

Trafficking of Women and Children in the Arab Region

A Regional Perspective



ESCWA

United Nations Economic and Social Commission for Western Asia

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (ESCWA)

**TRAFFICKING OF WOMEN AND CHILDREN IN THE ARAB REGION:
A REGIONAL PERSPECTIVE**

United Nations

Distr.
GENERAL
E/ESCWA/ECW/2013/2
17 September 2013
ORIGINAL: ENGLISH

ECONOMIC AND SOCIAL COMMISSION FOR WESTERN ASIA (ESCWA)

**TRAFFICKING OF WOMEN AND CHILDREN IN THE ARAB REGION:
A REGIONAL PERSPECTIVE**



United Nations
New York, 2013

Note: The opinions expressed in this document are those of the author and do not necessarily reflect the views of ESCWA.

13-0227

Acknowledgment

This publication was prepared at ESCWA Centre for Women based on a background study by Mr. Ayman Zohry, consultant at ESCWA. It was reviewed by Ms. Lisa Majjaj.

CONTENTS

Page

Abbreviations and acronyms	vii
Executive summary	ix
<i>Chapter</i>	
I. INTRODUCTION.....	1
A. Background.....	1
B. Scope of the study	2
C. Objectives of the study	2
D. Methodology and limitations of the study.....	2
E. Organization of the study	3
F. Definition of the terms.....	3
G. Trafficking in persons: Socioeconomic root causes	5
II. STATE RESPONSES TO TRAFFICKING IN PERSONS.....	12
A. Applicable international instruments and ratification status in the ESCWA region	12
B. UNODC Model Law against Trafficking in Persons	17
C. National anti-trafficking laws	20
D. International and regional cooperation in the area of counter-trafficking	38
III. NATIONAL EFFORTS AND SERVICES TO PROTECT VICTIMS OF TRAFFICKING.....	41
A. Provision of state services for victims of trafficking.....	41
B. Provision of services by NGOs for victims of trafficking	42
IV. NATIONAL EFFORTS TO PREVENT TRAFFICKING IN PERSONS.....	44
A. Capacity-building efforts targeting state and non-state actors.....	44
B. Advocacy and national awareness campaigns	45
V. POLICY RECOMMENDATIONS AND CONCLUSION.....	47
A. States.....	47
B. Civil society.....	48
C. United Nations.....	49
D. Conclusion	49

LIST OF TABLES

1. Population under the national poverty line in selected ESCWA member countries, 2005-2009	6
2. Child labour in selected ESCWA member countries, 2000-2007	7
3. Violence against women by partners in Egypt, Jordan and Morocco	9
4. Education and labour force participation in the ESCWA region	10

CONTENTS (continued)

	<i>Page</i>
5. Status of ratification of CEDAW in the ESCWA region, February 2013	13
6. Status of ratification of the Convention on the Rights of the Child in the ESCWA region, February 2013	15
7. Status of ratification of the Convention against Transnational Organized Crime in the ESCWA region, February 2013	16
8. Status of ratification of the TIP Protocol in the ESCWA region, February 2013	17
9. Summary of laws relating to human trafficking in the ESCWA region.....	20

LIST OF FIGURES

I. Number of persons prosecuted for offences related to trafficking in persons in Qatar, by gender, 2007-2011.....	34
II. Number of persons suspected of offences related to trafficking in persons in the Syrian Arab Republic, by type of offence, 2010	35
III. Number of persons accused for trafficking in persons in the United Arab Emirates, 2008-2011	36
IV. Number of human trafficking-related court cases in the United Arab Emirates, 2007-2011.....	37
<i>Annex.</i> National anti-trafficking laws.....	51

ABBREVIATIONS AND ACCRONYMS

AIDS	acquired immunodeficiency syndrome
ALO	Arab Labour Organization
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CEWLA	Centre for Egyptian Women's Legal Assistance
CRC	Convention on the Rights of the Child
ESCWA	Economic and Social Commission for Western Asia
GCC	Gulf Cooperation Council
HIV	human immunodeficiency virus
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
LMRA	Labour Market Regulatory Authority
NCCHT	National Committee for Combating Human Trafficking
NCHR	National Centre for Human Rights
NGO	non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
PNA	Palestinian National Authority
QFCHT	Qatar Foundation for Combating Human Trafficking
ROMENA	Regional Office for the Middle East and North Africa
TIP Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
VAW	violence against women
WHO	World Health Organization
YOCHT	Yemen Organization for Combat of Human Trafficking

Executive summary

This study examines trafficking in persons within and among countries in the region of the Economic and Social Commission for Western Asia (ESCWA), focusing on the primary victims of this trafficking, namely: women and children. Trafficking in persons is a complex phenomenon that is influenced by social, economic and cultural conditions at the individual as well as the national level. The study begins by exploring the root causes that underlie the phenomenon of trafficking in persons in the ESCWA region and that make women and children particularly vulnerable to trafficking. These factors include poverty, underdevelopment, war and political conflicts, globalization, gender-based violence, and social exclusion. The study continues by assessing state responses to trafficking in the ESCWA region and in relation to several international protocols and conventions, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the 1989 Convention on the Rights of the Child (CRC), the United Nations Convention against Transnational Organized Crime (the Palermo Convention), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the TIP Protocol), and the United Nations Office on Drugs and Crime (UNODC) Model Law against Trafficking in Persons. The Model Law is presented in detail as a benchmark against which to assess the national anti-trafficking laws of ESCWA member countries. These national laws are examined in relation to five central elements of the Model Law, namely: (a) definition of trafficking; (b) criminalization of trafficking and applicable penalties; (c) protection of victims; (d) foundation of a national committee and establishment of information and monitoring efforts; and (e) international cooperation. This study assesses the efforts of ESCWA member countries to protect victims of human trafficking, focusing on the provision of legal assistance, shelter, health, and other services. It further explores national efforts aimed at preventing human trafficking through capacity-building efforts and awareness-raising campaigns. It concludes by providing policy recommendations at the levels of the state, civil society and the United Nations.

The study finds that anti-trafficking laws in the ESCWA region are generally congruent with international applicable instruments in terms of definitions of trafficking, criminalization of and penalties for trafficking, and in the foundation of national committees to combat trafficking. While the UNODC Model Law makes it optional to apply aggravating punishments in the cases of aggravating circumstances, most national laws include detailed articles on aggravating punishment. However, national laws are not always congruent with the Model Law in the category of victim protection. In addition, international judicial cooperation is not clearly provided for in most ESCWA member countries. International and regional cooperation focuses mainly on training, technical cooperation and capacity-building.

Moreover, this study assesses national efforts to protect victims of trafficking in relation to the provisions of the TIP Protocol. It finds that legal assistance for trafficking victims in the ESCWA region is typically provided directly through state juridical systems, or through non-governmental organizations (NGOs). While most anti-trafficking laws in the region stipulate the provision of shelters for the victims of human trafficking, data is not available regarding the number of victims who have benefited from such shelters. The study finds that NGOs are frequently more active than governmental organizations in providing services to victims, owing partly to the fact that some national laws delegate the task of protecting trafficking victims to such organizations.

Regarding prevention activities, the study finds that there is a wide variation in capacity-building efforts from one country to another. Given the inconsistency of available data, the study provides examples of some national capacity-building activities in the ESCWA region without, however, attempting to present a comprehensive inventory of such activities. The study finds that governmental advocacy and national awareness campaigns in some ESCWA member countries lag behind the activities of NGOs, and that most awareness activities are carried out by non-governmental actors.

The study concludes with the following policy recommendations:

(a) *States*: State parties should put into place comprehensive policies aimed at facilitating economic and social development, the rule of law, promotion of human rights (including women's rights), good governance and education; and should mainstream the issue of trafficking in persons in state socioeconomic plans. They should establish legal and legislative frameworks that comply with international conventions and protocols; ratify and enforce international conventions on trafficking; pass and enforce anti-trafficking laws; and ensure that victim protection measures and prevention strategies are both addressed in legislation and carried out in practice. States should make resources for capacity-building activities available at the national level; address issues related to advocacy and awareness-raising efforts directly through the state and/or in partnership with NGOs; integrate issues related to human trafficking into the curricula of schools and universities; ensure that capacity-building activities cover a broad range of actors involved in combating trafficking (including, among other, law enforcement agencies, justice authorities and NGOs); and enhance data collection and dissemination measures, including publishing detailed information on number of offenders and victims by age, sex, nationality and type of human trafficking crimes, and standardizing country reports in order to facilitate cross-country comparisons;

(b) *Non-governmental organizations*: NGOs should be put in charge of monitoring the process of development and implementation of national anti-trafficking legislation, policies and plans, and should act as pressure groups to ensure that governments give more attention to anti-trafficking efforts. They should integrate anti-trafficking programmes into their plans and activities and should work together to create regional and national thematic networks of NGOs active in the field of anti-trafficking, coordinating efforts, exchanging ideas, sharing experiences, proposing and implementing awareness-raising activities and coordinating in making services available aimed at assisting victims. Moreover, national and regional NGOs should expand their cooperation with international counterparts as well as with international and regional organizations, and should develop such country-specific and region-specific versions of international anti-trafficking initiatives as the Blue Heart Campaign against Human Trafficking;

(c) *United Nations organizations*: United Nations agencies, including ESCWA and UNODC, should lead regional initiatives and develop region-specific versions of international initiatives and action plans, taking into account cultural and socioeconomic specificities. They should foster cooperation with such regional organizations as the Arab Labour Organization (ALO), the Gulf Cooperation Council (GCC) and other regional entities. Such cooperation could include technical cooperation in the fields of legislative development; development and refinement of model laws; direct training; training of trainers; developing, translating and adjusting training modules and training guides; and setting up mechanisms for monitoring, evaluating, reporting and exchanging experiences among regions. Moreover, the United Nations should work closely with individual states to help them to pass anti-trafficking laws, promote the UNODC Model Law and put into place monitoring, evaluation and reporting mechanisms. In addition to working with states to help them to strengthen their capacity-building, the United Nations should ensure that such activities are sustained on an ongoing basis by governmental institutions as an integral part of their routine programmes.

Overall, the study finds that, while it is possible to assess the legal basis for anti-trafficking efforts in the ESCWA region, it is more difficult to assess the practical measures by which anti-trafficking efforts are carried out. In order to establish the information base necessary to the task of combating trafficking in persons, the study recommends the development and standardization across the region of reporting mechanisms capable of generating comparable descriptive and statistical data on trafficking. Such data should include details regarding types of human trafficking and specific background characteristics of both offenders and victims. The provision of thorough, systematic and standardized information will assist all parties in their efforts to combat the crime of trafficking in persons in the ESCWA region.

I. INTRODUCTION

A. BACKGROUND

Human trafficking is a fundamental violation of human rights. Indeed, it is considered a form of modern-day slavery.¹ Public awareness of the crime of trafficking has been recognized as a first step towards its eradication. This report addresses human trafficking within and among ESCWA member countries, focusing on the primary victims of this trafficking, namely: women and children.² As such, it contributes to efforts to combat this rising problem in the region. Directed towards policymakers, researchers and NGOs, the report attempts to shed light on the legal framework within which trafficking among ESCWA member countries may be addressed, and aims to provide a more in-depth, region-specific analysis than is currently available in international reports dealing with this issue.

The International Labour Organization (ILO) estimates that at any given time at least 2.5 million people are enduring forced labour as a result of trafficking. Out of these, 230,000 individuals are in the Middle East and North Africa.³ The extent and varieties of human trafficking crimes differ from country to country as well as among regions. However, according to UNODC, women and girls comprise 75 per cent of all trafficking victims worldwide, 27 per cent of all victims are children, and two out of every three of these child victims are girls.⁴ In the Middle East and North Africa, 68 per cent of victims of human trafficking during the period 2007-2010 were children.⁵ These statistics are alarming and make evident not just the urgent need to combat trafficking in persons, but the necessity of understanding the factors that put women and children, especially young girls, at particular risk.

The TIP Protocol, which was adopted in 2000 and entered into force in 2003, defines the crime of trafficking in persons as “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”.⁶

The General Assembly, in resolution 65/190, has urged governments to enforce and strengthen effective measures to combat and eliminate all forms of trafficking in women and girls; to address the factors that increase the vulnerability of women and girls to being trafficked; to criminalize all forms of trafficking in persons; to strengthen prevention and awareness-raising actions; to support and protect victims of trafficking; to encourage media and business sectors to cooperate in efforts to eliminate trafficking; and to enhance information-sharing and data-collection capacity.⁷ Central to these measures are the key elements

¹ The Arab Charter on Human Rights makes a distinction between “slavery” and “trafficking in human beings”, albeit prohibiting both. See M. Mattar, “Human rights legislation in the Arab world: The case of human trafficking”, *Michigan Journal of International Law*, vol. 33 (Fall 2011), p. 9.

² ESCWA member countries comprise the following in alphabetic order: Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen.

³ UNODC, *Human Trafficking: An Overview* (2008), available from <http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf>, p. 6.

⁴ UNODC, *Global Report on Trafficking in Persons* (2012), p. 7.

⁵ UNODC, *Human Trafficking: An Overview* (2008), available from <http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf>, p. 10.

⁶ United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000).

⁷ United Nations, “Trafficking in Women and Girls: Report of the Secretary-General” (2012, resolution 65/190).

of criminalization, prevention, protection and cooperation. While it is important for states to criminalize trafficking in line with the TIP Protocol, and to cooperate with national and international bodies to prevent human trafficking, it is equally important that anti-trafficking efforts prioritize the protection of victims of trafficking. Indeed, one of the key elements of the TIP Protocol is to assist and protect trafficked persons and to safeguard their human rights. The Office of the High Commissioner for Human Rights (OHCHR), in its Recommended Principles on Human Rights and Human Trafficking, states as a first principle that the “human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”.⁸

B. SCOPE OF THE STUDY

This report provides information on the national laws and legislations, action plans, strategies and other efforts of ESCWA member countries to combat human trafficking. After a consideration of the socioeconomic root causes of trafficking in the region, the study analyses the national anti-trafficking laws of ESCWA members; assesses the congruence of these laws with international protocols on combating trafficking in persons; and examines modalities of protection, highlighting the different services provided by member countries and NGOs to victims of trafficking, including legal assistance, establishment of shelters and rehabilitation efforts, and medical, psychological and social support. Finally, the report presents various prevention efforts, including capacity-building, advocacy and national awareness campaigns.

C. OBJECTIVES OF THE STUDY

This study aims to fulfil the following objectives:

- (a) To analyse state responses to trafficking in persons, including national laws and legislations, action plans, strategies and efforts;
- (b) To highlight prevention and protection efforts directed at combating trafficking in persons in the ESCWA region;
- (c) To propose specific policy recommendations to member countries and NGOs regarding combating the trafficking of women and children.

D. METHODOLOGY AND LIMITATIONS OF THE STUDY

This study is based on an extensive desk review. Legal analysis is used to assess the congruence of national anti-trafficking laws with applicable international instruments, including the TIP Protocol, and the UNODC Model Law on Trafficking in Persons. Sources of data, limitations and challenges facing the study, definition of terms and organization of the study are elaborated upon in the sections below. The study uses available data from the following sources:

- (a) International sources, including publications by UNODC, ILO, World Health Organization (WHO), International Organization for Migration (IOM) and other specialized agencies;
- (b) Regional sources, including ESCWA, regional offices of other United Nations agencies in the Arab region, the League of Arab States and other relevant regional sources;
- (c) Available national reports on the trafficking of women and children;
- (d) Reports and academic studies covering the ESCWA region on trafficking;
- (e) Annual reports of NGOs’ anti-trafficking activities.

⁸ Office of the High Commissioner for Human Rights, *Recommended Principles on Human Rights and Human Trafficking* (2010), p. 51.

