘end result’ of movement (whether migration or trafficking) will not by itself impact upon other links in the trafficking chain: those who initiated the trafficking event (recruiters), the people who facilitated the trafficking (transport organizers, document forgers, information providers, for example) and even those who ‘received’ the trafficking victim and housed, fed or placed them in exploitative work, since they will not be reached by law enforcement or other interventions that focus only on the victim’s place of work. Tackling trafficking at its source – through a range of programming but importantly through identifying ‘true’ trafficking cases and using that opportunity to trace the whole trafficking chain – is ultimately the only way to end this heinous violation of human rights.

Women migrating into the sex sector

The 2010 TIP Report is also critical of: “the Lebanese government's ‘artist’ visa programme, which facilitated the entry of 4,518 women from Eastern Europe, Morocco, and Tunisia in 2009 to work in the adult entertainment industry, [but which] serves to sustain a significant sex trade and facilitates sex trafficking.” Here again, no source is given for the link to ‘sex trafficking’. A 2008 report commissioned by the United Nations Office on Drugs and Crime (UNODC) is more cautious in covering this issue, suggesting that “Lebanon *appears* to be a destination for *potential* victims of human trafficking, especially for sex-related purposes” (MOJ 2008). The report cites Moldova as a

significant source country for women migrating into the sex trade in Lebanon and notes that some 60 cases of human trafficking are processed annually in Lebanon.

In this regard, it is important to note that prostitution is legal in Lebanon under certain conditions (registration with the government, medical certification), although restricted to licensed ‘super nightclubs’ (no licences have been issued for brothels since the 1970s). Women thus have a legitimate right to migrate for work in the sex sector as long as they operate within the law.

Reports on the status of the women working in the Lebanese clubs – listed as Ukrainian, Russian, Moroccan and Dominican -- suggest that they are legitimate migrants who know the nature of the work they are entering (Gilbert 2010). They are reported to be fairly paid and are not in forced labour, however the conditions of their work do need to be addressed. Lebanese regulations, for example, limit the women’s freedom: they are obliged to be in the clubs between 8pm and 5am, and to remain in their hotel between 5am and 1pm. In the few hours when they are able to go out, many club owners do not permit them to leave the premises, arguing that they fear the women will meet ‘boyfriends’ and provide sexual services without payment.

Even if they are ‘willing’ sex sector workers, even if they are paid, fed and housed appropriately and have legal status, healthcare and other services to which they have a right, this limit on the women’s movement is not only unacceptable but also makes them vulnerable to other abuses, effectively hiding them away from proper monitoring and support. As a result, it often masks a situation of forced labour.

The UN Rapporteur on Trafficking noted this potential rights violation in her report following a 2005 visit to Lebanon, speaking of “invisible victims [who] suffer in places that remain hidden to the public eye such as private homes or hotel room”. She noted that “social and cultural taboos preventing public discussion of issues related to sexual exploitation are also a factor”.

The women are not, however, necessarily victims of sex trafficking.

Screening for trafficking

The ‘potentiality’, rather than the ‘reality’ of trafficking is underlined by the methodology used in the UNODC 2008 report, which used a series of seven questions to screen workers (“suspected victims”) in order to see whether they had been trafficked. In reality only one question (question 6) relates to human trafficking – the rest all describe factors that may indicate ‘simple’ labour exploitation (or, in the case of question 3, a case of illegal migration):

1. Is the person free to leave the work site?
2. Is the person physically, sexually or psychologically abused?
3. Does the person have a passport or valid ID card and is he/she in possession of such documents?
4. What is [sic] the pay and conditions of employment?
5. Does the person live at home or at/near the work site?
6. *How did the individual arrive to this destination if the suspected victim is a foreign national?*
7. Has the person or a family member of this person been threatened?

Since this list relates to situations of exploitative labour, rather than trafficking (and is so out-of-step with the Palermo Protocol), it is not a sufficiently rigorous tool for identifying trafficking victims.

The case of children

Finally, the 2010 Tip Report states that, “there is limited anecdotal information indicating that some children in Lebanon may be subjected to situations of forced labor and commercial sexual exploitation; no rigorous case study or other data exists, however, to define the scope or magnitude of the problem”. Despite the lack of “rigorous case study or other data”, however, this statement is widely quoted in the media and in studies as “proof” that child trafficking occurs.

A 2009 report from ECPAT, which focuses on the commercial sexual exploitation of children, states that “Lebanese children are trafficked within the country for the purpose of commercial sexual exploitation”, however no source is given for this statement (ECPAT 2009).⁷ The only example given in the ECPAT report that relates to Lebanon relates to a case of early marriage, where a number of girls of Lebanese-Australian families were taken to Lebanon in 2005 to be married off by their parents.

The UN Special Rapporteur on Human Trafficking has also cited “various forms of child trafficking that exist in Lebanon”, citing the example given above but also mentioning “young children, particularly street children...exploited as child beggars by organized gangs” (OHCHR 2005). No details of this are given but, if exploitation in begging does exist, it is most certainly an example of child labour under international law,⁸ whether or not trafficking has also occurred.

Trafficking into domestic labour

There are documented cases of women arriving in Lebanon to work as domestic helpers who have been clearly deceived at the point of origin about the nature and conditions of their work. Such women have been trafficked.

In 2009, for example, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported on a Madagascan nurse encouraged to move to Lebanon in order to learn Arabic “so that she could better care for the Arab sailors whose ships docked at the Indian Ocean island” (IRIN 2009b). Duped by the recruitment agency, she arrived expecting to earn US\$1,000 a month in a Lebanese hospital. Instead, she was locked in a house where she was forced to cook, clean and care for four children for just US\$150 a month. This woman had been trafficked

The role of private recruitment agencies in either organizing or facilitating trafficking has been recognized through international efforts to regulate this sector. Traffickers are known to set up recruitment agencies specifically to advertise ‘opportunities’ in other countries and use them to dupe would-be migrants into parting with their money only to then find themselves being trafficked into exploitation, often not even in the country they thought they were going to. Trafficking operations have also been set up ‘in the back room’ of otherwise regularly operating recruitment agencies, effectively constituting a parallel operation. The role and responsibilities of private recruitment agencies, in particular with respect to their role in ensuring that the labour rights of recruits are protected, is enshrined in ILO Convention No.181 (1997) concerning Private Employment Agencies.