The fulfilment of the study objectives depends upon the availability of data on ESCWA member countries. It should be noted that not all ESCWA members are party to international conventions and protocols related to human trafficking. Moreover, out of those states that are party to such conventions and protocols, not all have passed their own anti-trafficking laws or developed reporting mechanisms. As a result, the available country-level data does not always permit full cross-country comparisons. In such cases, the study relies upon sample country cases. The lag in publication of country reports, the lack of availability of some country reports and the specific focus on qualitative data in country reports present additional obstacles, thereby making it difficult to report accurately on all anti-trafficking activities or to construct a statistical account of trafficking in the region. As a result, this report focuses on providing qualitative rather than quantitative analysis.

E. ORGANIZATION OF THE STUDY

The study consists of four chapters, including this chapter that provides an introduction to the study as well as various definitions used in relation to trafficking. Chapter II discusses state responses to trafficking in persons, and addresses applicable international instruments related to the combating of human trafficking and the ratification status of such instruments in the ESCWA region, the UNODC Model Law, national anti-trafficking laws in the region, and international and regional cooperation in the area of counter-trafficking. Chapter III presents national efforts aimed at protecting victims of trafficking, and addresses the provision of state services to victims, including legal assistance, establishment of shelters and rehabilitation efforts, and discusses provision of services to the victims of trafficking by NGOs. Chapter IV, finally, focuses on national efforts to prevent trafficking in persons, presents capacity-building efforts and advocacy and national awareness-raising campaigns, and closes with policy recommendations and the conclusions of the study.

F. DEFINITION OF THE TERMS

This subsection provides definitions of the crime of human trafficking in persons, as well as definitions of some terms related to relevant international treaties.

1. *Defining the crime of trafficking in persons*

The TIP Protocol, under the United Nations Convention against Transnational Organized Crime,⁹ is one of the three protocols that were adopted by the United Nations in Palermo, Italy, in 2000.¹⁰ The TIP Protocol was adopted by resolution A/RES/55/25 on 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nations, and entered into force on 25 December 2003. By 15 December 2012, the Protocol had been signed by 117 countries and had 154 parties to it, including 14 ESCWA member countries.¹¹ UNODC is responsible for following up on the implementation of the TIP Protocol.

The definition of human trafficking as put forward in article 3, paragraph (a) of the TIP Protocol makes clear that there are three main elements involved in trafficking in persons, namely: (a) the act, which entails the “recruitment, transportation, transfer, harbouring or receipt of persons”;¹² (b) the means by which trafficking is carried out, which involves “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 other forms of coercion;¹³

⁹ The Convention on the Rights of the Child defines a “child” as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged states to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18. (UNICEF).

¹⁰ The other two protocols are the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.

¹¹ See table 8.

¹² The TIP Protocol, article 3, paragraph (a).

¹³ Ibid.

and (c) the purpose of the act of trafficking, which includes the prostitution of others, forced labour, slavery or servitude and/or the removal of organs.¹⁴ While there are many forms of human trafficking, the most common forms include sexual exploitation, forced or bonded labour or involuntary servitude, domestic servitude, forced marriage, organ removal and the exploitation of children in forced begging. Although men are also affected by human trafficking, the main victims of this practice, as mentioned above, are women and children. Major forms of human trafficking are described below.

(a) *Sexual exploitation*

In the TIP Protocol, the terms “sexual exploitation” and “exploitation of prostitution of others” are intentionally left undefined in order to facilitate ratification of the Protocol by states regardless of differing domestic policies on prostitution.¹⁵ The Protocol “addresses the exploitation of prostitution only in the context of trafficking”.¹⁶ Definitions of sexual exploitation can therefore be regarded as context specific. However, the UNODC Model Law defines the exploitation of the prostitution of others as “the obtaining of financial or other benefits through the involvement of another person in prostitution, sexual servitude or other kinds of sexual services, including pornographic acts or the production of pornographic materials”.¹⁷

(b) *Forced labour*

ILO defines forced labour as “work or service exacted from a person under threat or penalty, which includes penal sanctions and the loss of rights and privileges, where the person has not offered him/herself voluntarily”.¹⁸ Unlike trafficking, forced labour may not include the element of geographically “moving a person from one location to the other” for the purpose of economic exploitation.

(c) *Child labour*

ILO defines child labour as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development”.¹⁹ It applies to work that is mentally, physically, socially or morally dangerous and harmful to children, and that interferes with their schooling.

(d) *Domestic servitude*

Domestic servitude is a special category of labour trafficking and involves a person who works in the home of his/her employer. Domestic servitude is regarded as a human trafficking crime when force, fraud or coercion is used to maintain control over the person. Domestic servitude as a human trafficking crime is usually associated with low or no payment and restricted freedom of movement.

2. Ratification

The United Nations Treaty Collection defines ratification as “the international act whereby a State indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act”.²⁰

¹⁴ Ibid.

¹⁵ UNODC, *Model Law against Trafficking in Persons* (2009), article 5, paragraph 1 (h).

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ K.N. Ruwanpura, and P. Rai, “Forced labour: Definitions, indicators and measurement”, Working Paper No. 18 (International Labour Office, Geneva, 2004), p. 3.

¹⁹ ILO, What is Child Labour? Available from <http://www.ilo.org/ipec/facts/lang--en/index.htm>.

²⁰ United Nations Treaty Collection, available from <http://treaties.un.org/>.

The process of ratification gives states “the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty”.²¹

3. *Accession*

Accession is “the act whereby a State accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other States”.²² Accession has the same legal effect as ratification, and usually takes place after the treaty has entered into force.

4. *Entry into force*

Entry into force is the process by which treaties come to have legal effect. The date on which a treaty enters into force is specified in the provisions of the treaty. When no date is specified, it is presumed that “the treaty is intended to come into force as soon as all the negotiating States have consented to be bound by the treaty”.²³

5. *Reservation*

A reservation is “a declaration made by a State by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that State”.²⁴ A reservation makes it possible for a state to accept a multilateral treaty as a whole while declining to comply with provisions to which it objects. Reservations can be made when the treaty is “signed, ratified, accepted, approved or acceded to”.²⁵

G. TRAFFICKING IN PERSONS: SOCIOECONOMIC ROOT CAUSES

Human trafficking is a complex phenomenon that is often influenced by multifaceted factors and conditions at both the micro and the macro levels. Such factors include social, economic and cultural conditions at the individual as well as national level. It should be noted that “economic dynamics alone cannot fully explain the evolution of the complex crime of human trafficking and its multiple manifestations worldwide”.²⁶ However, in general, trafficking is deeply rooted in poverty, conflict, globalization and gender discrimination. A brief description of these factors is given below.

1. *Poverty*

As suggested in article 9.4 of the TIP Protocol, poverty, underdevelopment and lack of equal opportunities are among the most significant factors that render people, especially women and children, vulnerable to trafficking. The interrelationships between poverty and human trafficking are complex and are accentuated by an array of factors, including increasing unemployment rates, rural poverty and rural/urban migration, the growth of slum areas, the expansion of the informal economy and child labour.

Poverty and unemployment may cause people to accept work under harsh conditions and jobs with low returns. Lack of access to work opportunities in their communities of origin may make individuals desiring better prospects more vulnerable to becoming victims of human trafficking.²⁷ Families who have

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ UNODC, *Global Report on Trafficking in Persons* (2012), p. 45.

²⁷ The root causes for trafficking may also apply to women and children being trafficked to the ESCWA region from Africa, and South and South East Asia.

difficulty meeting their basic need may send their children into the labour market in order to assist the family. Children may be coerced into begging by family members or others.

Rural poverty is another source of vulnerability. Owing to the problem of overpopulation in developing countries, rural areas have witnessed a fragmentation of land ownership. This phenomenon has made agriculture less profitable than before. At the same time, overpopulation has resulted in land becoming increasingly scarce. As a result, people who previously made their living from the land have been forced to search for opportunities outside agriculture. The informal economy provides the largest source of such opportunities. However, the standard of working conditions within informal economies typically falls below national and international standards. Bonded labour and child labour are common practices in such contexts. In addition, most workers in informal economies lack social security. All of these factors make workers more vulnerable to trafficking.

The available data for some ESCWA member countries points towards conditions that may make some sectors of the population more vulnerable to trafficking. In some ESCWA member countries, a high percentage of the population lives below national poverty lines.²⁸ In the Sudan and Yemen, 46.5 per cent and 34.8 per cent of the total population, respectively, live under the national poverty line. In Egypt and Palestine, more than one-fifth of the population lives below the national poverty line. Moreover, data indicates that the percentage of people living under the national poverty line is higher in rural areas than in urban areas. In the Sudan, 57.6 per cent of the rural population falls under the national poverty line, while in Yemen the rural poverty rate is 40.1 per cent. Rural poverty in Egypt stands at 30 per cent, and in Iraq it is 39.3 per cent (table 1).

TABLE 1. POPULATION UNDER THE NATIONAL POVERTY LINE IN SELECTED ESCWA MEMBER COUNTRIES, 2005-2009
(Percentages)

Country	Percentage of population			Reference year
	Rural	Urban	National	
Egypt	30.0	10.6	22.0	2008
Iraq	39.3	16.1	22.9	2007
Jordan	19.0	12.0	13.0	2006
Morocco	14.5	4.8	9.0	2007
Palestine	..	..	21.9	2009
Sudan*	57.6	26.5	46.5	2009
Yemen	40.1	20.7	34.8	2005

Source: Compiled from World Bank (2012), *World Development Indicators*, The World Bank, Washington D.C.

Note: Two dots (..) indicate that data are not available or are not separately reported.

* Includes South Sudan.

In developing countries, the informal economy comprises a significant proportion of the economy. In the ESCWA region, the informal economy is thought to be significant. In the Syrian Arab Republic, for instance, the informal economy is estimated at 79 per cent of the national economy outside of agriculture, state-owned enterprises and administration; while in Egypt, in 2006, the informal economy is an estimated 61 per cent of total employment in Egypt.²⁹

Both poverty and dependence on an informal economy render children more vulnerable to child labour. The available data on child labour in ESCWA member countries indicates high levels of children (aged 5 to 14 years) in the labour force. In Yemen, the rate of child labour stands at 23 per cent, while in

²⁸ The national poverty line is based on population-weighted subgroup estimates from household surveys.

²⁹ ESCWA, "Economic Policy in the ESCWA Region and its Impact on Employment" (E/ESCWA/SDD/2012/2).

Iraq, Morocco and the Sudan, the rates are 11, 8 and 13 per cent, respectively. The data indicate a higher rate of male children in the labour force as opposed to female children in most countries, and a higher level of child labour in rural areas compared to urban areas. However, in Yemen, the percentage of female children (aged 5-14 years) in the labour force is 24 per cent, which is 3 per cent higher than the percentage of male children in the labour force (table 2). Rural rates of child labour in Yemen are 29 per cent, compared to the urban rate of 8 per cent.

TABLE 2. CHILD LABOUR IN SELECTED ESCWA MEMBER COUNTRIES, 2000-2007
(Percentage of children aged 5-14 years)

Country	Gender		Place of residence		Total	Reference year
	Male	Female	Urban	Rural		
Bahrain	6	3	..	..	5	2000
Egypt	8	5	..	..	7	2005
Iraq	12	9	6	18	11	2006
Jordan	3	0	..	..	2	2007
Lebanon	3	1	..	..	2	2009
Morocco	9	8	4	13	8	2006-2007
Sudan*	14	12	..	..	13	2000
Syrian Arab Republic	5	3	3	6	4	2006
Yemen	21	24	8	29	23	2006

Source: Compiled from UNICEF Global Databases, available from http://www.childinfo.org/labour_countrydata.php.

Note: Two dots (..) indicate that data are not available or are not separately reported.

* Includes South Sudan.

2. Wars and armed conflicts

Wars and armed conflicts create an environment conducive to organized crimes, including trafficking in persons. Civil wars disrupt traditional communities and social support systems, and put people at risk. Women and girls are the most vulnerable population groups in such contexts, and are at particular risk of being targeted by traffickers. Women and girls may be enslaved by one or other of the parties involved in such conflicts, and may be subjected to sexual exploitation and forced labour.³⁰ Human trafficking may be used as a source of funding for various parties involved in civil conflicts, with people sold or traded for weapons as if they were commodities, whether for profit or to enable the continuation of the conflict.³¹ Moreover, human trafficking may be used to provide a source of funding for other criminal activities. The lack of border controls and the absence of functioning national institutions in the context of civil wars undermine the access of victims to the justice system, thereby making it difficult for them to obtain protection or redress.

The trafficking of women in the specific context of war and political conflicts is affected by the same factors and conditions that characterize trafficking more generally. However, in the context of armed conflicts, these factors are heightened and accentuated.³² Instability in regions that have experienced war and conflict may last for several years after the formal end of violence. During this transitional period, trafficking activities usually continue. This is particularly true when foreign military troops are present, given that such troops may increase the demand for sexual services and domestic labour.³³

³⁰ S. Wölte, *Armed Conflict and Trafficking in Women: Desk Study* (Deutsche Gesellschaft für Technische Zusammenarbeit, 2004), p. 5.

³¹ L. Shelley, "Human Trafficking and Conflict", Policy Brief No. 49 (Institute for Security and Development Policy, Stockholm, 2010).

³² Wölte, op. cit., p. 6.

³³ Ibid.

One example of the vulnerability of women and girls during armed conflict can be seen in the case of Iraq. Thousands of Iraqi women and girls who fled to the Syrian Arab Republic after the invasion of that country in 2003 ended up being pushed into the sex trade. Another salient example of the impact on women and girls of war and political instability is the case of the Syrian Arab Republic, where the conflict over the past two years has pushed thousands of Syrians to seek refuge in Lebanon, Jordan and Egypt. According to statistics of the United Nations High Commissioner for Refugees (UNHCR), the number of Syrians either registered as refugees or being assisted as such reached the one million mark in early March 2013. Millions more have been internally displaced, and thousands of people cross the Syrian borders every day. The number of Syrian refugees fleeing the conflict has increased dramatically since the beginning of the year, with more than 400,000 Syrians becoming refugees in the first quarter of 2013.³⁴ The overwhelming majority of Syrian refugees are women and children. As such, they are particularly vulnerable to trafficking, exploitation and sexual abuse. While statistical evidence is lacking, one phenomenon that has been witnessed among the Syrian refugee population is marriage to Syrian refugee girls in exchange for money, which is a practice that is regarded by human rights activists as a form of human trafficking.³⁵ Another type of exploitation facing refugee children is child labour in the host countries.³⁶

In the past few years, Egypt has witnessed increasing trafficking activities involving transit migrants from Eritrea, Ethiopia and the Sudan. The victims include men, women, children and accompanying infants fleeing from conflict and desperate circumstances in those countries and territories. These migrants are held hostage for ransom in the Sinai, close to the Israeli border, under conditions of excessive violence.³⁷

3. *Globalization and migration policies*

Globalization, facilitated by modern means of communication, has intensified cross-border flows of goods and production factors. The driving force of globalization is the rapid development of technology. In developing countries, globalization has resulted in increased aspirations for prosperity and achievement.³⁸ However, despite such positive effects of globalization as free trade and the free flow of capital, globalization has contributed to human trafficking.

The immediate impact of globalization on human trafficking can be seen in at least two main areas, namely: cheap labour and sexual services. While globalization has eased the flow of commodities and capital, this flow has not been accompanied by a free movement of labour. Policies in developed countries place tight restrictions on human mobility and migration from developing countries. Meanwhile, however, the demand for cheap labour in developed countries has continued to grow. The conflict between state migration policies and economic needs has created parallel channels of irregular migration, smuggling and trafficking.³⁹ Indeed, human trafficking has become “the fastest growing and third most widespread criminal enterprise in the world after drugs and weapons trafficking”.⁴⁰

³⁴ UNHCR, *Press Release* (6 March 2013).