A number of reports note the unacceptable conditions under which domestic workers labour, in particular because many sign a standard employment contract in their country of origin, but are obliged by government regulation to sign a second contract on arrival in order to receive a work permit (Kafa 2008). This second contract is invariably less advantageous and, drafted in Arabic, cannot be read by the migrant worker.

The second contract regularly under-cuts the wage the worker expected, does not cover the number of hours to be worked, and does not detail conditions of work. Additionally, the worker is obliged to

⁷ The sources given in the notes to this report quote newspaper articles, the 2008 UNODC *Global report on trafficking in persons*, and the TIP Report 2008.

⁸ The worst forms of child labour are defined

hand over her passport to the authorities, who give it into the ‘safe keeping’ of the employer (HRW 2010b). This system quite clearly puts the worker at significant risk of exploitation and, since her passport is in the possession of the employer, limits her recourse to redress. This is exacerbated by the fact that ‘third-party nationals’ are excluded from Lebanese labour law (Save 2008, p.86).

However, is it trafficking? The only way to answer this question is to know whether the recruiter/recruitment agency in the country of origin was aware of the dichotomy between the two contracts when the worker was recruited, and whether they therefore intended to deceive her and send her into exploitation. Investigating this is not only vital to knowing whether the woman has been trafficked but also a fundamental step in dismantling the agencies that initiate the trafficking event in the first place.

Clearly, as with the other countries studied here, there is a severe lack of reliable information related to human trafficking into Lebanon (and an even more severe gap on potential trafficking out of Lebanon, or of Lebanon’s potential as a transit point). These gaps are likely to remain as long as there is confusion about the differences between ‘simple’ labour exploitation and labour exploitation as an outcome of trafficking.

Human trafficking in Syria

The description of trafficking in Syria in the US TIP Report 2010 is very similar to those given for Jordan and Lebanon: “Syria is principally a destination country for women and children who are subjected to trafficking in persons, specifically conditions of forced labour or forced prostitution. Thousands of women, mostly from Southeast Asia and East Africa – particularly Indonesia, the Philippines, Somalia and Ethiopia – are recruited to work in Syria as domestic servants but are subsequently subjected to conditions of involuntary servitude by their employers”. This description of what is undoubtedly exploitative labour should be read, as in the earlier cases of domestic work in Jordan and Lebanon, as outlining conditions into which some women and girls may well have been trafficked but where evidence is lacking because their recruitment and movement into Syria are not documented.⁹

Exploitation in prostitution

The TIP Report continues: “Women from Eastern Europe – particularly Russia and Ukraine Somalia and Morocco -- are recruited legally as cabaret dancers in Syria; some ‘entertainers’ are subsequently forced into prostitution after their employers confiscate their passports and confine them to their hotels”. Again, as with the description of ‘super club’ workers in Lebanon, this description needs further clarification before the true status of the women concerned can be ascertained. Are the women working voluntarily in the sex sector and satisfied with the conditions of their work and lives? Or have they been duped into working in conditions they did not expect, forced into the sex sector, or held against their will? The answers to these questions will indicate whether the women are in forced prostitution/labour or not, notwithstanding the fact that the conditions of their work do not satisfy minimum labour standards and that the restrictions on their freedom of movement may be in contravention of both national and international laws. Additionally, of course, even if the women are identified as being in forced labour, the question of whether that has occurred after their arrival or been initiated at the point of recruitment will be determinant in deciding whether they have been trafficked.

It should be noted that, unlike in Lebanon, prostitution is prohibited in Syria (Turkmani 2007).

⁹ The situation of girls below the age of 18 – children in international law – is of course subject to the modified definition of human trafficking in the Palermo Protocol. There is more on this in the section following, on child trafficking and child labour.

There are reliable reports of girls and young women being sold into trafficking in Iraq, for exploitation in prostitution in Syria (Minwalla & Portman 2007). In October 2006, a Syrian national and two Iraqis were arrested in Kirkuk for attempting to transport 13 girls and young women to Syria. Most of the victims came from Baghdad or southern Iraq. There are no data on the ages of the victims nor whether they had already been engaged in prostitution and were cognizant of the likely labour outcome of their travel, however investigations showed that the three men had purchased the girls for some US\$3,000 each (Minwalla & Portman 2007, p.20).

Syria as transit point

The 2010 TIP Report also states that, “Syria is also a transit country for Iraqi women and girls, and South East Asians and East Africans, subjected to conditions of forced prostitution in Europe, Saudi Arabia, Kuwait, the United Arab Emirates, and Lebanon”. Such cases would be considered trafficking if, indeed, the women are not working of their own will in the sex sector. If the ‘girls’ mentioned are below the age of 18, additionally, this would automatically be considered child trafficking, since the child would have been moved into what is considered a ‘worst form of child labour’ (see below).

There are very few reports on trafficking in Syria, perhaps because the government, while moving to put in place legislation and programmes to combat the phenomenon, maintains that it is not a serious problem. The majority of reports coming out of Syria, in fact, focus on exploitation among the Iraqi refugee population, with a number of commentators lamenting the fact that Syria neither recognizes arrivals from Iraq as refugees nor as migrant workers, refusing them work visas (Swett & Webster 2010). Conversely, Palestinian refugees in Syria are granted the same rights as Syrian citizens, except nationality and the right to vote (CRMW 2008)

Unmet challenges

This brief overview of reports on labour exploitation and/or human trafficking in Jordan, Lebanon and Syria illustrates how often the two are confused in documentation. It remains evident that, if human trafficking is to be effectively addressed and, most importantly, stopped at source, both the processes of collecting information and the analysis of such information must take into account the entire trafficking chain, from sending country/location, through transit, to receiving country/location.

Additionally, the lack of hard data on the number of trafficking cases discovered, investigated and brought to justice (with fully disaggregated data on the sex and age of the victim, point of origin, means of recruitment, transport and exploitation etc) means that it is impossible to paint a clear picture of the scope of human trafficking in these three countries, and by extension to measure trends.

Summary of principal source and destination countries for trafficking

Bangladesh (manufacturing) Iraq (sex sector and <i>muta'a</i> marriage) S/SE Asia & Africa (unconfirmed – domestic service) Nepal (service sector – transit to Iraq)	TO 4	JORDAN	FROM <input type="checkbox"/>	No data available
Eastern Europe (sex sector) Morocco, Tunisia, Africa (sex sector)	TO 4	LEBANON	FROM <input type="checkbox"/>	No data available
Iraq (sex sector and <i>muta'a</i> marriage) Eastern Europe (unconfirmed – sex sector) Iraq (unconfirmed – transit to Europe, Saudi Arabia, UAE, Gulf)	TO 4	SYRIA	FROM <input type="checkbox"/>	No data available

Jordan, Lebanon and Syria as sending countries

Neither the US TIP Report nor any of the literature discovered during the preparation of this study provide details of Jordanian, Lebanese or Syrian nationals (or Palestinian refugees with residence status) who have been trafficked to other countries.