³⁵ R.M. Taha, “Gamal Eid: Syrian women’s marriage to Egyptian men is human trafficking”, *Daily News Egypt* (30 March 2013), available from <http://www.dailynewsegypt.com/2013/03/30/gamal-eid-syrian-womens-marriage-to-egyptian-men-is-human-trafficking/>.

³⁶ Save the Children and International Rescue Committee, “Livelihoods Assessment: Syrian Refugees in Lebanon: Bekaa Valley & North Governorates, Lebanon” (2012).

³⁷ M. van Reizen, M. Estefanos and C. Rijken, *Human Trafficking in the Sinai: Refugees between Life and Death* (Wolf Legal Publishers, Brussels, 2012).

³⁸ L.E. Nagle, “Selling souls: The effect of globalization on human trafficking and forced servitude”, *Wisconsin International Law Journal*, vol. 26, No. 1, pp. 131-162.

³⁹ A. Zohry, “International migration between political propaganda and the economy”, *International Affairs Forum* (Fall 2010), pp. 28-30.

⁴⁰ Nagle, *op. cit.*, p. 131.

Globalization has increased the mobility of citizens of developing countries who seek work abroad as domestic workers and labourers. Lured by dreams of escaping poverty in their countries of origin and finding a new life in developed countries, these workers are at particular risk of becoming victims of human trafficking. Once in another country, they may become trapped in involuntary servitude, and may face such legal coercion as the threat of deportation, making them more vulnerable to control by traffickers. In addition, many non-migrants fall victim to trafficking. To fulfil the demand for cheap labour, citizens in developing countries are often forced to work in economic activities that have close ties to the global economy. South East Asian industries, for instance, are linked to a global chain of industries that use child labour and servitude.

Within the ESCWA region, the relationship between globalization and trafficking is equally evident. The region is a receiving, sending and transit area for international migration, which functions as one of the major forces driving human trafficking. Data indicate that most of the victims of human trafficking in the Gulf region are foreigners. In Oman in 2008, victims of human trafficking were from Indonesia, Morocco, the Philippines, the Syrian Arab Republic and Uzbekistan. Most of the victims of trafficking in the United Arab Emirates between 2008 and 2010 originated from South and East Asian countries. Outside of the Gulf region the situation is similar. In Lebanon, between 2008 and 2010, victims of trafficking for domestic servitude originated from South and East Asian and African countries.⁴¹

4. Violence against women and social exclusion

Article 1 of the United Nations Declaration on the Elimination of Violence Against Women defines violence against women (VAW) as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.⁴² Gender based violence is manifested through a multitude of actions, including forced marriage of young girls, trafficking in persons, sexual violence, verbal abuse, and laws and regulations that limit the rights of women and girls. It is reflected in arranged, early or forced marriage, and in such other practices as temporary marriage or marriages in which there is a wide age gap between spouses. Such forms of marriage have severe impacts on girls and women, both physically and psychologically.

Table 3 shows comparative data on the prevalence of VAW in three ESCWA member countries, namely, Egypt, Jordan and Morocco. Specifically, 33.2 per cent, or about one-third, of Egyptian women reported having been physically abused by their partners. A lower percentage of Jordanian women, at 20.2 per cent, reported physical violence at the hands of their partners. Moroccan women reported the lowest rate of partner violence, at 6.4 per cent. With regard to sexual violence perpetrated by a woman’s partner, the three countries show comparable rates, ranging from 6.6 per cent in both Egypt and Jordan to 7.6 per cent in Morocco.

TABLE 3. VIOLENCE AGAINST WOMEN BY PARTNERS IN EGYPT, JORDAN AND MOROCCO

Country	Physical		Sexual		Reference year
	Last 12 months	Lifetime	Last 12 months	Lifetime	
Egypt	18.2	33.2	3.9	6.6	2005
Jordan	12.2	20.2	5.6	7.6	2007
Morocco		6.4		6.6	2009-2010

Source: Extracted from United Nations Women, “Violence against women prevalence data: Survey by country” (2011).

⁴¹ UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

⁴² United Nations (1993) *Declaration on the Elimination of Violence against Women*, 85th plenary meeting. The General Assembly, the United Nations, New York.

Social exclusion refers to the lack of access to social rights, including the prevention of specific ethnic or religious groups, from enjoying the rights that other citizens enjoy. Social exclusion may entail discrimination in education, employment opportunities, health services and social welfare. Like VAW, social exclusion puts women and girls at risk for human trafficking. Social exclusion functions at a community level, allowing trafficking to flourish in particular localities and among specific population groups. Exclusion with regard to access to specific types of jobs, education, social insurance and economic assets renders these groups more vulnerable to human trafficking than others. In countries with high poverty rates and pervasive gender inequality, “VAW can lead to the abuse and isolation of women and girls and increase their vulnerability to being trafficked”.⁴³

Education and labour force participation are two important indicators of the social and economic inclusion or exclusion of females in the society. The lack of education and/or of economic opportunity are among the factors viewed as “motivating people to undertake the risks that result in their being trafficked”.⁴⁴ While women in the ESCWA region have relatively high educational attainment compared to other regions, female participation in the labour force in this region lags behind. As shown in table 4, while the gap between men and women aged 25+ years with at least secondary education is narrow for most of the countries in the ESCWA region, the gender gap in terms of labour force participation is wide. For example, in the United Arab Emirates, the percentage of women with at a least secondary education is higher than males, at 73.1 per cent versus 61.3 per cent. However, the rate of female participation in the labour force is much lower than that of male participation, at 43.55 per cent compared to 92.3 per cent for men. The same pattern is observed in Kuwait and Qatar.⁴⁵ This pattern occurs outside the Gulf region as well. In Jordan, for instance, 68.9 per cent of women had at least a secondary education, but only 15.6 per cent of women were in the labour force, whereas 77.7 per cent of men had a secondary education and 65.9 per cent were in the labour force.

TABLE 4. EDUCATION AND LABOUR FORCE PARTICIPATION IN THE ESCWA REGION

Country	Population (aged 25+) with at least a secondary education (Percentages)		Labour force participation rate of population aged 25+ (Percentages)	
	Women	Men	Women	Men
	2006-2010	2006-2010	2011	2011
Bahrain	74.4	80.4	39.4	87.3
Egypt	43.4	59.3	23.7	74.3
Iraq	22.0	42.7	14.5	65.9
Jordan	68.9	77.7	15.6	65.9
Kuwait	53.7	46.6	43.4	82.3
Lebanon	53.0	55.4	22.6	70.8
Libya	55.6	44.0	30.1	76.8
Morocco	20.1	36.3	28.3	74.7
Oman	47.2	57.1	28.3	81.6
Palestine	48.0	56.2	15.1	66.3
Qatar	70.1	62.1	51.8	95.2
Saudi Arabia	50.3	57.9	17.7	74.1

⁴³ J. Sorensen and others, “Addressing inter-linkages between gender-based violence and trafficking in persons to prevent reinforcement of inequalities”, United Nations Global Thematic Consultation: Addressing Inequalities in the Post-2015 Development Agenda (Winrock International, 2012), p. 1.

⁴⁴ W. Shinkle, “Preventing human trafficking: an evaluation of current efforts”, Policy Brief No. 3, Transatlantic Perspectives on Migration (Institute for the Study of International Migration, Walsh School of Foreign Service, Georgetown University, 2007), p. 7.

⁴⁵ It should be noted, however, that data from the Gulf subregion include migrant workers and that these statistics therefore reflect the situation of both nationals and expatriates in the Gulf countries.

TABLE 4 (continued)

Country	Population (aged 25+) with at least a secondary education (Percentages)		Labour force participation rate of population aged 25+ (Percentages)	
	Women	Men	Women	Men
	2006-2010	2006-2010	2011	2011
Sudan	12.8	18.2	30.9	76.5
Syrian Arab Republic	27.4	38.2	13.1	71.6
Tunisia	29.9	44.4	25.5	70.0
United Arab Emirates	73.1	61.3	43.5	92.3
Yemen	7.6	24.4	25.2	72.0

Source: Compiled from UNDP, *Human Development Report 2013, The Rise of the South: Human Progress in a Diverse World*, UNDP, New York.

While women are disproportionately victims of the crime of trafficking in persons, and men are disproportionately perpetrators of this crime, it should be noted that traffickers may also be women. According to UNODC, 30 per cent of human trafficking prosecutions and convictions are of women offenders, with the involvement of women in trafficking especially prevalent in the trafficking of girls.⁴⁶ Indeed, data show that there is “a positive correlation between the share of girls detected as victims and the share of women convicted for trafficking in persons”.⁴⁷ With regard to ESCWA member countries, an examination of country-by-country statistics on trafficking indicates that women are not just victims but also perpetrators of the crime of trafficking in persons. In Bahrain, for example, out of seven people who were convicted of trafficking between 2008 and 2011, five were women.⁴⁸ Similarly, out of 23 people convicted in Egypt in 2009-2010 for offences related to trafficking in persons, seven were women.⁴⁹ In Qatar, out of 121 persons prosecuted for the crime of trafficking in the period 2007-2011, 17 were women (figure I).

⁴⁶ UNODC, *Global Report on Trafficking in Persons* (2012), p. 11.

⁴⁷ *Ibid.*, p. 29.

⁴⁸ Report by the National Committee to Combat Trafficking in Persons in Bahrain.

⁴⁹ Data from the National Coordinating Committee on Combating Human Trafficking within the Ministry of Foreign Affairs in Egypt.

II. STATE RESPONSES TO TRAFFICKING IN PERSONS

A. APPLICABLE INTERNATIONAL INSTRUMENTS AND RATIFICATION STATUS IN THE ESCWA REGION

In their efforts to combat human trafficking, states have a number of international conventions and protocols at their disposal on which to base legislation and practices. Comprehensive international efforts to combat trafficking date back to the 1940s. The 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was the first treaty that dealt with trafficking in persons. Other similar international treaties followed, including the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the 1973 ILO Convention concerning Minimum Age for Admission to Employment. More recent instruments include CEDAW; the 1989 CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; and the TIP Protocol. A brief description of selected recent international instruments, and the ratification status of such instruments in the ESCWA region, is set forth below. This description provides a basis on which to assess the progress of different ESCWA members towards combating anti-trafficking.

1. *Convention on the Elimination of all Forms of Discrimination against Women*

The United Nations General Assembly adopted CEDAW in 1979, and the Convention came into force on 3 September 1981. As of February 2013, 187 states had ratified or acceded to the Convention.⁵⁰

CEDAW protects both the civil and the socioeconomic rights of women. In so doing, it reinforces the interrelatedness and indivisibility of all human rights. Several articles of CEDAW place emphasis on the core issues of gender inequality and discrimination that contribute to the phenomenon of human trafficking, and on the need of states to take action to eliminate this discrimination. Article 1 of CEDAW defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. Article 3 establishes that “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”. The root causes of trafficking are also addressed in article 11, which calls upon states to “take all appropriate measures to eliminate discrimination against women in the field of employment, in order to remove all types of discrimination and to ensure that rights for men and women are established on a basis of equality”.

Moreover, CEDAW emphasizes the role of legislation in anti-trafficking efforts. Article 6 stipulates that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”. This article establishes a legal basis for combating all forms of trafficking in women, including the exploitation of women for the purpose of prostitution, and calls upon states to take up all necessary measures, including legislative measures, to prevent trafficking of women and the exploitation of forced prostitution.⁵¹

⁵⁰ United Nations, Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979).

⁵¹ The Protection Project, “Reporting on the status of trafficking in women in accordance with article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women: Guidelines on the interpretation of the text of Article 6 of the Convention” (Johns Hopkins University, 2012).

CEDAW has been ratified by all ESCWA member countries, with the exception of Palestine and the Sudan.⁵² Table 5 presents the status of ratification of CEDAW in ESCWA countries.

TABLE 5. STATUS OF RATIFICATION OF CEDAW IN THE ESCWA REGION, FEBRUARY 2013

Participant	Signature	Ratification
Bahrain	--	18 June 2002*
Egypt	16 July 1980	18 September 1981
Iraq	--	13 August 1986*
Jordan	3 December 1980	1 July 1992
Kuwait	--	2 September 1994*
Lebanon	--	16 April 1997*
Libya	--	16 May 1989*
Morocco	--	21 June 1993*
Oman	--	7 February 2006*
Palestine	--	--
Qatar	--	29 April 2009*
Saudi Arabia	7 September 2000	7 September 2000
Sudan	--	--
Syrian Arab Republic	--	28 March 2003*
Tunisia	24 July 1980	20 September 1985
United Arab Emirates	--	6 October 2004*
Yemen	--	30 May 1984*

Source: Compiled from the United Nations Treaty Collection, available from <http://treaties.un.org/>.

Note: Two dots (--) indicate that a country did not sign, ratify or accede to the Convention.

* This denotes an ESCWA member that has acceded.

As table 5 shows, while some such ESCWA member countries as Egypt, Tunisia, Iraq and Yemen, ratified CEDAW decades ago, others have only ratified it in recent years. In addition, each state has ratified the treaty with substantial reservations that may be interpreted as undermining the treaty's spirit. The reservations entered by ESCWA member countries to some articles of CEDAW centre mainly on two issues, namely: (a) the perception that some CEDAW provisions contradict those of Islamic Shariah principles; and (b) an unwillingness to reform nationality laws. Reservations based on the conflict of CEDAW provisions with Islamic Shariah have been entered by Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, the Syrian Arab Republic, Tunisia and the United Arab Emirates. These reservations pertain to provisions of Shariah regarding determination of the inheritance portions of the estate of a deceased person on the basis of gender, and to the issue of equality of men and women in all matters relating to marriage and family relations both during marriage and upon dissolution of a marriage (article 16). Reservations regarding granting women equal rights with men with respect to passing nationality to their children (article 9) have been entered by Bahrain, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia and the United Arab Emirates.⁵³

The reservations entered by ESCWA member countries to some articles of CEDAW limit the implementation of the Convention, given that these reservations conflict with universal principles of human rights and equality as enshrined in international conventions and instruments. The reservations entered by member countries to these CEDAW articles reinforce the subordinate position of women in both private and public spheres. The fact that women do not have access to civic, political, economic, social and cultural

⁵² Given that the Palestinian National Authority (PNA) was not a state, it could not legally ratify or sign any international convention. The recognition of Palestine by the United Nations as a non-member observer state in November 2012 means that Palestine can now sign treaties and join specialized United Nations agencies.

⁵³ ESCWA, "Good Practices and Successful Experiences in the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Arab Countries (E/ESCWA/ECW/2011/3).

rights on an equal footing with men makes them less able to protect or assert themselves and more vulnerable to abuse of power at all levels. Such vulnerability contributes to the victimization of women in various spheres, and makes them more vulnerable to trafficking.

2. *Convention on the Rights of the Child*

The United Nations General Assembly adopted the Convention on the Rights of the Children (CRC) and opened it for signature on 20 November 1989. It came into force on 2 September 1990. Currently, 193 countries are party to CRC, which is primarily concerned with four aspects of children's rights, namely:⁵⁴

- (a) Participation by children in decisions affecting them, with their views given due weight in accordance with their age and maturity;
- (b) Protection of children against discrimination and from all forms of neglect;
- (c) Prevention of harm to children;
- (d) Provision of assistance to children regarding their basic needs, such as education and health care.⁵⁵

The four pillars of CRC can be outlined as follows:

- (a) Non-discrimination, as stipulated in article 2;
- (b) The best interest of the child, as stipulated in article 3;
- (c) The right to survival and development, as stipulated in article 6;
- (d) The child's right to participate in matters affecting him/her, as stipulated in article 12.⁵⁶

Trafficking is addressed in article 35 of CRC, as follows: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, sale of or traffic in children for any purpose or in any form".⁵⁷

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, entered into force on 18 January 2002, is a protocol to the CRC. As of January 2013, 162 states were party to this protocol. Despite the fact that trafficking is not mentioned plainly in the articles of the Protocol, article 1 establishes that "States Parties shall prohibit the sale of children, child prostitution and child pornography".