This may result from a number of factors: Firstly, the large numbers of labour migrants leaving the three countries to work elsewhere mean that the data collection task is already significant. Tracking these migrants to ascertain the nature and conditions of work they enter, and the circumstances of their exploitation if that occurs, is daunting and would require bilateral agreements between the sending and receiving countries as well as efficient processes in the host country (and in the sending-country embassy) and effective exchange of information. While this should occur in order to protect all those who migrate for work, in practice it hardly does.

Secondly, many of the countries that receive workers from Jordan, Lebanon and Syria (including developed countries that have strong legislation relating to human trafficking, and effective labour monitoring and law enforcement) do not collect or do not share data on identified victims of labour exploitation, their country of origin and whether or not they were trafficked. From time to time there are reports of individual cases, however there is no systematic, reliable global tracking of trafficking flows or routes.¹⁰

¹⁰ Many 'global' studies reproduce maps showing 'trafficking routes', however often these are based on reports of individual cases or on reports such as those included in the TIP Report. As a result, a 'trafficking route' may well, in fact, represent a single identified case of trafficking, or a line drawn between a sending country for legal migrants and the receiving country in which they found themselves in exploitative conditions.

For these reasons, this study does not look closely at Jordan, Lebanon and Syria as sending countries of trafficking victims. However, the earlier section on labour migration from the three countries serves to indicate those countries that receive the largest numbers of migrant workers from Jordan, Lebanon and Syria and hence the countries with which bilateral agreements and improved work on tracking the fate of workers would be a priority.

The case of children – trafficked or in child labour

Given the lack of disaggregated data on trafficked people in Jordan, Lebanon and Syria, it is impossible to say with any certainty whether children are trafficked or indeed whether they are in exploitative labour.

The data dilemma

Many of the reports cited earlier in this report, for example, mention “women and girls”, but how old are those ‘girls’? And how old, for that matter, are the ‘women’? For the purposes of international laws on children, child trafficking and child labour, anyone who has not yet reached 18 years of age is considered a ‘child’.

In relation to trafficking into sexual exploitation in particular, data relating to ‘women’ regularly include under-18 year-olds. Additionally, since the minimum age for work in most countries is around 15, both boys and girls between the ages of 15 and 18 may be included among the data relating to workers in general.

This is another reason to call for the systematic collection of reliable, disaggregated data on trafficking victims (as well as on victims of forced labour) – it is vital to be able to distinguish how many children may be ‘hidden’ in generalized information. Children who are trafficked or exploited have specific rights and specific needs and must have access to these. For example, children should be kept separately in holding locations, away from adult victims and especially adult perpetrators. Many under-age girls detained because they have been found providing sexual services, for example, are held with adult offenders/suspects – even if the girls have been trafficked or forced into prostitution against their will.

Children also need child-friendly support services, including legal advice and accompaniment, social services, safe accommodation and basic necessities. The nature of their relationship with family must be investigated – did the family contribute to their trafficking/exploitation, for example, or is the family waiting at home, desperate to find out what has happened to them? Safe family reunification, rather than just ‘return’ is of vital importance to child victims of trafficking.

Defining child labour and its worst forms

It is worth remembering how child labour is defined and what is meant by the ‘worst forms of child labour’, and how this relates to the trafficking of children, not least because the age of the child is of crucial importance here, also.

Child labour and the worst forms are identified through two ILO Conventions, both of which have been ratified by Jordan, Lebanon and Syria.

The ILO Minimum Age Convention, No.138 (1973) sets the age at which children can legitimately enter the workforce (all other things being equal, ie that the conditions are appropriate). Generally the age set is 15 years, with ‘light work’ being permitted at 13. Light work is considered to be approximately two hours a day, outside school hours, and not including any of the elements that would classify it as child labour. In countries whose economic development requires a lower minimum age, the Convention permits the age to be set at 14, with light work at 12, but only until such time as the

country is able to adjust this upwards. Generally the minimum age for work coincides with the age at which compulsory schooling ends.

Any child below the minimum working age who is working in other than ‘light work’ is considered to be in child labour, even if that work is in a family business or on a family smallholding, for example. The simple fact is that children should be in school, and when they are not at school, they should be playing or otherwise benefiting from their childhood.¹¹

Children and work/labour according to ILO Conventions 138 and 182

16 – 18 yrs			No work allowed that is considered ‘hazardous’	No work allowed that meets the criteria of ‘worst forms of child labour’
13 – 15 yrs		Only ‘light work’ allowed		
0 – 12 yrs	No work allowed under any conditions			

In **Jordan**, children must go to school until they are 15, and the minimum working age is 16 (ECL, 2010) and 18 for work that is dangerous or hazardous (USDOL 2004). In **Syria**, the situation is complex because while revisions to the child labour law set the minimum working age at 15, which is also the age when children may exit compulsory education, general labour law allows children to work at the age of 12, (AWRD 2006). In **Lebanon**, there have been moves to raise the age of compulsory education from 12 to 14, to bring this in line with Lebanese labour laws, which set the minimum age for work at 14, but at 15 “in industrial projects and tiring work or work that is harmful to the health” and 16 “in works that are dangerous on life or morals” (Ghrayeb 2002).

Also considered to be in child labour are children who have reached the minimum age for work but who are working in conditions that are hazardous or exploitative. Individual countries decide, in consultations between government, workers’ associations and employers’ organizations, what is ‘hazardous’. Some countries draw up a list based on work sectors – for example mining or deep-sea fishing; other countries draw up a list based on the nature of the task – for example carrying heavy loads, working underground, being exposed to toxic substances. In some countries, also, the ‘hazard’ list includes working beyond a certain number of hours -- in Jordan, for example, children between the minimum working age and 18 must not work for more than six hours a day, and not between the hours of 8pm and 6am (NPAC 2004-13).