Table 6 presents the status of ratification of CRC in the ESCWA region. Specifically, CRC has been ratified by all ESCWA members, with the exception of Palestine.⁵⁸ The reservations entered by ESCWA member countries to some articles of CRC are mainly related to the treaty's conflicts with the provisions of Islamic Shariah regarding adoption and children's freedom of religion, as in the case of Egypt, Iraq, Jordan, Morocco, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. All ESCWA member countries have signed on the obligation to protect children from all forms of violence and have honoured their international commitments by enacting child protection laws and formulating action plans to protect the rights of children. As can be seen from tables 5 and 6, while several ESCWA member countries only ratified CEDAW (which came into force in 1981) in recent years, all ESCWA member countries ratified CRC (which came into force in 1990) in the 1990s. This gap may suggest that implementation of

⁵⁴ United Nations, Convention on the Rights of the Child (1989).

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ As mentioned above, given that the Palestinian National Authority (PNA) was not a state, it could not legally ratify or sign any international convention.

child protection legislation and policies in ESCWA member countries face fewer obstacles than implementation of gender equality legislation and policies. The planning and implementing of state policies may thus need to take into account social and cultural factors that make the protection of children easier to achieve than gender equality, but that, at the same time, put girls at greater risk than boys.

TABLE 6. STATUS OF RATIFICATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN THE ESCWA REGION, FEBRUARY 2013

Participant	Signature	Ratification
Bahrain	--	13 February 1992*
Egypt	5 February 1990	6 July 1990
Iraq	--	15 June 1994*
Jordan	29 August 1990	24 May 1991
Kuwait	7 June 1990	21 October 1991
Lebanon	26 January 1990	14 May 1991
Libya	--	15 April 1993*
Morocco	26 January 1990	21 June 1993
Oman	--	9 December 1996*
Palestine	--	--
Qatar	8 December 1992	3 April 1995
Saudi Arabia	--	26 January 1996*
Sudan	24 July 1990	3 August 1990
Syrian Arab Republic	18 September 1990	15 July 1993
Tunisia	26 February 1990	30 January 1992
United Arab Emirates	--	3 January 1997*
Yemen	13 February 1990	1 May 1991

Source: Compiled from the United Nations Treaty Collection, available from <http://treaties.un.org/>.

Note: Two dots (--) indicate that a country did not sign, ratify or accede to the Convention.

* This denotes an ESCWA member that has acceded.

3. *Convention against Transnational Organized Crime*

The United Nations Convention against Transnational Organized Crime (the Palermo Convention) was adopted by the General Assembly resolution 55/25 of 15 November 2000, and entered into force on 29 September 2003. Currently, 173 countries are party to it. This Convention is considered to be the main international instrument in the fight against transnational organized crime. The Palermo Convention seeks to promote effective opposition to transnational organized crimes by means of cooperation between states. Despite the fact that trafficking was not specifically mentioned in the Palermo Convention, one of the three adopted protocols is devoted to the prevention, suppression and punishing of trafficking in persons, as described below.

The Palermo Convention has been ratified by all ESCWA member countries, with the exception of Palestine (for the reasons stated above under CEDAW and CRC). The reservations entered by ESCWA member countries to some articles of the Convention are mainly related to article 35.2, which specifies that disputes concerning the interpretation or application of the Convention that cannot be settled by negotiation should be submitted to arbitration, and further stipulates that any party to a dispute may subsequently refer the case to the International Court of Justice. Reservations to this article were entered by Bahrain, Jordan, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia and Yemen. In addition, Egypt and the United Arab Emirates declared that they do not consider themselves bound by this article. The status of ratification of the Palermo Convention in the ESCWA region is presented in table 7 below. It can be seen that, by contrast to CRC that was ratified by most ESCWA member countries within a time period ranging from a few months to three years, the Palermo Convention was ratified by ESCWA member countries within time periods ranging from two to ten years after signature.

TABLE 7. STATUS OF RATIFICATION OF THE CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME IN THE ESCWA REGION, FEBRUARY 2013

Participant	Signature	Ratification
Bahrain	--	7 June 2004*
Egypt	13 December 2000	5 March 2004
Iraq	--	17 March 2008*
Jordan	26 November 2002	22 May 2009
Kuwait	12 December 2000	12 May 2006
Lebanon	18 December 2001	5 October 2005
Libya	13 November 2001	18 June 2004
Morocco	13 December 2000	19 September 2002
Oman	--	13 May 2005*
Palestine	--	--
Qatar	--	10 March 2008*
Saudi Arabia	12 December 2000	18 January 2005
Sudan	15 December 2000	10 December 2004
Syrian Arab Republic	13 December 2000	8 April 2009
Tunisia	13 December 2000	19 June 2003
United Arab Emirates	9 December 2002	7 May 2007
Yemen	15 December 2000	8 February 2010

Source: Compiled from the United Nations Treaty Collection, available from <http://treaties.un.org/>.

Note: Two dots (--) indicate that a country did not sign, ratify or accede to the Convention.

* This denotes an ESCWA member that has acceded.

4. The TIP Protocol

The Palermo Convention is supplemented by three protocols, namely: (a) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the TIP Protocol); (b) the Protocol against the Smuggling of Migrants by Land, Sea and Air; and (c) the Protocol against the Illicit Manufacturing and Trafficking in Firearms. The TIP Protocol was adopted by the United Nations General Assembly in 2000 in Palermo, Italy, and entered into force on 25 December 2003. The purposes of the protocol are set forth in article 2 as follows:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights;
- (c) To promote cooperation among States Parties in order to meet those objectives.

The TIP Protocol obliges states to criminalize trafficking, to investigate, prosecute and convict traffickers, and to undertake border control measures; to provide measures to protect and assist victims and to make information available to victims and potential victims as well as the population in general; and to cooperate with other states in order to achieve these aims.

The TIP Protocol has been ratified by all ESCWA member countries, with the exception of Palestine, the Sudan and Yemen. Those ESCWA member countries that entered reservations to the conventions and protocols did so for two reasons, namely: concerns over conflict with the provisions of the Islamic Shariah as related to the rights of women and children (as in the above-mentioned cases of CEDAW and CRC); and concerns over legal procedures regarding the settlement of disputes regarding the interpretation or application of the Palermo Convention and the TIP Protocol. The reservations entered are mainly related to article 15.2, which deals with the issue of settlement of disputes regarding the interpretation or application of the Convention. The text of this article is the same as that of article 35.2 of the Convention against Transnational Organized Crime mentioned above. Reservations to this article were entered by Bahrain, Qatar, Saudi Arabia, the Syrian Arab Republic, Tunisia and the United Arab Emirates. None of the ESCWA

member countries entered reservations to the obligation to convict human trafficking offenders or to assist victims.

The status of ratification of the TIP Protocol in the ESCWA region is presented in table 8.

TABLE 8. STATUS OF RATIFICATION OF THE TIP PROTOCOL IN THE ESCWA REGION, FEBRUARY 2013

Participant	Signature	Ratification
Bahrain	--	7 June 2004*
Egypt	1 May 2002	5 March 2004
Iraq	--	9 February 2009*
Jordan	--	11 June 2009*
Kuwait	--	12 May 2006*
Lebanon	9 December 2002	5 October 2005
Libya	13 November 2001	24 September 2004
Morocco	--	25 April 2011*
Oman	--	13 May 2005*
Palestine	--	--
Qatar	--	29 May 2009*
Saudi Arabia	10 December 2002	20 July 2007
Sudan	--	--
Syrian Arab Republic	13 December 2000	8 April 2009
Tunisia	13 December 2000	14 July 2003
United Arab Emirates	--	21 January 2009*
Yemen	--	--

Source: Compiled from the United Nations Treaty Collection, available from <http://treaties.un.org/>.

Note: Two dots (--) indicate that a country did not sign, ratify or accede to the Protocol.

* This denotes an ESCWA member that has acceded.

B. UNODC MODEL LAW AGAINST TRAFFICKING IN PERSONS

Assessment of the congruence of the national laws of individual states with applicable international instruments can only be done in relation to a benchmark. In addition to the TIP Protocol itself, one available benchmark that can be used in legal analysis is the UNODC Model Law against Trafficking in Persons. It should be noted that the UNODC Model Law is not, by any means, a replacement of the TIP Protocol; rather, it is an additional instrument intended to facilitate the work of states in drafting their own anti-trafficking laws. Another available general benchmark (which is not, however, analysed in this study) is the Recommended Principles and Guidelines on Human Rights and Human Trafficking, which was developed by the United Nations High Commissioner for Human Rights (UNHCHR) in order to provide practical, rights-based policy guidance on the prevention of trafficking and the protection of victims of trafficking. The purpose of the recommendations is to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.⁵⁹

The Model Law against Trafficking in Persons was developed by UNODC at the request of the General Assembly to the Secretary-General. The purpose of this Law is to promote and assist the efforts of member states in becoming party to, and implementing, the United Nations Convention against Transnational Organized Crime and the Protocols thereto, particularly the provisions contained in the TIP Protocol. The Model Law was developed to facilitate and help systematize provision of legislative assistance by UNODC as well as to facilitate review and amendment of existing legislation and adoption of new

⁵⁹ Office of the High Commissioner for Human Rights, *Recommended Principles on Human Rights and Guidelines on Human Rights and Human Trafficking* (E/2002/68/Add.1).

legislation by states themselves. In addition to providing for the criminalization of trafficking in persons and related offences, the Model Law includes articles relating to the assistance and protection of victims and to international cooperation among states. Consequently, it addresses the principle areas of anti-trafficking efforts, namely: criminalization, protection and prevention.

The Model Law is not a ready-made legal instrument that can be used as a whole. Rather, the Law is designed to be adaptable to the needs of each state, whatever its legal tradition and social, economic, cultural and geographical conditions.⁶⁰ The provisions of the Model Law are accompanied by detailed commentaries, and provide options for legislators to develop state-specific laws consistent with the provisions contained in the TIP Protocol.

The Model Law consists of 38 articles organized in 10 chapters. Chapter 1 (articles 1-4) includes general provisions of the Law. Article 3 of this chapter lays out the general principles, underpinning the Model Law and the purposes of this Law, with attention to the rights and protection of victims, especially child victims. The goals of the Model Law are identified as follows:

- (a) To prevent and combat trafficking in persons;
- (b) To protect and assist victims of trafficking, including protecting their human rights;
- (c) To ensure just and effective punishment of traffickers;
- (d) To promote and facilitate national and international cooperation in order to meet these objectives.⁶¹

Consistent with the Model Law's goal to provide general guidelines for countries to develop their own state-specific laws, the Law sets forth provisions concerning primary areas of concern, including the scope of application and areas of jurisdiction of the Law; definition of terms; and specific issues to be addressed by the Law. These include issues pertaining to offenders (criminal provisions, aggravating circumstances, proposed penalties); issues pertaining to victims; issues pertaining to state cooperation; and issues pertaining to prevention.

The scope of the Model Law, as set forth in article 4, applies "to all forms of trafficking in persons, whether national or transnational and whether or not connected with organized crime".⁶² This stipulation affirms that trafficking in persons is a crime that must be addressed both at the national and the international levels, and at the level of individual perpetrators as well as organized criminal networks. The Model Law addresses the areas of jurisdiction, and provides articles concerning the application of the Law within and without the territory being discussed.⁶³ However, it should be noted that matters related to international cooperation and organized criminal groups, among others, are addressed in the United Nations Convention against Transnational Organized Crime, which functions as a "parent" convention. The provisions of the Model Law are intended to be applied in conjunction with the provisions of this Convention, in accordance with each state's constitutional principles and legal system.⁶⁴

The Model Law provides detailed definitions of key terms, including: abuse of a position of vulnerability, accompanying dependants, child, commercial carrier, coercion, deception, debt bondage,

⁶⁰ UNODC, *Model Law against Trafficking in Persons* (2009).

⁶¹ *Ibid.*, article 3, paragraph 1.

⁶² *Ibid.*, article 4.

⁶³ *Ibid.*, chapter 3, articles 6-7.

⁶⁴ *Ibid.*, p. 1.

exploitation of prostitution of others, forced labour or services, forced or servile marriages, organized criminal group, prostitution, public official, revictimization, secondary victimization, serfdom, servitude, sexual exploitation, slavery, and support person.⁶⁵ These definitions provide terminology that assists states in elaborating their own context-specific legislation.

Article 8 of the Model Law defines a perpetrator of trafficking in persons as anyone who:

“(a) Recruits, transports, transfers, harbours or receives another person;

(b) 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;

(c) For the purpose of exploitation of that person.”

It should be noted that the Model Law definition of trafficking in persons closely follows the definition of trafficking in persons in article 3 of the TIP Protocol as stated above.

The Model Law addresses the issue of criminal provisions for trafficking offenses in chapters 4, 5 and 6. The Law stipulates the penalty of the crime of human trafficking to be imprisonment and/or fines (article 8). However, it leaves decisions regarding the duration of the imprisonment and the amount of fine to individual states. Similarly, in accordance with the principle that states should adapt the Law to their own specific needs and contexts, the Model Law stipulates that aggravating circumstances may be included as an optional provision if in conformity with domestic law and in line with existing aggravating circumstances with regard to other crimes (article 9). The Model Law leaves it to individual states to decide on the penalties for aggravating circumstances.

The protection of victims is provided for in article 10 through the declaration of non-liability (non-punishment/non-prosecution) of victims of human trafficking. Moreover, article 11 sets forth a model provision penalizing the use of or profiting from forced labour. Chapter 6 (articles 12-17) addresses ancillary offences and offences related to trafficking. This chapter puts forward general provisions not specific to trafficking, which only need to be included in national laws if not already covered by general provisions in the national criminal code or law.

Further to the issue of victim protection, the Model Law addresses the physical, psychological and social protection and recovery of victims of trafficking. Chapter 7 (articles 18-29) addresses issues related to victim and witness protection, assistance and compensation. This chapter is in line with article 6 (3) of the TIP Protocol, which obliges states parties to consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons. Article 18 sets forth an optional provision that would assist in identifying victims of trafficking in persons, while article 19 addresses the need to provide information to victims. Article 20 addresses the provision of basic benefits and services to victims of trafficking in persons. Article 21 stipulates the general protection of victims and witnesses. Articles 21-29 address issues related to child victims and witnesses, protection of victims and witnesses in court, participation in the criminal justice process, protection of data and privacy, relocation of victims and/or witnesses, the right to initiate civil action, court-ordered compensation, and compensation for victims of trafficking in persons.

Issues of immigration and repatriation of victims of trafficking, with attention to humanitarian and compassionate factors, are taken up in chapter 8 (articles 31-34), which addresses issues of return, recovery, residence permits, repatriation, and legitimacy and validity of documents. These provisions are related to article 7 of the TIP Protocol (Status of victims of trafficking in persons in receiving States), and article 8 of the TIP Protocol (Repatriation of victims of trafficking in persons).

⁶⁵ Ibid., chapter 2, article 5.

The issues of prevention, training and cooperation are taken up in chapter 9 (articles 35-37), which addresses the establishment of a national anti-trafficking coordinating body, national monitoring and reporting mechanisms, and cooperation between government and non-government bodies. Finally, the Model Law concludes by addressing the issuance of rules and regulations in accordance with the specific legal culture and local context of the individual state.

Taken as a whole, the Model Law provides all the provisions that states are required, under the terms of the TIP Protocol, to introduce into domestic legislation. It includes, moreover, optional provisions that states may choose to introduce into domestic legislation. As such, it provides a template that states can adapt to their own legal contexts and to their own specific societal, cultural, economic and geographical conditions.

C. NATIONAL ANTI-TRAFFICKING LAWS

As stated before, 14 ESCWA member countries have ratified the TIP Protocol. Out of these, 11 states have passed laws to combat human trafficking, namely: Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates (table 9).

TABLE 9. SUMMARY OF LAWS RELATING TO HUMAN TRAFFICKING IN THE ESCWA REGION

Country	Trafficking law	Year
Bahrain	Law No. 1 of 2008 (Law with Respect to Trafficking in Persons)	2008
Egypt	Law No. 64 of 2010 (Law Regarding Combating Human Trafficking)	2010
Iraq	Law No. 28 of 2010 (Law of Combating Human Trafficking)	2010
Jordan	Law No. 9 of 2009 (Combating Human Trafficking)	2009
Kuwait	Law No. 91 of 2013 (Trafficking of Persons and Smuggling of Migrants)	2013
Lebanon	Law No. 164 of 2011 (Punishment of Crimes of Trafficking in Persons)	2011
Libya	None	
Morocco	None	
Oman	Royal Decree No. 126/2008 (Decree Promulgating the Law Combating Trafficking in Persons)*	2008
Palestine	None	
Qatar	Law No. 15 of 2011 (Combating Human Trafficking)	2011
Saudi Arabia	Royal Decree No. M/40 of 2009 (Law for Combating Crimes of Trafficking in Persons)*	2009
Sudan	None	
Syrian Arab Republic	Legislative Decree No. 3 of 2010 (Decree on the Crimes of Trafficking in Persons)*	2010
Tunisia	None	
United Arab Emirates	United Arab Emirates Federal Law No. 51 of 2006 (Combating Human Trafficking Crimes)	2006
Yemen	None	

Source: Compiled by ESCWA.

* A decree is an official order that has the force of law, a judgment or decision of certain law courts, especially in matrimonial cases. By contrast, the law is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties (*source: <http://oxforddictionaries.com>*).

The following elements, which are derived from the UNODC Model Law, provide a benchmark for assessing the congruence of national laws with applicable international instruments:

- (a) Definition of trafficking;
- (b) Criminalization of trafficking and applicable penalties;
- (c) Protection of victims;
- (d) Foundation of a national committee and establishment of information and monitoring efforts;
- (e) International cooperation.

The section below provides an assessment of the anti-trafficking legislation in ESCWA member countries and efforts in relationship to these elements. Further details by country are set forth in the annex to this report.

1. *Definition of trafficking*

Out of the 17 ESCWA member countries, the following 11 states define human trafficking in accordance with the TIP definition: Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. Congruent with the principle that states should establish anti-trafficking legislation in accordance with their own conditions and contexts, certain countries have expanded the definition of trafficking to include other elements. Thus, Iraq includes in its definition of trafficking the exploitation of human beings in military or terrorist activities.⁶⁶ Lebanon includes in its definition the recruitment of children in armed conflict and forced involvement in terrorist acts.⁶⁷ Kuwait's anti-trafficking law addresses not just the trafficking of humans but smuggling of migrants as well.⁶⁸ Egypt, Qatar and Saudi Arabia all include forced begging in their definitions of crimes of trafficking.⁶⁹ Qatar additionally includes in its definition the exploitation of children for sexual purposes and pornography,⁷⁰ while Saudi Arabia includes the conducting of medical experiments.⁷¹ The Syrian Arab Republic expands the definition of trafficking to include child pornography as well as illegal acts and purposes in consideration for material or moral gain or privileges or a promise thereof.⁷²

In the case of countries that have not passed specific anti-trafficking legislation, trafficking crimes are addressed through existing legislation that allows for the criminalization of the basic elements of trafficking as defined by the TIP Protocol, which defines exploitation to mean, 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".⁷³ While Libya, Morocco and Tunisia are party to the TIP Protocol, they have not passed anti-trafficking laws of their own, and rely instead on existing provisions in their national penal codes to prosecute trafficking crimes. The Libyan criminal code prohibits prostitution, sexual exploitation, slavery and trafficking in women;⁷⁴ while the Moroccan penal code prohibits forced child labour and prostitution.⁷⁵ The Tunisian penal code prohibits procuring the prostitution of others, regardless of consent or age, or "aiding, protecting or assisting in the prostitution of others".⁷⁶ Similarly, while the Sudan and Yemen are not party to the TIP Protocol and do not have specific anti-trafficking laws, they too rely on existing provisions in national penal codes to prosecute cases of human trafficking. The Sudanese criminal code penalizes operating a place of prostitution and forced labour.⁷⁷ The Yemeni penal

⁶⁶ See Law No. 28 of 2010 (Combating Human Trafficking) in Iraq.

⁶⁷ See Law No. 164 of 2011 (Punishment of Crimes of Trafficking in Persons) in Lebanon.

⁶⁸ See Law No. 91 of 2013 (Trafficking of Persons and Smuggling of Migrants) in Kuwait. Kuwait has decided to develop an omnibus law covering both trafficking and smuggling, which are distinct crimes dealt with by different Palermo Protocols.

⁶⁹ See Law No. 64 of 2010 (Combating Human Trafficking) in Egypt; Law No. 15 of 2011 (Combating Human Trafficking) in Qatar; and Royal Decree M/40 of 2009 (Combating Crimes of Trafficking in Persons) in Saudi Arabia.

⁷⁰ See Law No. 15 of 2011 (Combating Human Trafficking) in Qatar.

⁷¹ See Royal Decree M/40 of 2009 (Combating Crimes of Trafficking in Persons) in Saudi Arabia.

⁷² See Legislative Decree No. 3 of 2010 (Crimes of Trafficking in Persons) in the Syrian Arab Republic.

⁷³ The TIP Protocol, article 3, (a).

⁷⁴ United States Department of State, *2011 Trafficking in Persons Report – Libya* (27 June 2011), available from <http://www.refworld.org/docid/4e12ee672c.html>.

⁷⁵ Article 467 of the Moroccan Penal Code prohibits forced child labour, while articles 497-499 prohibit prostitution.

⁷⁶ See Tunisian Penal Code, Law of 9 July 1913, article 232.

⁷⁷ See Sudanese Criminal Act of 1991, articles 155 and 163.

code criminalizes buying, selling, giving as a present or dealing in human beings; bringing persons in or out of the country for the purpose of taking advantage of them; and the prostitution of children.⁷⁸ Palestine is not a party to the TIP Protocol and does not explicitly criminalize human trafficking in its penal code.⁷⁹ However, the Palestinian penal code of 1960 considers kidnapping a crime and prohibits using coercion or deceit to “procure a person for lewdness or prostitution”, depriving a person of liberty by any means, and living on the proceeds of, or helping to establish a venue for, prostitution.⁸⁰ Palestinian law penalizes rape, pederasty, and carnal acts on a person below the age of 15 or suffering a physical or mental disability.

The anti-trafficking legislation of individual states provides a legal framework within which to address issues of specific concern. As noted above, countries that have experienced high levels of military turmoil have included military exploitation in their definitions of trafficking, while other countries have included forced begging in the definition of human trafficking. It can be seen that countries that are not party to the TIP Protocol or that have not passed anti-trafficking laws of their own are still able to prosecute crimes of trafficking in persons through the provisions of their own penal codes. However, the ability of states to address the crime of human trafficking and to participate in measures of prevention on an international scale is likely to be greatly facilitated by enhancing congruence with the TIP Protocol.

2. Criminalization and penalties

Out of the 17 ESCWA member countries, 8 states have passed legislation stipulating specific penalties for crimes of trafficking. These penalties range from temporary imprisonment (starting from sentences of a few months) and fines of lesser amounts, to more serious penalties, including higher fines, longer sentences (up to life imprisonment), and capital punishment. While the UNODC Model Law makes criminal provisions for aggravating circumstances optional, most ESCWA member countries that have passed anti-trafficking laws incorporate such provisions, basing these on the nature of the crime, the identity of the perpetrator and the identity of the victim. In particular, anti-trafficking legislation in various ESCWA member countries seeks to protect persons who are particularly vulnerable, and assigns more serious penalties to trafficking that involves an abuse of power on the part of the perpetrator, that causes special harm to the victim, and that reflects organized criminal practice, especially when perpetrated transnationally. It should be noted that both the UNODC Model Law and the anti-trafficking laws of specific ESCWA member countries treat the crime of trafficking in women and children with greater severity than other forms of trafficking. That is, while women and children are particularly vulnerable to trafficking, efforts are made by both the UNODC Model Law and the laws of individual states to discourage above all the exploitation of these more vulnerable groups.

While specific penalties and aggravating circumstances vary from country to country, more severe penalties are generally levied in the following contexts: trafficking perpetrated by organized crime groups; trafficking carried out by a relative, guardian or spouse of the victim, or by a public official; trafficking that results in life-threatening illness, disability or death of the victim; trafficking in which the victim is a child, incapacitated, disabled, female or pregnant; trafficking in which a weapon or other coercion was used; trafficking in which more than one person perpetrated the crime; and trafficking that is transnational in character.

⁷⁸ See Decree Law No. 12 of 1994 (Crimes and Penalties) in Yemen, article 248; and Law No. 45 of 2002 (Children’s Rights), article 161.

⁷⁹ State of Palestine, Penal Code No. 16, 1960 (in Arabic), available from http://www.palpolice.ps/ar/?page_id=1675 [12.06.2013].

⁸⁰ The Protection Project, “A human rights report on trafficking in persons, especially women and children: The occupied Palestinian territory, West Bank and Gaza Strip”, Foreign Policy Institute, Johns Hopkins University, available from <http://www.protectionproject.org/wp-content/uploads/2010/09/Palestine-FINAL-2012.pdf>.

In this regard, the laws of individual ESCWA member countries are congruent with the provisions of the UNODC Model Law, which proposes criminal provisions in the following cases of aggravating circumstances: injury or death of the victim or another person (including by suicide); victims who are particularly vulnerable (including pregnant women); victims who suffer life-threatening illnesses as a result of the crime; victims who are physically or mentally handicapped; child victims; offences that involve more than one victim; and offences committed by organized criminal groups.⁸¹

In the context of specific aggravating circumstances, three countries (Egypt, Iraq and Kuwait) stipulate life imprisonment; four countries (Iraq, Kuwait, Oman and Qatar) specify imprisonment for up to 15 years; two countries (Iraq and Kuwait) stipulate the death penalty for trafficking crimes that lead to the death of the victim; and two countries (Oman and Saudi Arabia) stipulate that the attempt to commit any of the crimes mentioned in the law will be penalized as if the full crime had actually been committed. Such laws function to provide an element of deterrence and thus may be considered to contribute towards efforts by states aimed at preventing trafficking.

A summary of penalties for trafficking, as stipulated by the anti-trafficking laws of ESCWA member countries, is set forth below.

In Bahrain, Law No. 1 of 2008 (Law with Respect to Trafficking in Persons) stipulates that the crime of trafficking in persons should be penalized with imprisonment, a fine ranging between 2,000 and 10,000 Bahrain dinars (approximately US\$5,300 and US\$26,500), and the confiscation of money and tools used or intended for use in the commission of the crime or funds derived from the crime. The Law also specifies a fine ranging between 2,000-10,000 Bahrain dinars for each judicial person/entity committing the crime of trafficking in human beings, without prejudice to the criminal liability of the natural persons working with a legal person/entity.

For the crime of trafficking, Law No. 64 of 2010 in Egypt (Law Regarding Combating Human Trafficking) stipulates aggravated imprisonment (in other words, incarceration in a prison facility⁸²) and a fine ranging between 50,000 and 200,000 Egypt pounds (approximately US\$7,000 and US\$28,000), or a fine equal to the value of the benefit gained, whichever is greater. The Law stipulates life imprisonment and a fine of 100,000-500,000 Egypt pounds (US\$14,000-US\$70,000) in cases involving organized criminal groups; cases using threats of death, serious harm or torture, or committed by use of a weapon; cases of a transnational nature; cases in which the perpetrator was the spouse, ascendant or descendant, or guardian of the victim, or had authority over the victim, or was a public official; cases in which the victim was a child, incapacitated, or a person with disabilities; and cases in which the crime resulted in the death, permanent disability, or incurable illness of the victim. In addition, the Law stipulates the confiscation of funds, possessions, means of transport or tools derived from trafficking crimes.

In Iraq, Law No. 28 of 2010 (Law of Combating Human Trafficking) stipulates temporary imprisonment and a fine ranging between 5 and 10 million Iraq dinars (approximately US\$4,900 and US\$9,800) for crimes of trafficking as detailed in article 1 of the Law. A penalty of imprisonment up to 15 years and a fine of up to 10 million Iraq dinars (US\$9,800) is imposed in cases of trafficking using any form of coercion, including blackmail, threat, or confiscation of travel or official documents, cases in which fraudulent means were used to deceive or victimize, or cases in which money or privileges were given or received in exchange for authority or guardianship over the victim. A fine of not less than 15 million Iraq dinars (US\$14,700) and life imprisonment are stipulated if the victim of human trafficking is under 18 years of age, female or disabled; if the trafficking crime was carried out by an organized criminal group, or was international in nature, or used kidnapping and or torture; if the perpetrator is an immediate or second

⁸¹ UNODC, *Model Law against Trafficking in Persons* (2009), article 9.

⁸² For this explanation of aggravated imprisonment, see Death Penalty Worldwide, available from <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Egypt>.

relative, or a guardian or spouse of the victim; if the trafficking resulted in terminal illness or permanent disability to the victim; if it affected multiple persons or occurred multiple times; or if the trafficking was associated with the exploitation of influence or of a victim's weakness or need by a government employee, or by a person commissioned to public service. Crimes of establishing or managing a website to engage in trafficking, or engaging or facilitating a human trafficking contract using the internet, are punishable by a fine of a minimum of 10 million Iraq dinars and a maximum of 20 million dinars (approximately US\$9,800 and US\$19,600), and/or by a minimum three year prison sentence. In cases in which trafficking leads to death of the victim, capital punishment is stipulated.⁸³

Law No. 9 of 2009 in Jordan (Combating Human Trafficking) stipulates imprisonment for at least six months and/or a fine ranging from 1,000 to 5,000 Jordan dinars (approximately UAS\$1,400 to US\$7,000) for crimes of human trafficking. The Law stipulates up to ten years imprisonment and a fine ranging between 5,000 and 20,000 Jordan dinars (\$7,000 and \$28,000) in cases in which the victim is aged under 18 years, a woman, or a person with disabilities; in which the perpetrator is involved with an organized criminal group, or is the spouse, ascendant, descendent, custodian or guardian of the victim, or a public official exploiting his/her office; in which the crime was committed for the purposes of prostitution, sexual abuse or organ removal; in which the crime was committed with the threat or use of a weapon; in which the crime caused the victim to suffer an incurable disease; or in which the act was transnational in character. The Law penalizes persons who conceal or dispose of any funds obtained from a crime of trafficking with imprisonment up to one year and/or a fine ranging from 200 to 1,000 Jordan dinars (US\$280 to US\$1,400) for each legal person/entity involved, without prejudice to the criminal liability of the natural persons involved.

In Kuwait, Law No. 91 of 2013 (Regarding the Trafficking of Persons and Smuggling of Migrants), which was passed in March 2013 and represents the most recent anti-trafficking law in the ESCWA region, stipulates imprisonment for 15 years for the crime of trafficking, with provision for life imprisonment in the context of the following aggravating circumstances: a perpetrator who is involved in an organized criminal group, or who is the spouse, an ascendant or descent or guardian of the victim, or a public official; an act of trafficking that is transnational in character; a crime committed by more than one person, or a person carrying a weapon; a crime that causes the victim to suffer serious injury or disability; or a victim who is a child, woman or a person with disabilities. Capital punishment is specified in cases where the crime leads to the death of the victim. The Law also stipulates the confiscation of funds, possessions, means of transport or tools derived from any of the crimes used in the human trafficking crimes, without prejudice to the rights of bona fide third parties.