The ‘worst forms of child labour’, which must be eliminated as a matter of priority and from which children should be immediately removed, are defined in Article 3 of ILO Convention No.182 on the Worst Forms of Child Labour:

- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

¹¹ It is recognized that children may be ‘helping hands’ around the house, and this is a good thing. It helps children to contribute to the family and know that they are helping. It allows them to learn some skills. But it must not interfere with school and should not be so arduous or time-consuming that it is detrimental to them. Of course it must also not include any elements that are hazardous or otherwise equivalent to the worst forms of child labour.

- d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Categories (a) to (c) of this definition are considered ‘unconditional’ and not open to negotiation; category (d) relates to work that is ‘hazardous’ and, as noted above, this is ‘conditional’ to the extent that the sectors or tasks it covers are described in more detail after tripartite negotiations in each country.

The trafficking of children is, therefore, a *de facto* worst form of child labour and must be eliminated. It should be remembered, also, that the Palermo Protocol specifies that, in the case of people under the age of 18, that “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” do not have to be present for the crime of child trafficking to have occurred. It is sufficient that a child has been moved or prompted to move *for the purpose of exploitation* (ie that a third party has demonstrated intent).

Jordan

In its comments on Jordan’s third national report on progress in implementing the UN Convention on the Rights of the Child, the Committee on the Rights of the Child regretted “the lack of data on the extent and magnitude of commercial sexual exploitation of children and trafficking in children for exploitative purposes in the State party. It also regrets the insufficient legal protection of boys below the age of 18 against commercial sexual exploitation and the absence of a specific legal framework to protect children from trafficking”.

Child trafficking is not, in fact perceived to be a significant problem in Jordan (USDOL 2004), although this is difficult to state with any certainty given the lack of data on the ages of trafficking victims.

What is certain is that children who are already in child labour are at increased risk of being trafficked, since they are already either in the hands of people who are exploiting them or are in occupations (for example street vending, or begging) that expose them to being ‘picked up’ by persuasive recruiters or even by force.

In 2001, the ILO estimated that less than one per cent of children aged 10 to 14 were in child labour in Jordan (USDOL 2004), but there were many more children over 15 working (mostly boys – 13 per cent, while only 1.1 per cent of 16/17 year-old girls were in work). A Ministry of Labour survey in 2002 stated that most of the children were employed in automotive work, carpentry, sales, blacksmith shops, tailoring, construction, scavenging and food services (some of these are potentially hazardous). There were also children working on the streets selling newspapers, food and chewing gum.

While there is no available evidence on children being trafficked into child domestic labour in Jordan, it is quite likely that some of those arriving to take up domestic work will be under the age of 18. The ILO estimates that more girl-children under the age of 16 are in domestic service than in any other category of work or child labour (Kane 2004 p.14).

The nature of their recruitment and employment should be investigated, since these girls are highly vulnerable. In some countries, in fact, domestic labour is considered a worst form of child labour not only because the worker is hidden away in a private home and so out of the purview of labour inspectors or even general observers, but also because domestic work may include many hazardous tasks such as heavy lifting, exposure to extreme heat and cold, using toxic chemical products and working long hours.

Lebanon

Child labour is a “pressing social problem” in Lebanon (MOJ 2008 p.48), with “a great number” of children, mostly boys, working in suburban and poor rural areas, particularly in the north of the country. Data from a 2000 survey by UNICEF put the number of girls aged 10-14 who are in child labour at 9.7 per cent; for boys it is a staggering 90.3 per cent, and is explained by the high school drop-out rates that peak between the ages of 10 and 14.

Street-based child labour is particularly significant, especially coinciding with weekends and public holidays, when large numbers of children are to be found around churches, clubs and places where people congregate, selling trinkets or flowers, shining shoes or begging. Most of the children are “foreigners” – Palestinian, Syrian or “without identification” (MOJ 2008 p.49).. This clearly requires further investigation.

As is the case for Jordan, children may also be included in the large numbers of workers who migrate into domestic service. The circumstances of the child’s recruitment and labour conditions must be clarified, for the reasons outlined above. A 2010 newspaper report cites a Nepalese community leader as saying that “a lot of Nepalese men in Lebanon are trafficking women from Nepal because they earn a commission from local Lebanese recruitment agencies once the woman is hired” – again, the age of the ‘women’ is not clear, although the same article quotes the case of a 15 year-old African girl whose family handed her over to recruiters who subsequently forced documents to represent her as an adult and moved her to Lebanon to be exploited in (child) domestic labour (Rousseau 2010).

The number of under-age girls potentially employed by Lebanese ‘super-clubs’ is also not known and should be investigated, not least because it is easy to forge documents to misrepresent a child’s age to monitoring authorities.

There are anecdotal reports suggesting that Iraqi refugee families living in Lebanon put their children at high risk of trafficking by approaching people smugglers to move the children to Europe (Save 2008).

Syria

The potential trafficking of children into child domestic labour also needs further investigation in Syria. While insisting that human trafficking is not common in Syria, a drafting committee member for the Syrian law on human trafficking was quoted in 2007 as saying that “maid services are participants in human trafficking” (Turkmani 2007).

The 2010 TIP Report notes that “Iraqi families arrange for young girls [age unspecified] to work in nightclubs, to be temporarily ‘married’ to men for the sole purpose of prostitution, or to be sold to pimps who rent them out for longer periods of time”. The Report also suggests that “Syria is a growing child sex tourism destination for citizens of Middle Eastern countries, particularly Saudi Arabia and Kuwait”. No sources are provided for this information however, given the difficult situation of Iraqi refugees in Syria, Iraqi children are at high risk and are highly vulnerable to both labour exploitation and trafficking.¹² A representative of the Office of the UN High Commission for Refugees (UNHCR) in Damascus is quoted as saying that Iraqi girls as young as 11 years of age have been exploited in prostitution in Syria (BTHT 2005).

Clearly, although the child labour situation in Jordan, Lebanon and Syria is acknowledged and (to some extent) documented, there needs to be much more detailed investigation focusing on the children themselves before direct links with child trafficking can be drawn.

¹² Syrian law (Decree-Law 3, Article 4) considers the prostitution of a child or the exploitation of a child in pornography in return for direct or indirect remuneration as trafficking (CRI, 2010).

This is particularly important not only to ascertain whether children are trafficked into these three countries for the purposes of labour or sexual exploitation, but also because children who are already being exploited in child labour are at increased risk of being trafficked.

IV. Legal frameworks

Jordan, Lebanon and Syria have all worked to put in place a robust legal framework to enable them to address the problem of human trafficking, although there are some gaps in legislation and implementation remains weak.