Law No. 164 of 2011 in Lebanon (Punishment of Crimes of Trafficking in Persons) provides for a penalty of five years' imprisonment and a fine of 100-200 times the official minimum wage in Lebanon (approximately US\$45,000-US\$90,000) for crimes of trafficking.⁸⁴ In cases in which deception or violence was used, or in which a perpetrator exerted influence over the victim or a member of his family, penalties increase to seven years imprisonment and a fine 150 to 300 times the official minimum wage. If the perpetrator was a public employee or was assigned to carry out a public service, or was an ascendant, descendant, or guardian of the victim, the prison term increases to ten years, and fines increase to 200-400 times the official minimum wage. If the victim was a pregnant woman, disabled or below the age of 18 years, or if the crime resulted in serious injury or death of the victim, or exposed the victim to an incurable disease, the law stipulates a penalty of 10-12 years of imprisonment and fine ranging from 200-400 times the official minimum wage. If the trafficking was committed by two or more persons, or affected two or more victims, or was committed inside Lebanon or in other countries, the Law stipulates 15 years of imprisonment and fines ranging from 300-600 times the official minimum wage in Lebanon (approximately US\$135,000-US\$270,000).

⁸³ The United Nations adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty. It is a side agreement to the International Covenant on Civil and Political Rights. It was created on 15 December 1989, and entered into force on 11 July 1991.

⁸⁴ The minimum monthly wage in Lebanon is approximately US\$450.

Libya relies on existing provisions in national penal codes that prohibit prostitution, sexual exploitation, slavery and trafficking in women to prosecute cases of human trafficking. Similarly, Morocco relies on existing provisions in national penal codes to prosecute cases of human trafficking. Forced child labour is prohibited by article 467 of the Moroccan penal code. Articles 497-499 prohibit prostitution. Morocco's criminal law of 2003 focuses on child labour, prostitution, trafficking of children and the exploitation of children.

In Oman, Royal Decree No. 126 of 2008 (Decree Promulgating the Law Combating Trafficking in Persons) stipulates imprisonment for a minimum of three years and a maximum of seven years for cases of trafficking, with a fine ranging from 5,000 to 100,000 Oman rials (approximately US\$13,000 to US\$260,000). The Law stipulates imprisonment for a minimum of 7 years and a maximum of 15 years, and a fine ranging between 10,000 and 100,000 Oman rials for human trafficking crimes involving a victim who is a minor or a person with special needs, or who has suffered insanity, HIV/AIDS or other irreparable psychological or physical disease or injury as a result of being trafficked; a perpetrator who carried a weapon, was a member of an organized criminal group, a public sector employee, or the spouse, parent, grandparent, child, grandchild, guardian of the victim, or a person with authority over the victim; or cases in which the crime was transnational in character. The Law specifies that anyone found guilty of participating in forming, organizing, administering or soliciting members for an organized criminal gang aimed at carrying out human trafficking will be subject to these same penalties, and that an attempt to commit a human trafficking crime is punishable to the same extent as the actual commission of the crime.

As mentioned above, Palestine does not explicitly criminalize human trafficking in its penal code. However, the Palestine penal code of 1960 criminalizes kidnapping, providing for different levels of punishment if the victim is a child or a girl, and if the victim has suffered rape. It furthermore prohibits "using duress, threat, or deceit to procure a person for lewdness or prostitution", depriving a person of liberty by any means, and living on the proceeds of, or helping to establish a place for, prostitution.⁸⁵ The law punishes rape, pederasty and carnal acts on a person below the age of 15 or suffering a physical or mental disability.⁸⁶

In Qatar, Law No. 15 of 2011 (Regarding Combating Human Trafficking) stipulates imprisonment for a period not exceeding seven years and a fine not exceeding 250,000 Qatar rials (approximately US\$67,500) for the crime of human trafficking. The penalty increases to imprisonment for a maximum of 15 years and a fine not exceeding 300,000 Qatar rials (US\$81,000) for the crime of human trafficking in crimes with the following aggravating circumstances: cases in which the victim is a female, a child, an incapable person or a person with disabilities; cases in which the perpetrator is a spouse, one of the ascendants or descendants, a custodian or guardian of the victim, a person with authority over the victim, or a public employee; cases in which the crime is committed by an organized criminal group or is transnational in nature; cases in which the crime involves threat of death, serious harm or physical or psychological torture, or is carried out by an armed person; cases in which the crime results in the death of the victim or causes him to suffer a permanent disability or an incurable disease. The Law also stipulates a lesser sentence of imprisonment for not more than three years and a fine not exceeding 200,000 Qatar rials for the attempt to commit any human trafficking offence.

Royal Decree No. M/40 of 2009 in Saudi Arabia (Law for Combating Crimes of Trafficking in Persons) stipulates imprisonment up to 15 years and/or a fine up to 1 million Saudi Riyals (approximately US\$270,000) for any person committing the crime of trafficking in persons. Penalties are increased in the following cases: if the crime is committed by an organized criminal group, or by more than one person, or is

⁸⁵ Palestine, Penal Code No. 16 of 1960 (in Arabic). Available from http://www.palpolice.ps/ar/?page_id=1675.

⁸⁶ The Protection Project, "A human rights report on trafficking in persons, especially women and children: The occupied Palestinian territory, West Bank and Gaza Strip", Foreign Policy Institute, Johns Hopkins University, available from <http://www.protectionproject.org/wp-content/uploads/2010/09/Palestine-FINAL-2012.pdf>.

transnational, or results in great harm or permanent deformity to the victim; if the crime is committed by a perpetrator who uses or threatens to use a weapon, who is a spouse, ascendant, descendant or guardian of the victim, or an employer in law enforcement; or if the victim is a woman, a person of special needs, or a child (whether or not the perpetrator is aware that the victim is a child). The court may at all times confiscate private funds, luggage and tools used for, or prepared for use for, committing a crime of trafficking in persons, or gained after the crime is committed. The attempt to carry out any of the crimes mentioned in the Law is punishable as a full crime.

The Sudan relies on existing provisions in national penal codes to prosecute cases of human trafficking. The Sudanese criminal act of 1991 punishes the operation of a place of prostitution with up to five years imprisonment and flogging (article 155). Article 163 punishes forced labour with imprisonment of up to one year, or a fine, or both.

In the Syrian Arab Republic, Legislative Decree No. 3 of 2010 (Decree on the Crimes of Trafficking in Persons) stipulates imprisonment for not less than seven years and a fine ranging between 1 and 3 million Syrian pounds (very approximately US\$15,000 and US\$45,000) for any person who commits the crime of trafficking in persons as defined in article 4, or who creates, organizes or administers a criminal group committing human trafficking crimes, or who participates in, or asks to join, such a group. The Decree calls for higher penalties if the trafficking is against women, children or persons with special needs.

Tunisia relies on existing provisions in national penal codes to prosecute cases of human trafficking. Article 232 prohibits procuring the prostitution of others, irrelevant of the consent or age of that person, and prohibits aiding, protecting, or assisting in the prostitution of others. The Penal Code also criminalizes child prostitution and forced child begging.⁸⁷

In the United Arab Emirates, Federal Law No. 51 of 2006 (Combating Human Trafficking Crimes) stipulates imprisonment for not less than five years for crimes of human trafficking, with life imprisonment in cases in which the victims are women, children or persons with disability. Life imprisonment is also stipulated for certain other cases (see article 2 of the Law).

As stated above, Yemen relies on existing provisions in national penal codes to prosecute cases of human trafficking. Article 248 of the Penal Code provides for a ten-year imprisonment for anyone who “buys, sells, or gives as a present, or deals in human beings, and/or anyone who brings into the country or exports from it a human being with the intent of taking advantage of him”.⁸⁸ Moreover, article 163 of the Child Rights Law criminalizes the prostitution of children by a maximum of a ten-year imprisonment term.⁸⁹

3. *Protection of victims*

The protection of victims is an important component of the TIP Protocol and of the UNODC Model Law against Trafficking. Indeed, as mentioned above, victim protection is central to all anti-trafficking efforts. Of the countries that have anti-trafficking legal codes, most but not all provide detailed articles related to the protection of victims of human trafficking. Nine countries include specific legal provision for the protection of trafficking victims, namely: Bahrain, Egypt, Iraq, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia and the Syrian Arab Republic. While Jordan and the United Arab Emirates have anti-trafficking laws, their legal codes do not clearly provide protection for victims. Jordan protects the victim through its Anti-Human Trafficking National Committee, while the anti-trafficking law of the United Arab Emirates does not address victim protection at all, and instead focuses solely on criminalization. In cases where there

⁸⁷ United States Department of State, *2011 Trafficking in Persons Report – Tunisia* (27 June 2011), available from <http://www.refworld.org/docid/4e12ee3d41.html>.

⁸⁸ See Penal Code of Yemen, available from www.mohamoon.com/montada/Default.aspx?action=ArabicLaw&ID=436.

⁸⁹ See Law No. 45 of 2002 (Children’s Rights) in Yemen.

is no legal provision for victim protection, such protection may be provided through the efforts of NGOs. Thus, for instance, Yemen provides for the protection of victims through its National Organization for Combat of Human Trafficking. In the case of Palestine, the NGO Sawa provides assistance to victims.

National anti-trafficking laws stipulate various levels of legal protection and assistance to victims. Some specify the general right of victims to safety and security, including, for instance, the right to “physical, psychological and mental safety” (Egypt), or the right to maintain “personal dignity and identity” (Qatar). Most countries that address the issue of victim protection in their legal frameworks put forward specific recommendations for protecting victims’ rights. Various national laws specify the right of victims to such pragmatic services as legal assistance, medical services, psychological services, language interpretation, temporary shelter, financial assistance, such necessary documents as temporary visas and residence permits, and security measures to protect victims and witnesses (for example, concealment of identity). Other laws stipulate the right of victims to state their position, to be heard, and to obtain compensation for damages suffered. On occasion, laws demonstrate sensitivity to the specific needs of female victims. Within that context, for instance, Syrian law specifies that women be present while female victims are interviewed.

A summary of provisions for victim protection in national laws is set forth below.

In Bahrain, Law No. 1 of 2008 with Respect to Trafficking in Persons includes several articles pertaining to the protection of victims. Articles 5 and 6 describe the rights of victims during investigation and trial, stipulating the provision of legal assistance, physical and psychological health care, security and shelter to victims of trafficking. Article 7 stipulates the founding of a committee in the Ministry of Social Development to assess the status of foreign victims of trafficking. Article 9 provides for the foundation of shelters for trafficking victims. The Ministry of Social Development, together with relevant judicial authorities, has established a shelter for victims;⁹⁰ and the Ministry of Interior operates a toll-free hotline for victims of trafficking.⁹¹

In Egypt, Law No. 64 of 2010 includes seven articles (21-27) pertaining to the protection of victims. The Law grants trafficking victims the right to physical, psychological and mental safety; the right to have their inviolability and identity protected; the right to be informed of relevant administrative, legal and judicial procedures and to have access to related information; the right to be heard and have their views considered at all stages of criminal proceedings; the right to legal assistance, especially legal counsel; and the right to protection, including protection from undue influence and concealment of identity.

In Iraq, Law No. 28 of 2010 of Combating Human Trafficking specifies state commitment to the assistance of victims of human trafficking, and takes into account the special needs of children (article 11). The Law stipulates the provision of physical and psychological health services; language interpretation services for non-Iraqi victims; legal assistance; and protection for both victims and witnesses. It further specifies that victims should be assisted in contacting their relatives, consulates and relevant NGOs. The Law asserts the right of victims to maintain confidentiality and privacy, the right to financial assistance, and the right to have access to temporary shelter (with consideration given to sex and age). The Law also stipulates that non-Iraqi victims be provided with temporary visas, residence permits and legal documents whenever necessary.

In Jordan, while Law No. 9 of 2009 does not explicitly provide for the protection of victims, victim protection is mentioned as part of the responsibilities of the Anti-Human Trafficking National Committee that was founded according to articles 4-7 of the Law. According to article 5, one of the responsibilities of the Committee is to cooperate with relevant governmental agencies and NGOs to facilitate the return of victims to their countries or to any country of their choice that agrees to receive them. In addition, article 7

⁹⁰ National Committee to Combat Trafficking in Persons, *Annual Report* (Manama, 2010).

⁹¹ See Bahrain Centre for Human Rights, available from <http://www.bahrainrights.org/en/node/5329>.

specifies that, based on the recommendation of the Anti-Human Trafficking National Committee, the Government will prepare shelters for the victims of human trafficking, will determine the conditions for admission to and release from the facility, and will provide for a programme of physical, psychological and social recovery.

In Kuwait, Law No. 91 of 2013 regarding the Trafficking of Persons and Smuggling of Migrants stipulates the rights of victims in article 12. This article specifies that the public prosecutor or a competent court shall refer victims of trafficking to medical and social care centres to receive care and treatment, or to shelters where they can be housed until they are able to return to their countries or to their countries of prior residence.

In Lebanon, Law No. 164 of 2011 on the Punishment of Crimes of Trafficking in Persons authorizes the Minister of Justice to make agreements with specialized institutions or associations to provide assistance and protection to victims of trafficking. The Law stipulates the confiscation of funds related to human trafficking crimes, specifying that these funds be deposited in a special account at the Ministry of Social Affairs to be used in assisting the victims of human trafficking.

In Oman, Royal Decree No. 126 of 2008 stipulates the following provisions for victims of trafficking: victims must have their legal rights explained to them in a language they understand; they must have the chance to explain fully their own status (legal, physical, psychological and social); they must be referred to an appropriate shelter or accommodation, to a medical or psychological rehabilitation centre, or to a welfare house or a housing centre, as necessary; they must be guaranteed protection in a guarded, secured shelter when necessary; and they must be granted permission to stay in the country on a case-by-case basis if the court finds cause. In addition, the Law exempts the victims of human trafficking crimes from paying the fees of any civil suits they file in which they claim compensation for damages resulting from abuse related to a human trafficking crime.

In Palestine, in the absence of a national anti-trafficking law, the organization Sawa: All the Women Together Today and Tomorrow, which was established in 1998 by a group of female volunteers active in women's issues, provides support services and community awareness-raising activities. Sawa runs the Women's Support Hotline, which assists Palestinian women victims of sexual, physical and psychological violence.⁹²

In Qatar, Law No. 15 of 2011 regarding Combating Human Trafficking devotes six articles to the protection of victims. The Law grants the following rights to the victims of human trafficking: maintenance of "personal dignity and identity"; the opportunity to "state their position and be recognized"; the right to advice regarding their legal and administrative rights; the right to remain in Qatar until the conclusion of the investigation and trial; the right to legal aid, including legal counsel; the right to appropriate compensation for damages suffered; and the right to protection in a guarded, secure shelter. The Law stipulates the provision of accommodation appropriate for allowing victims to receive their relatives, attorneys and representatives of competent authorities. The Law further stipulates that any information obtained in connection with crimes of trafficking will be kept confidential.

In Saudi Arabia, Royal Decree No. M/40 of 2009 specifies a set of procedures to assist the victims of trafficking that include informing them of their legal rights in a language they understand; providing the opportunity to victims to explain their situation as a victim of trafficking, and state their legal, physical, psychological and social positions; providing the opportunity to be seen by a specialized physician for physical or psychological care; admitting the victims to medical, psychological or social rehabilitation centres or shelters if necessary; providing security protection if necessary; and providing for the possibility to stay in the country during investigation procedures (with the prosecution or competent court to assess the matter).

⁹² See Sawa, available from <http://www.sawa.ps/en/Views/PageView.aspx?pid=594>.

In the Syrian Arab Republic, Legislative Decree No. 3 of 2010 makes the following provisions for victims: women will be present during investigations with female victims; victims will be housed in appropriate shelters rather than in facilities that are inappropriate for victims of crimes; victims will have access to medical care (both physical and psychological) and material support; names, locations and other information related to victims or their families will be kept confidential; and victims are assured the right to have information on their legal status provided in a language they understand. Furthermore, protection of those who report a trafficking crime is ensured by the competent authorities, as is protection of witnesses and family members of the victims. The Decree authorizes the Minister of Social Affairs and Labour to establish shelters for the victims of human trafficking and to make available funds for establishing and running such shelters through the Ministry's budget.

In the United Arab Emirates, Federal Law No. 51 of 2006 on Combating Human Trafficking Crimes, which is considered the first anti-trafficking law in the ESCWA region, does not include any articles concerning the protection of victims. In January 2013, draft amendments to the Law were approved by the Cabinet that would provide greater protection for victims of trafficking. The amendments that have not yet been enacted are set to provide for security protection for victims and witnesses and legal counsel and psychotherapy for victims; they would put into place specific investigation procedures for law enforcement agencies and prosecutors; and they would protect the privacy and identity of victims by mandating the confidentiality of legal proceedings and penalizing any person who publicizes the names or photographs of victims.⁹³

In Yemen, the National Organization for Combat of Human Trafficking, which was founded in 2009 as an NGO, provides assistance to the victims of trafficking. It offers telephone counselling and legal advice to victims; communicates with relevant stakeholders to facilitate procedures for victims; and works to develop specialized rehabilitation programmes as well as educational programmes intended to raise awareness of human trafficking.

4. *Foundation of a national committee*

Article 9 of the TIP Protocol obliges states to establish such policies, programmes and measures as research studies, media campaigns and other initiatives to prevent and combat trafficking. Article 35 of the UNODC Model Law contains an optional provision for the establishment of a national anti-trafficking coordinating body or task force. Establishment of a national committee on trafficking may therefore be considered a measure of state compliance with the TIP Protocol.

Overall, ten countries that are party to the TIP Protocol have established a national committee on trafficking, namely: Bahrain, Egypt, Iraq, Jordan, Lebanon, Oman, Qatar, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. Four countries that are party to the TIP Protocol have not founded a national committee on trafficking: Kuwait, Libya, Morocco and Tunisia. While Yemen is not party to the TIP Protocol, it has nonetheless founded a national committee.

The activities of national committees on trafficking include developing action plans and programmes for preventing and combating trafficking and protecting victims; cooperating and coordinating with authorities; developing research programmes, mass media campaigns, and social and economic initiatives to combat trafficking; preparing reports regarding the implementation of anti-trafficking efforts; proposing recommendations to combat trafficking; proposing measures to assist victims; and disseminating educational materials. The national committee reports of some countries provide information on the number of persons convicted of trafficking and the number of victims. However, at the present time, the reports of most anti-trafficking national committees list activities without assessing the impact of these activities on trafficking in persons or on the establishment of systematic anti-trafficking procedures.

⁹³ United States Department of State, *2011 Trafficking in Persons Report – United Arab Emirates* (19 June 2013), available from <http://www.refworld.org/docid/51c2f37a3e4.html>.

In Bahrain, Law No. 1 of 2008 stipulates the formation of the National Committee to Combat Trafficking in Persons, comprising representatives of the Ministries of Interior, Justice, Foreign Affairs and Social Development, the Labour Market Regulatory Authority (LMRA), as well as representatives of three NGOs. The Committee's responsibilities are to develop programmes on preventing and combating trafficking in persons and protecting victims; to encourage and support research, mass-media campaigns and other initiatives to combat trafficking; to coordinate with state agencies, prepare reports, and follow up on the implementation of anti-trafficking conventions and protocols; and to submit reports on such implementation to the Ministry of Foreign Affairs. In April 2010, the Committee released its first annual report, focusing on activities of capacity-building, awareness-raising and international cooperation. The report also included information about victims and perpetrators of trafficking over the period 2008-2011, during which seven people – five women and two men, nationals of Middle Eastern countries as well as of Thailand – were convicted of trafficking in persons. During the same period, national authorities identified six victims of trafficking: three adult women (nationals of Thailand) and three girls (nationals of Iraq), who had all been trafficked for sexual exploitation.⁹⁴

In Egypt, the National Coordinating Committee on Prevention and Combating Human Trafficking was established within the Ministry of Foreign Affairs in July 2007 by decree of the Prime Minister, three years before the adoption of Law No. 64 of 2010.⁹⁵ Members of the Committee include representatives of all relevant government authorities. The Committee called on the National Centre for Social and Criminological Studies to prepare a study on the magnitude of trafficking and its prevailing forms on the national level, in order to gain sound data on which to base its anti-trafficking efforts.⁹⁶ Data indicate that in 2009-2010, 23 people were convicted for offences related to trafficking in persons, namely, 16 men and 7 women, all Egyptian nationals with the exception of one Saudi Arabian national. During the same period, 15 people were identified as victims of trafficking: four girls, one man and eleven boys. Forms of exploitation included eleven cases of sexual exploitation, four cases of slavery and one other case.

Based on the information from that study, the Egyptian Committee formulated the National Action Plan against Human Trafficking for the period January 2011 to January 2013.⁹⁷ The Plan was aimed at implementing the anti-trafficking law, which was adopted in April 2010, and focuses on the key elements of prevention, protection, prosecution and participation and international cooperation. Specific reference is given to measures to protect the community, combat and prevent trafficking, protect and assist victims, ensure punishment to perpetrators, and promote partnership and coordination at national and international levels.⁹⁸ Despite the political turmoil in Egypt during this period, the National Coordinating Committee was able to find ways to execute many of the programmes specified in the National Plan of Action.⁹⁹ However, some programmes could not be implemented, including, for example, operating victim support units in Alexandria, providing training to prosecute and punish corporate perpetrators of trafficking and implementing programmes related to the role of the business community.¹⁰⁰ The second National Plan of

⁹⁴ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

⁹⁵ United Nations Human Rights Council, "Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo: Preliminary note on the mission to Egypt" (11-21 April 2010), p. 3.

⁹⁶ National Coordinating Committee on Preventing and Combating Human Trafficking, "National Plan of Action against Human Trafficking, Jan. 2011-Jan 2013" (Cairo, 2010), available from http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/Egypt_National_Action_Plan_2011-2013-en.pdf, p. 1.

⁹⁷ Ibid.

⁹⁸ National Coordinating Committee on Combating Human Trafficking, "Evaluating the Execution of the National Plan of Action against Human Trafficking (January 2011-December 2013)" (Ministry of Foreign Affairs, Cairo, 2012).

⁹⁹ Ibid.

¹⁰⁰ Ibid, p. 1.

Action (January 2013 to December 2015) places emphasis on additional issues, including homeless street children and African migrants who have crossed into Egypt.¹⁰¹

In Iraq, the inter-ministerial Central Committee to Combat Trafficking in Persons, which was founded according to article 2 of the Law No. 28 of 2010, is part of the Ministry of Interior. Its duties include developing plans and programmes to combat trafficking in persons; making recommendations to combat trafficking, and following up on their implementation; preparing reports; cooperating with concerned authorities to assist victims and to exchange information with neighbouring countries and relevant international organizations; proposing measures to assist and protect victims and to protect witnesses; implementing awareness campaigns and education in collaboration with NGOs, academic institutions, and religious and research centres; issuing an annual report providing information on cases of human trafficking; and working towards Iraq's accession to international conventions on trafficking. While the Central Committee has convened seven times since its establishment, a concrete plan has not been released, and no reports have been issued on its activities.¹⁰² This may be attributed, in part, to the fact that the Committee was formed soon after the trafficking law was passed in 2012. However, during the period June 2012 to June 2013, authorities reported "at least seven sex trafficking investigations, five forced child begging investigations, and one domestic servitude investigation. An international organization reported that there were at least two more sex trafficking prosecutions under the anti-trafficking law".¹⁰³

In Jordan, the Anti-Human Trafficking National Committee, which was founded according to article 4 of Law No. 9 of 2009, is constituted of representatives of various ministries, official and national NGOs working in the field, and is chaired by the Minister of Justice. The duties of the Committee, as outlined in article 5 of the Law, include the following: defining a general policy for the prevention of trafficking, formulating a plan for implementing this policy and monitoring its implementation; reviewing legislation on combating trafficking; formulating recommendations; and coordinating among official and non-official entities combating trafficking. The duties also include ensuring the return of victims to their home countries or other countries; issuing a national guide with educational materials; and raising awareness on issues related to trafficking among employers and worker recruiters via seminars, training and other educational means. Focus is also placed on cooperating with official and non-official entities to implement necessary programmes for the physical, psychological and social recovery of victims; and supervising the shelter of victims in appropriate places of accommodation.

The Jordanian Committee formulated the National Strategy to Combat Trafficking in Persons for the Years 2010-2012. This Strategy is based on four pillars, namely: prevention, protection, prosecution and partnership (including building local, regional and international partnerships and cooperation and enhancing transparency). The strategic goals set forth include creating comprehensive policies to combat trafficking; raising awareness; providing specialized training to those working in trafficking-related entities; identifying, protecting and supporting victims; enhancing the rule of law to guarantee implementation of anti-trafficking law; creating a specialized executive body for combating trafficking in persons; enhancing transparency, participation and local, regional and international cooperation; and establishing monitoring mechanisms.¹⁰⁴ Specific proposed programmes include assessing the status of the TIP Protocol in Jordan; proposing new legislation and amending existing legislation to harmonize with the TIP Protocol; adopting best practices and preventive practices; creating awareness programmes, enhancing the role of civil society organizations and NGOs in combating trafficking; integrating trafficking in persons law and relevant legislation into the

¹⁰¹ Ibid.

¹⁰² Iraq, Ministry of Interior, "The Seventh Meeting of the Central Committee of Combating Human Trafficking" (2013), available from <http://www.moi.gov.iq/>.

¹⁰³ United States Department of State, *2011 Trafficking in Persons Report – Iraq* (19 June 2013), available from <http://www.refworld.org/docid/51c2f3b544.html>.

¹⁰⁴ Jordan, National Strategy to Combat Trafficking in Persons for the Years 2010-2012, available from http://www.ahtnc.org.jo/sites/default/files/trafficking_in_persons.pdf.

curricula of law faculties, institutes and training programmes; creating training programmes; identifying victims and providing training for those who work with victims; establishing shelters; facilitating the process of reporting cases; and providing documents to victims. No data is available to measure the impact of the national plan on the institutionalization of combating trafficking in persons in Jordan. However, authorities reported 17 cases of trafficking and related offences (domestic servitude and selling of children) between 2008 and 2009.¹⁰⁵ According to the Anti-Trafficking Unit within the Ministry of Interior, the national police dealt with a range of trafficking issues in 2009 mainly focused on sexual exploitation, domestic servitude and cases related to the sale of human organs.¹⁰⁶ Data on the protection of victims are not available.

In 2011, the National Centre for Human Rights (NCHR) in Jordan launched a national campaign to combat human trafficking.¹⁰⁷ This campaign established a national hotline for reporting trafficking cases and requesting anti-trafficking information or resources; implemented a media campaign to raise awareness in the general public and among migrant workers; organized workshops and training sessions; and worked with the government to include trafficking issues in secondary and higher education curricula and to enhance the role of religious institutions in combating crimes of trafficking.¹⁰⁸

The law in Kuwait does not stipulate the foundation of a national committee or any similar body to combat anti-trafficking.

In Lebanon, despite the adoption of Law No. 164 in August 2011, a national committee, plan or a strategy has not yet been formulated. However, the National Strategy for Women 2011-2021 sets a number of goals that serve to combat the underlying conditions that make women and girls more vulnerable to trafficking, albeit without mentioning explicit goals related to human trafficking. These goals include achieving gender equality in all fields, including health care, citizenship, decision-making positions; strengthening opportunities for girls and women in education; fighting women's poverty and violence against women and girls; and protecting women in emergencies. While actual data on trafficking crimes in Lebanon are unavailable, between 2007 and 2010, 144 possible trafficking victims were assisted by the Bait al Aman Shelter, which has been tasked by the government to protect female victims.¹⁰⁹ All of the victims were working in the domestic service sector. The number of detected possible victims rose from 41 in 2007, to 66 in 2008, 67 in 2009, and 87 in 2010. Given that Law No. 164 on human trafficking was only introduced in 2011, the victims were not officially recorded as victims of human trafficking, but were likely to have been.¹¹⁰

Libya does not have an anti-trafficking law or a national committee on trafficking. However, in April 2013, the IOM reported that, in conjunction with the Ministry of Justice and the Institute of High Court Judges, it had completed a series of counter-trafficking workshops in Tripoli for judges and prosecutors in which the need to put into place laws to combat trafficking, protect victims and prosecute traffickers was analysed.¹¹¹

¹⁰⁵ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

¹⁰⁶ Ibid.

¹⁰⁷ The Protection Project, "Country Report: Jordan", Johns Hopkins, available from <http://www.protectionproject.org/wp-content/uploads/2010/09/Jordan-FINAL.pdf>.

¹⁰⁸ Ibid.

¹⁰⁹ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

¹¹⁰ Ibid.

¹¹¹ International Organization for Migration, "Press briefing notes" (5 April 2013), available from <http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/libyan-judiciary-prepares-to-com.html>.

In Oman, the National Committee for Combating Human Trafficking (NCCHT) was established according to article 22 of Royal Decree No. 126 of 2008. The functions and responsibilities of the Committee (as specified in article 23 of the Decree) include the following: setting up an action plan to combat trafficking in persons; coordinating with Omani authorities, international agencies and organizations to set up rules and procedures for combating trafficking; coordinating with national and international organizations to establish a database of international legislation, studies and information regarding the techniques of traffickers and trafficking; setting up care and rehabilitation programmes for victims; carrying out studies, research programmes and media campaigns; proposing rules, procedures and coordination strategies to support border restrictions and control of transportation means; organizing training programmes for enforcers of anti-trafficking legislation; preparing reports on judicial statistics, actions taken regarding victims, results of the application of the anti-trafficking law, and recommendations (to be submitted to the Council of Ministers); proposing any necessary amendments to this or other relevant laws; and carrying out any other trafficking-related work assigned to the Committee by the Council of Ministers.

The Oman National Plan for Combating Human Trafficking, which was released in September 2009, aims to establish a national system to coordinate national efforts of local and international organizations, establish appropriate mechanisms for collection and analysis of trafficking data, and improve control of concerned authorities over instances of trafficking.¹¹² However, an evaluation of the National Plan has not yet been undertaken. The reports issued by the Committee include lists of activities by different governmental and non-governmental institutions without, however, providing a comprehensive evaluation of such activities or assessing their role in a comprehensive approach to combating trafficking. The record shows that 36 people (30 men and 6 women) were suspected of trafficking in persons in Oman in 2009. Of the cases prosecuted, eight involved trafficking by use of exploitation, six involved sexual exploitation, one case involved domestic servitude and sexual exploitation, and one case was not specified. Eighteen people were convicted of trafficking in persons in 2009: 14 men, one woman and three of undisclosed gender. In 2008, 15 Omani citizens and 21 expatriates were suspected of trafficking in persons.¹¹³

In Palestine, the NGO Sawa conducted a study in 2008 on the trafficking and forced prostitution of Palestinian women and girls as a first step towards the identification of the problem in Palestine, and published a briefing paper.¹¹⁴

The Qatar Foundation for Combating Human Trafficking (QFCHT) was established under Decree No. 1 of 2008 of the Chairman of the Supreme Council for Family Affairs.¹¹⁵ Despite the fact that QFCHT is an NGO, it is in charge of all issues related to human trafficking at the national level. QFCHT was founded to consolidate social awareness of the crime of human trafficking, propose policies, create national plans of action, activate special legislation on combating human trafficking, create databases, coordinate with governmental and non-governmental institutions in Qatar and abroad, develop training and awareness programmes, and cooperate and coordinate with international organizations and associations active in addressing non-national organized crimes.¹¹⁶

QFCHT has developed a five-year plan covering the period 2010-2015, based on the five pillars adopted by the General Assembly in 2010 to combat human trafficking, namely: prevention, protection,

¹¹² National Committee for Combating Human Trafficking, “National Plan for Combating Human Trafficking” (NCCHT, Muscat, 2009).