International instruments

All three countries have ratified the principal international instruments relating to forced labour, child labour and human trafficking:

	<i>Jordan</i>	<i>Lebanon</i>	<i>Syria</i>
Forced Labour Convention No.29 (1930)	Ratified 1966	Ratified 1977	Ratified 1960
Abolition of Forced Labour Convention No.105 (1957)	Ratified 1958	Ratified 1977	Ratified 1958
Minimum Age Convention No.138 (1973)	Ratified 1998	Ratified 2003	Ratified 2001
Worst Forms of Child Labour Convention No.182 (1999)	Ratified 2000	Ratified 2001	Ratified 2003
Palermo (Trafficking) Protocol (2000)	Ratified 2009	Ratified 2005	Ratified 2009

None of the three countries has ratified ILO Convention No.143 (1975) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. Given the documented instances of labour exploitation of migrant workers (see above), it is clear that ratification of this instrument and prompt action to, as specified in the convention “adopt laws to detect illegal employment and punish organizers of clandestine movements”, prosecute labour traffickers and exchange information among states, are important.

All three countries are also involved in regional initiatives to combat trafficking, including the development of the *Abu Dhabi Convention of Unified Law for Combating Human Trafficking* (2010) and the 2010 Doha Initiative, aimed at enhancing capacity building for members of the Arab Group and the establishment of an Arab Office (HRC 2010).

National legislation

All three countries also have promulgated or drafted national legislation covering human trafficking and related crimes:

	<i>Jordan</i>	<i>Lebanon</i>	<i>Syria</i>
Law on the Prevention of Trafficking in Human Beings, 9/2009	x		
Decree-Law 3 of 2010			x
<i>Draft</i> law prohibiting human trafficking (being considered by Parliament in January 2011) (Sikimic, 2011)		x	

National Plans of Action

In addition to legislation, international commitments calls for countries to put in place National Plans of Action (NPA) against human trafficking that include comprehensive plans to prevent trafficking, protect victims and those at risk, prosecute offenders and provide services to victims.

Ideally, NPAs should be developed through multi-sector consultations involving all parties involved in combating trafficking, should in particular engage all government departments involved and should have clear sections setting out which actions will be taken, how they will be implemented, who will be responsible, how they will be funded and, importantly how progress will be monitored and outcomes evaluated.

Generally development and progress of the NPA are ‘overseen’ by a nominated ministry or organization, an inter-ministerial grouping of a multi-disciplinary task force. Sometimes, this ‘focal point’ is constituted as a specific entity.

The table below shows the status of NPA development and creation of a focal point in the three countries:

	<i>Jordan</i>	<i>Lebanon</i>	<i>Syria</i>
National Strategy for Combating Trafficking in Human Beings, 2010 – 2012 Framework <i>Oversight body:</i> National Committee for Combating Trafficking in Human Beings	x		
Reported to be developing a national strategy to prevent human trafficking (mid-2010)			x

In the absence of an NPA in Lebanon and Syria, the comments below relate only to the Jordanian National Strategy, although these comments are generally applicable to NPAs to combat human trafficking.

Jordan’s National Strategy

The 2010 National Strategy (hereafter NPA) was developed in a consultative manner and is intended to bring together the efforts of a number of stakeholders within and outside government. It is predicated on the “3 Ps” of prevention, protection and prosecution, with a fourth component covering partnerships and transparency at local, regional and international levels. Unfortunately, ‘protection’ relates entirely to victim support and does not take into account protection of those at risk of trafficking, reflecting the fact that trafficking can occur internally and that vulnerable groups (for example refugee populations) may be at risk of being trafficked from Jordan to another country.

Importantly, the NPA is to be assessed biannually, with recommendations to the oversight committee in the light of any lessons learned and updates to be included. The NPA calls on “all relevant parties” to prepare three-year operational plans with timeframes to ensure that the strategy is implemented.

The NPA has a bold vision: “A Jordan free of trafficking in human beings and opposed to it at the regional and international levels” and detailed objectives. Of particular significance is the very first task listed under the first objective: “Assess and review the situation of trafficking in Jordan”.

It is clear from this present study that gathering together hard data – or putting in place reliable systems for gathering such data if it does not exist – and rigorous information based on internationally developed concepts and definitions, in line with national legislation and international commitments, is

a fundamental basis on which anti-trafficking plans and policy should be built. (The operational framework for the Jordanian NPA is not sufficiently comprehensive in this regard.)

This is particularly true given that the second objective in the Jordanian NPA – as in many NPAs – is “develop awareness raising programmes targeting all groups”. Not only is accurate information necessary for effective action, it is of particular importance if understanding – and rejection – of human trafficking is to be promoted. The same is true of training/capacity building, which should similarly be based on clarity and understanding, and reliable information from primary sources.

The implementation framework for Jordan’s NPA will be reviewed in 2012, a relatively short time-frame, allowing a speedy review of progress.

V. Anti-trafficking initiatives

In recent years, as has been shown, there have been promising moves by the governments of Jordan, Lebanon and Syria to enact stronger laws against human trafficking, and to begin to build national strategic frameworks and coordinating mechanisms to approach anti-trafficking work more systematically.

It is not clear, though, whether or how the many anti-trafficking initiatives that are now occurring in the three countries fit into these broader attempts at strategic thinking and operational coordination.

It is to be hoped that, now that all three countries have or are developing NPAs against human trafficking, this will bring together the different anti-trafficking actors working in the Mashreq so that all facets of anti-trafficking work are covered and there is less duplication. At the moment, some areas of work – awareness raising, capacity building and victim support – are receiving much more attention than are the vital areas of protection and prevention. This may be because protection and prevention actions are hampered by a lack of reliable data and information, since it is currently difficult to reliably target vulnerable groups or map out priority areas.

The initiatives outlined below illustrate the work being done in the three countries and the section that follows attempts to suggest some gaps that might be filled as a matter of urgency.

Protection initiatives

Protection initiatives generally focus on identifying groups that are vulnerable to trafficking and improving their risk profile by addressing the root causes of that vulnerability, for example lack of income (poverty/cash flow), family dysfunction, unemployment or lack of skills, or ignorance of the risk of trafficking.

Although there are undoubtedly many income-generating, skills development and family strengthening programmes in all three countries (the UN Relief and Works Agency for Palestine Refugees, UNRWA, for example runs such programmes throughout the countries in which it is active), they do not seem to be developed or implemented taking the risk of human trafficking into account. Income-generation projects, for example, when they target groups in a known sending area for trafficking, should always include a trafficking awareness element, since an increase in disposable income often prompts a family or individual to consider relocating to pursue better opportunities and thus risking falling into the hands of unscrupulous recruitment agents/traffickers.

The Danish Refugee Council runs a number of multi-faceted protection projects in **Lebanon**, aimed at reducing family’s and young people’s vulnerability (not to trafficking specifically). These include educational projects targeting young people at risk in the Ein El Helweh refugee camp; income-generation initiatives for young people in the same camp and for displaced families from Naher El Bared; and initiatives targeting young people, women, families and the elderly in camps in

the south, focusing on training, developing community focal points, awareness raising, creating groups of volunteers and giving direct assistance to vulnerable families (UNICEF 2011).

In **Lebanon**, KAFA, a local NGO, is also active in projects that focus on using advocacy an awareness raising as protection mechanisms, and awareness raising is also at the heart of an innovative programme to help children and young people to understand trafficking and protect themselves from it. The ‘Recycle Love Festival’ was launched in August 2010 and includes music, games, a market-place and educational talks by people whose lives have been touched by trafficking (Moody 2010).

Technical support and legislative reform

A number of UN agencies and other groups are working with the governments in all three countries to further strengthen strategic approaches to combating trafficking, including through legislative reform, capacity building of government personnel, and strengthening criminal justice systems.

In 2009, for example, UNHCR organized a three-day workshop in Damascus focusing on reviewing legislation to ensure the rights of refugees in **Syria**, to train local officials on refugee issues and to address vulnerability to human trafficking in the refugee communities (AC360 2009).

The International Organization for Migration (IOM) also supported the development of the 2010 trafficking legislation in **Syria**, and has worked to strengthen the capacity of border management through the Ministry of the Interior (IOM, 2010). IOM’s programmes in Jordan have also included strengthening of border management, as well as training in identifying document fraud and trafficking (IOM 2009).

In 2010, UNODC launched a project to provide technical support to a number of Arab governments, including Syria, to strengthen the institutional capacities of the criminal justice systems to prevent, combat and dismantle migrant smuggling and human trafficking. This included a component to “improve evidence-based knowledge on perpetrators and criminal groups” and one to “enhance the detection and identification, and safe referral, of trafficked victims and smuggled migrants”.

The ILO’s Special Action Programme to eliminate Forced Labour (SAPFL) has backstopped initiatives in Jordan focused around the development of the NPA. This included working with the Ministry of Labour to strengthen the work of labour inspectors, especially relating to the ongoing reports on exploitation of migrant workers in the QIZ. The ILO’s International Programme on the Elimination of Child Labour, IPEC, is also active in Lebanon and Syria, and will soon begin work in Jordan, although none of its projects are currently trafficking-focused.

Switzerland’s development assistance arm, the SDC, also supports technical assistance to Jordan, Lebanon and Syria to work against trafficking, and the European Commission’s Neighbourhood Policy programme contributes to knowledge-building in Jordan through research and monitoring (ENP 2009).

Training anti-trafficking actors

Police, border officials and judiciary are in the front line of effective identification and prosecution of traffickers, and contributing to their efforts by trafficking-specific training is an important element of counter-trafficking work.

In 2010, the global NGO World Vision organized an anti-trafficking training course for law enforcement personnel in **Lebanon**, focusing on sharing a clear understanding of human trafficking, procedures for identification of trafficking cases, investigation techniques, communicating with vulnerable children and referrals to social services (Mouamar 2010).

Also in **Lebanon**, the coalition of Christian Organizations, COATNET, has signed a Memorandum of Understanding with the Sureté Générale focusing on interrogation techniques and appropriate handling of cases involving sexual exploitation (CARITAS 2010).

In **Jordan**, a local NGO Friends of Women Workers, which focuses on the rights of female migrants, began providing training to the women themselves on their rights, health and safety, and access to legal counselling. This is an important initiative through which trafficking victims may self-identify and seek help.

In 2009 in **Jordan** also, ILO-SAPFL launched a two-year training programme targeting not only labour inspectors but also police, judiciary, immigration and border officials, workers' and employers' organizations, social workers and NGOs. At the heart of this training was SAPFL's Handbook on Forced Labour and Trafficking for Labour Inspectors, an important anti-trafficking tool grounded firmly in the definitions of forced labour and trafficking used in international conventions. An earlier SAPFL project with the same target groups had also included capacity building on identifying irregular recruitment practices, a key to preventing human trafficking.

Heartland Alliance, a US-based NGO, has focused on the needs of Iraqi victims of trafficking in Jordan, Lebanon and Syria and within Iraq. Heartland plays a coordinating role among women's NGOs, and has focused on "assuring the existence of trained, inter-connected service providers in each country (Heartland, 2010).

The American Bar Association has also focused on developing the capacity of judges and prosecutors in Jordan, working also with the Ministry of Justice to establish a shelter for trafficking victims.

Victim support

In 2008, IOM opened the first trafficking refuge in **Syria**, with funding from the Government of the Netherlands, UNICEF and the US State Department (IOM, 2010).

In general, however, there is insufficient attention to the needs and safety of identified or suspected victims of trafficking, with an emphasis on returning them to their place of origin.

In addition to safe accommodation, victims of trafficking – especially children – require dedicated psycho-social support, legal advice (if necessary in a language other than Arabic), and accompaniment through the judicial process while decisions are made about their future. Attention must also be paid to what will become of them after the 'trafficking event' is over. If they can return home safely, they will nevertheless need support to ensure that they are not sent back into the same situation that underlay their trafficking in the first place (family dysfunction, lack of income, violence) and that traffickers and intermediaries will not seek reprisals against them.

Awareness raising and building the anti-trafficking 'army'

As countries embark on significant anti-trafficking actions, from putting in place legislation to developing an NPA, and initiating enhanced programmes and projects in prevention, protection, prosecution and victim support, it is vital that there be broad consultation, understanding and acceptance of the effort and rejection of trafficking.

In a way, this represents "building the anti-trafficking army" – equipping those who will carry forward anti-trafficking actions with knowledge, tools and networking support. Often this begins through conferences and meetings that bring people together to discuss, get to know each other and decide how to move forward. There have been a number of such meetings in the Mashreq in recent years.

A workshop hailed as "the first of its kind in the Arab world" was organized by the **Syrian** Ministry of Interior and IOM in September 2005. This meeting, co-hosted by the University of Damascus and John Hopkins University's Protection Project, brought together ministry personnel, civil society representatives and diplomat officials to discuss national and international laws relating to trafficking, good practices in victim protection, and information collection and investigation of trafficking cases.

Two years later, **Syria** hosted the first Interpol International Conference on Combating Human Trafficking, with delegates from 53 countries and 11 international organizations. In addition to covering trafficking for labour and sexual exploitation, this conference also looked at the trafficking of human organs, and paid attention to the role that modern technologies such as the Internet and mobile telephony play in facilitating the work of traffickers.

Inter-faith collaboration has also been mobilized, particularly in **Lebanon**. A public hearing on ‘Migration and the changing ecclesiastical landscape’, which also touched on labour exploitation and trafficking, was organized by the World Council of Churches in 2008. This brought together representatives of the Druze, Shiite and Sunni Muslim communities, Metropolitans of the Maronite (Catholic) Church and the Greek Orthodox Church of Antioch, as well as Catholicos Aram I, head of the Armenian Orthodox Church.

On a broader, **regional** scale, the Doha Foundation Forum initiated in March 2010 the ‘Arab Initiative for Building National Capacities to Combat Human Trafficking’. This inter-governmental conference, attended also by religious leaders, regional representatives, civil society organizations and UN agencies took stock of regional and international efforts to combat human trafficking, identified challenges and discussed possible solutions, and examined the role of the media. The conference included the launch of the Qatari Initiative and an accompanying training guide.

Finally, in December 2010, the Suzanne Mubarak Women’s International Peace Movement, in conjunction with the UN Global Initiative to Fight Trafficking (UN.GIFT), convened a three-day forum in Luxor, Egypt, focusing on enforcing the Palermo Protocol. Young people were invited to and active at this meeting, and their role as anti-trafficking agents was discussed.

Gaps and challenges

The trafficking-related conventions outlined above, ratified by Jordan, Lebanon and Syria, together provide a comprehensive ‘check-list’ of actions that ratifying states should put on their agendas in order to address trafficking. The gaps and challenges that follow are presented in the order in which the relevant actions to be taken appear in ILO Recommendation 190, which accompanies ILO Convention No.182 (1999) on the Worst Forms of Child Labour:¹³

Information and hard data

While all the initiatives outlined in the previous section are under way, and while all the documentation relating to them, speeches and interviews lament the lack of usable data on human trafficking in the Mashreq, there seems to have been no major attempt to fill this gap.

It is true that the problem of human trafficking is so urgent that programming cannot wait until data systems have been put in place and comprehensive data collection exercises have been undertaken. Nevertheless, these must begin and progress alongside programme and policy initiatives, otherwise there will be no way of assessing whether these initiatives are really making a difference.

Data gathering processes and systems

What is needed is not just information and data on human trafficking, however, but the putting in place of processes to collect such data on a regular basis. This begins with reliable identification of trafficking victims and trained personnel who know how to gather data from them appropriately so

¹³ Generally, the check-list in Recommendation 190 covers: Data and information gathering; national focal points; legislation; law enforcement actions and cooperation; protection and prevention programming; cooperation and assistance among and between governments.

that a true ‘picture’ of their trafficking becomes clear: where they came from, who initiated their movement, what expectations they were given of their travel and eventual employment, whether and how much they paid for services of recruitment, departure, travel and facilities and jobs at their destination, who was involved along the entire chain of events and processes from start to finish and so forth. Importantly, this gathering of information should come not only from identified trafficking victims but also from those who are known to be in exploitative labour, since a trafficking event may be ‘hidden’ behind their current distressful situation.

Training and coordination

Consideration will have to be given to who is best placed to collect such data. For trafficking incidents interrupted at border posts, police and customs will take charge and data will be gathered during investigation and prosecution. However when a worker is found to be in exploitative labour and the potential of trafficking needs to be explored, it will be labour inspectors who have first contact, along with social workers, refuge personnel and others. Training of all these agents will be required, along with systems to ensure that their work is complementary and that information is shared appropriately and effectively.

In some countries, multi-disciplinary ‘response teams’ have been created – often comprising police, social workers, legal advisors and someone trained in supportive interview techniques, perhaps from an NGO – in a spirit of what has come to be known as ‘joined-up’ working.

Programming at the point of origin

Ultimately, trafficking has to be stopped at the point of origin, before a vulnerable person falls victim to it. This is true whether the trafficking is cross-border or domestic.

To address cross-border trafficking, it is important to identify the main sending countries (and parts of those countries, if appropriate), and for governments to enter into bilateral (or multilateral) agreements to cooperate not only on law enforcement/border control issues, and not only on victim support/return, but also on prevention and protection programmes targeted at groups at risk.

Such programmes typically include education and awareness raising, particularly among young people who are highly mobile and vulnerable groups who may be seeking to improve their lives by migrating for work. In the three countries in question, this may be particularly relevant for the Palestinian and Iraqi refugee communities.

Programming should also include regulation and monitoring of recruitment agencies and agents. Some recruitment may also be done ‘remotely’, by the placing of advertisements in newspapers from the receiving country, so developing guidelines with media outlets to monitor and perhaps spot-check such ads could be considered.

Exploring modern technology and the power of the media

Increasingly, also, advertising and recruitment may be done through websites and social network sites – not only Internet-based but also using mobile telephone technology. The potential of this use of new technology in the Mashreq is a potentially important topic for further study.

The media are important partners, too, in promoting safe migration and thus reducing the would-be migrant’s vulnerability to exploitation. Training courses to help journalists understand what trafficking is, how it works and how they can cover it from many different angles while underpinning the rights of people to migrate for work, can lead to a much more informed discourse in a country about the options available to those who seek to work in another location.

Programming in the receiving workplace.

For every unscrupulous employer who exploits workers and may be complicit but at the very least turns a blind eye to those among them who have been trafficked, there are many good employers who value what migrant labour brings to their business. Mobilizing workers' and employers' organizations to understand, recognize and report exploitation and trafficking is of vital importance.

The workplace is also an ideal place to provide information on trafficking to all workers and to set up reporting systems so that workers can report cases of which they become aware. Workers are the first line of defence for other workers, whether that be through an organized association or on an individual basis. It is important to give them the tools – knowledge, systems and trust – to act.

VI. Conclusion and recommendations

The Governments of Jordan, Lebanon and Syria have clearly recognized the reality of human trafficking that threatens their countries. They have demonstrated their determination to put an end to this scourge in the international arena by ratifying the major instruments relating to combating trafficking, protecting the rights of migrant workers and eliminating child labour, including its worst forms.

At a national level, they have all embarked on the crucial task of putting in place stronger anti-trafficking legislation and national frameworks that will become the blueprint for all those working to prevent human trafficking, protect those who are vulnerable to it, prosecute the perpetrators and support the victims.

It is absolutely vital, at this stage in the process, to ensure that the strategy is right, relevant actors are trained and ready, and systems are in place to provide them with the tools they need in order to be efficient and effective.

This is not yet the case in any of the countries. There are two major obstacles to consolidating this platform for future action: the first is the lack of conceptual clarity around what constitutes human trafficking and what is 'simple' labour exploitation. The reasons for differentiating between these have been illustrated throughout this study. In particular, it is important to ensure that all workers' right to migrate for work is protected and that the movement of workers into and out of Jordan, Lebanon and Syria – traditionally a vibrant process that has contributed greatly to the economies of all three countries – continues in a context of safety and transparency. The exchange of labour will only be strengthened by actions to ensure that workplaces are safe and built around respect for workers' rights – this is at the heart of the ILO Decent Work Agenda. Identifying and working to eliminate labour exploitation, forced labour and debt bondage must continue alongside clear actions to identify and eliminate human trafficking.

The second obstacle is the lack of the kind of reliable data that allows a clear picture of the nature and extent of human trafficking into – and out of – Jordan, Lebanon and Syria to be painted with precision. This is not just a case of counting numbers but of using actual, disaggregated data to shed light on the people involved in human trafficking and the mechanisms they use, and to build usable profiles of the people most at risk of falling prey to them. This will allow policies to be more precise and programming to be more accurately targeted and effective.

Finally, although there is little information available on dedicated anti-trafficking initiatives by civil society organizations in the three countries, it is clear from what is available that there is already considerable duplication (for example in capacity building of law enforcement officers) and conversely many important actions that are not being taken at all.

This should be addressed through the NPAs and cross-referencing roles and responsibilities in Memorandums of Understanding on international cooperation. NGOs, lawyers' associations, trade union federations and international organizations all bring different experience and expertise to the

efforts to combat trafficking; by working within the framework of the NPA and in a spirit of information exchange and collaboration, they will ultimately be more effective and, importantly, maximize scarce resources. The national body set up to have oversight of the NPA should open consultations with all groups (not just national organizations) working on the issues of human trafficking and labour exploitation, and should ensure that their work fits into the programme outlined in the NPA.

These conclusions give rise to the modest list of recommendations that follow:

Recommendations

1. Address urgently the gap in reliable, hard, disaggregated data relating to trafficking into and out of the three countries by setting up robust systems of data collection that respect victims' privacy, deliver usable outputs and allow analysis and the mapping of trends.
2. Ensure that all those providing data – police, border controls, health facilities, judicial systems, shelter managers etc – are fully trained to collect such data and that those inputting the data know how to take account of double-reporting.
3. Map the training that has already been undertaken of police, judiciary, media, NGO personnel, customs/border officials etc, and the multiple modules and training packages that have been produced, and use this mapping to suppress duplication, address those areas where training is still needed, and build a library of usable training materials that can be re-used frequently.
4. Map the prevention and programming initiatives that have taken place in the last five years, and that are still in progress or planned, and, as above, use this mapping to suppress duplication, address those areas where programmes and projects are lacking, and build a library of usable lessons, good practices and resources that can be used to improve future actions.
5. Promote further bilateral (as well as regional) information sharing and, explicitly, agreements on identifying trafficking victims and perpetrators and prosecuting the criminals while protecting the victims. Move towards coordinated prevention programmes, including by facilitating good practice and information exchange between civil society organizations, police and researchers in the respective countries.
6. Similarly, promote further bilateral/cross-border cooperation on trafficking, including surveillance, identification of traffickers, interception, reception and support for victims and joint law enforcement and border operations.
7. Mobilize workers' and employers' organizations to use their unique workplace knowledge and access to identify and report unscrupulous labour practices and suspected trafficking cases, and to develop workplace awareness-raising programmes for all workers.
8. Ensure that labour inspectors have a good understanding of human trafficking and in particular are able to pose appropriate questions to migrant workers found in exploitative or potentially exploitative situations to ascertain whether they may be victims of trafficking.
9. All three countries should, in due course, ratify the planned ILO Convention on domestic work. Ratification would be a good time, also, to undertake a thorough survey of the realities of women (and men) working in this sector – both migrant and nationals – to build a suitable platform for consideration of revisions of legislation, establishing or modification of regulatory systems, monitoring of labour rights, systems of redress and protection programmes designed to ensure that domestic workers enjoy their full rights.
10. Investigate, monitor and address the role of recruitment agencies, recruiters and other avenues of recruitment with a view to closing down those practices that may be used by traffickers and exploiters.
11. Recognize the crucial role of the media in promoting understanding of human trafficking, labour migration and child labour. Work with the media to develop broad conceptual clarity

around these issues, and support the media through training and the provision of reliable information.

12. Pay special attention to the situation of children who may be at higher risk of exploitation in child labour or of being trafficked. Work with ILO-IPEC and UNICEF to develop risk profiles for all children, including those in refugee communities, and to ensure that there are clear, time-bound plans to reduce their vulnerability to exploitation in child labour and its worst forms. Ensure that vulnerability to trafficking is addressed in NPAs to eliminate child labour.
13. Recognize that adolescents and young people are particularly at risk of trafficking because of rising youth unemployment in the Mashreq, a high propensity to move for work among this demographic and the fact that young people are particularly likely to seek options through on-line resources that may not be scrutinised by protection agents such as their family members, teachers or social workers. Target appropriate awareness raising and safe migration programmes at adolescents and young people.
14. Bring together organizations and agencies that provide victim support – shelters, basic needs, counselling, legal advice, means of return etc – to develop coordinated approaches to victim support and include this in NPAs being developed or reviewed. Victim support services should include, inter alia, psychosocial counselling, individualized plans for economic reintegration (access to vocational training and/or micro-credit, job placement, counselling etc), and access to unconditional social protection. Ensure that all services and facilities offered to victims take into account their rights to confidentiality and to protection.

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