¹¹³ UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

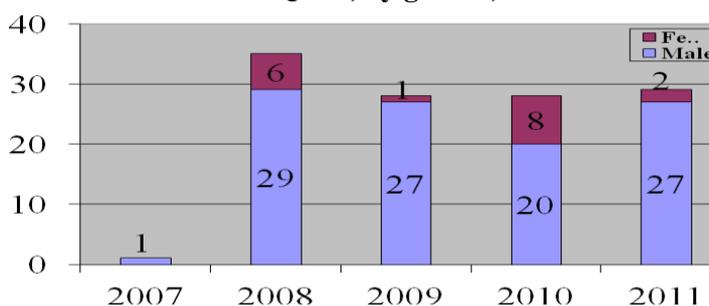
¹¹⁴ Sawa, “Trafficking and forced prostitution of Palestinian women and girls: Forms of modern day slavery – A briefing paper” (Sawa, Jerusalem and Ramallah, 2008).

¹¹⁵ See Qatar Foundation for Combating Human Trafficking, available from http://www.qfcht.org/about_us_en.aspx.

¹¹⁶ See Qatar Foundation for Combating Human Trafficking, available from http://www.qfcht.org/mission-objectives_eng.aspx.

prosecution, cooperation/networking and capacity-building. The activities included in the plan include awareness-raising campaigns, field studies, establishing of databases, proposal of laws and legal instruments related to human trafficking, and training.¹¹⁷ As in the case of similar committees in the ESCWA region, a comprehensive evaluation of the work of the Committee and five-year plan has not been carried out; as a result, its role in institutionalizing combating human trafficking cannot be assessed or directly linked to the reported number of persons prosecuted for offences related to trafficking in persons. However, the data show that in the period 2007-2011, there were 121 people prosecuted for offences related to trafficking in persons: 104 men and 17 women (figure I). Given that the specific offense of trafficking in persons was adopted in 2011, the number of prosecutions and convictions recorded during the reporting period refers to cases prosecuted under other related offences.¹¹⁸ Data on types of trafficking are unavailable.

Figure I. Number of persons prosecuted for offences related to trafficking in persons in Qatar, by gender, 2007-2011



Source: UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

In Saudi Arabia, the National Committee to Combat Trafficking Crimes was established in 2009 by Royal Decree No. 244 of 2009. Members of the Committee represent the following agencies: the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Social Affairs, Ministry of Labour, Ministry of Culture and Information, and the Human Rights Commission.¹¹⁹ The Committee is responsible for following up on the status of victims of trafficking and ensuring they are protected from re-victimization; preparing a national plan to combat trafficking in persons; training personnel on how to identify victims and combat crimes of trafficking; cooperating with concerned authorities; and making arrangements (including employment) for victims who need to stay in the country. In addition, the Committee is mandated to prepare research studies, information and media campaigns, and social and economic initiatives to prevent trafficking, as well as to coordinate with state agencies regarding information and statistics on crimes of trafficking in persons.¹²⁰ Relevant data on the work of the Committee or on human trafficking crimes and victims are unavailable.

In the Syrian Arab Republic, the Department of Anti-Trafficking in Persons was created in the Ministry of Interior by article 17 of Legislative Decree No. 3 of 2010. Article 18 of the Decree states the objectives of this Department as follows: to propose public policy and executive programmes for approval by the Ministry of Interior; to prepare a baseline database of information and statistical data related to human trafficking and make this information available to stakeholders; to exchange information on trafficking with other countries, international organizations and relevant authorities; to develop and follow up on specialized

¹¹⁷ Qatar Foundation for Combating Human Trafficking, “The General Framework of the Draft National Plan 2010-2015: State of Qatar” (QFCHT, Doha, n.d.).

¹¹⁸ UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

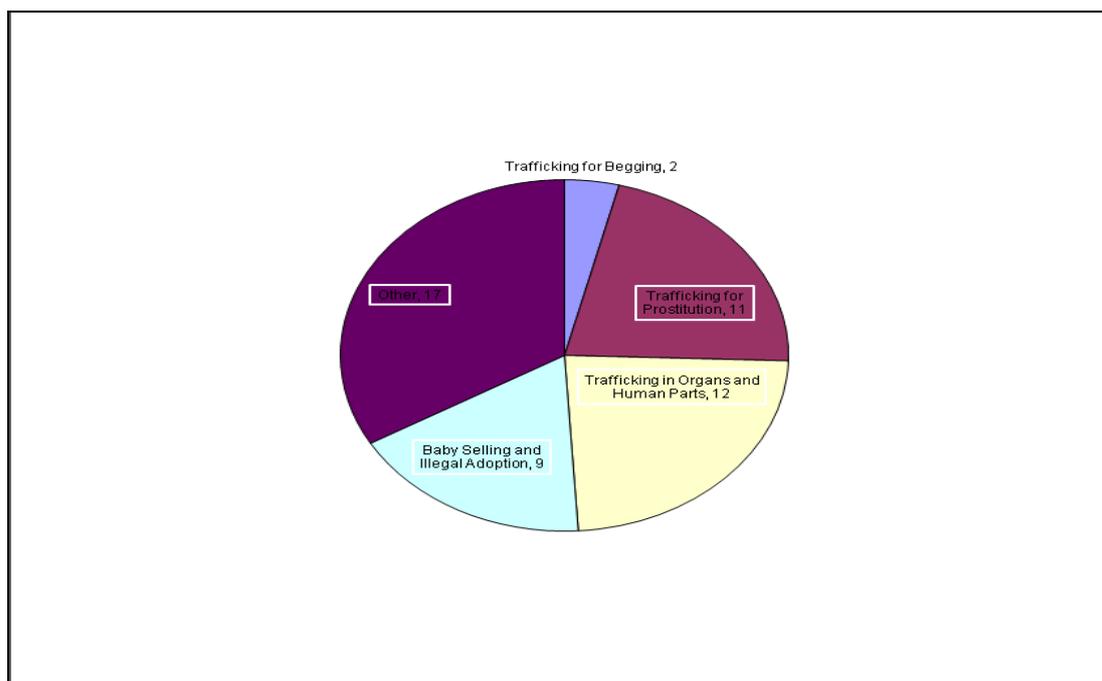
¹¹⁹ See Royal Decree No. M/40 of 2009 (Law for Combating Crimes of Trafficking in Persons) in Saudi Arabia.

¹²⁰ See Bureau of Experts at the Council of Ministers in Saudi Arabia, “System for combating crimes of trafficking in persons” (in Arabic), available from <http://www.boe.gov.sa/printsystem.aspx?lang=ar&systemid=275>.

training programmes for those involved in combating trafficking; to take appropriate measures to ensure oversight within national territories and at border crossing points; to cooperate with organizations and official bodies to create widespread public awareness of the dangers of human trafficking; to take appropriate measures to alert relevant authorities of the arrival of suspected or potential traffickers; to coordinate international cooperation on issues of trafficking with relevant organizations and counterpart agencies in other countries, in accordance with the international agreements to which the Syrian Arab Republic is party. In February 2012, the Ministry of Interior, in cooperation with IOM, conducted a workshop on the National Plan to Combat Trafficking in Persons in the Syrian Arab Republic to discuss capacity-building projects related to the identification and protection of victims, and to assess trafficking in persons in the Syrian Arab Republic. The plan itself has not been released yet.

Owing to the current violence and instability in the Syrian Arab Republic, it is difficult to assess the work of the Department. However, the available data for 2010 indicate that the authorities prosecuted 21 cases for offences related to trafficking in persons. A total of 51 suspects were involved in these cases, as follows: 12 suspects were involved in trafficking in organs and human parts, 11 suspects were involved in trafficking for prostitution, 9 suspects were involved in baby selling and illegal adoption, 2 suspects were involved in trafficking for begging, and 17 suspects were involved in other forms of trafficking (figure II).¹²¹

Figure II. Number of persons suspected of offences related to trafficking in persons in the Syrian Arab Republic, by type of offence, 2010



Source: UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

In the United Arab Emirates, the NCCHT was established in April 2007 as a coordinating body for anti-human trafficking efforts. Headed by the Minister of State for Foreign Affairs and Federal National Council Affairs, the Committee includes representatives from the Federal Ministries of the Interior, Foreign Affairs, Labour, Health and Social Affairs, as well as from the State Security Authority and the United Arab Emirates Red Crescent Society. The Committee has responsibility for developing a framework within which to

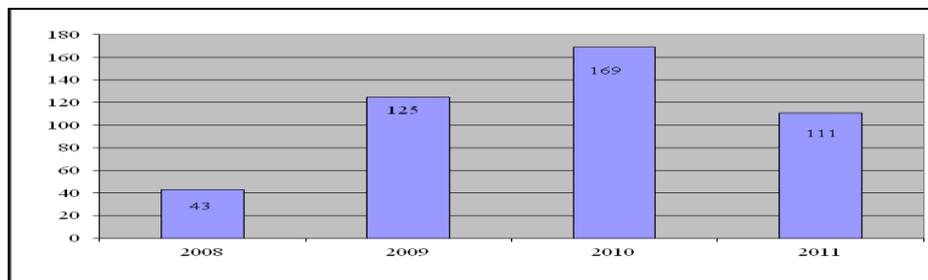
¹²¹ UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

implement the anti-trafficking law; studying and updating legislation regulating trafficking matters in order to ensure compliance with international requirements regarding protection; preparing reports on state measures combating trafficking; studying reports on trafficking and taking relevant measures; coordinating between different state authorities (ministries, departments, corporations and establishments) in order to facilitate control of human trafficking and monitor actions taken in this regard; raising awareness of human trafficking by organizing conferences in international conferences and forums involving control of human trafficking; communicating the country’s point of view through these international forums, seminars, publications and workshops; participating, along with related parties in the United Arab Emirates, in international conferences and forums involving control of human trafficking; and conducting any duties commissioned to the Committee in this regard.¹²²

Through the Committee, the United Arab Emirates pursues a four-pillar action plan of legislation, enforcement, victim support and bilateral agreements/international cooperation. Since its foundation, NCCHT has issued six annual reports, highlighting its activities and achievements. The latest was the 2012/2013 annual report.¹²³ The reports are factual rather than analytical, and no effort has been made at the national level to assess the overall impact of the committee’s activities on the institutionalization of combating human trafficking in the country.

During the period 2008-2011, 448 persons were accused in the United Arab Emirates of trafficking in persons. The number of accused persons increased from 43 in 2008 to 169 in 2010, and then decreased to 111 in 2011. The number of human trafficking-related court cases increased from 10 cases in 2007 to 58 cases in 2010, and then decreased to 37 cases in 2011 (figures III and IV).¹²⁴ Data on trafficking crimes by type of trafficking are unavailable. While it is not possible to arrive at direct correlations, the increase in the number of persons accused of trafficking and the number of trafficking-related court cases during 2008-2010, together with the decrease of both accused perpetrators and court cases in 2011, may stand as a positive indicator of the increasing effectiveness of government policies aimed at combating trafficking in the United Arab Emirates.

Figure III. Number of persons accused for trafficking in persons in the United Arab Emirates, 2008-2011



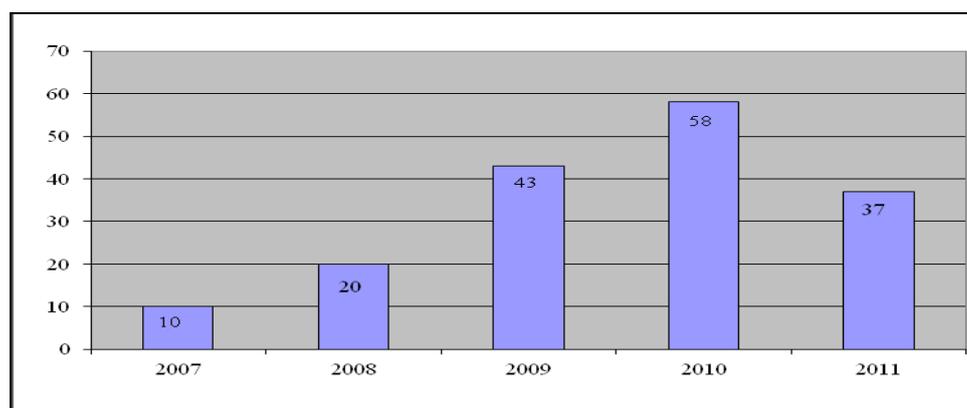
Source: UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

¹²² United Arab Emirates, National Committee to Combat Human Trafficking, available from www.nccht.gov.ae.

¹²³ National Committee to Combat Human Trafficking, *Combating Human Trafficking in the UAE: Annual Report 2011-2012* (2012).

¹²⁴ UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

Figure IV. Number of human trafficking-related court cases in the United Arab Emirates, 2007-2011



Source: UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

5. International cooperation

The TIP Protocol mentions the need for international cooperation in preventing trafficking, as well as in combating this crime by sharing information and enforcing tighter border control among countries. Cooperation is also needed for the repatriation of victims of trafficking to their countries of origin. Available data from ESCWA member countries reveal that international cooperation is not mentioned in laws of Bahrain, Jordan, Kuwait, Lebanon, Saudi Arabia and the United Arab Emirates. However, Oman mentions issues of international cooperation, while Egypt, Qatar and the Syrian Arab Republic devote complete sections of their laws to international judicial cooperation.

In Egypt, articles of the anti-trafficking law focus on the cooperation of national authorities with respective foreign authorities in order to combat and prosecute crimes of human trafficking. Such cooperation includes exchanging information, conducting investigations, providing judicial assistance and rogatory, and other forms of judicial and police cooperation.¹²⁵

International cooperation in the anti-trafficking law in Iraq is mentioned as part of the mandate of the Central Committee of Combating Human Trafficking, outlined in article 3 of the Law. The duties of the Committee include exchanging information and experience with neighbouring countries and relevant international organizations, and working towards Iraq’s accession to international conventions on combating human trafficking.¹²⁶

International cooperation in Oman is mentioned as part of the mandate of the NCCHT, as outlined in article 23 of the Law. The duties of the Committee include coordination with concerned authorities in Oman, as well as with international agencies and organizations in order to set up rules and procedures for the purposes of combating transnational crimes of trafficking in persons, and of establishing a database of international legislations related to trafficking in persons, studies, and information about techniques of traffickers and of trafficking.

In Qatar, Law No. 15 of 2011 devotes a complete section to international judicial cooperation. Articles 11-12 of this section focus on the cooperation of national authorities with respective foreign authorities in order to combat and prosecute crimes of human trafficking. Modes of cooperation include exchanging

¹²⁵ See Law No. 64 of 2010 (Law Regarding Combating Human Trafficking) in Egypt.

¹²⁶ See Law No. 28 of 2010 (Law of Combating Human Trafficking) in Iraq.

information, conducting investigations, providing judicial assistance and rogatory, and other forms of judicial and police cooperation.¹²⁷

In the Syrian Arab Republic, Legislative Decree No. 3 of 2010 on the Crimes of Trafficking in Persons devotes a complete section to international cooperation. Articles in this section stipulate the foundation of a new department, namely, the Department of Anti-Trafficking in Persons, within the structure of the Ministry of Interior. Among the mandates of the new department is the exchange of information related to human trafficking with other countries, international organizations and relevant authorities.

6. Summary

The anti-trafficking laws of ESCWA member countries are generally congruent with international applicable instruments in their definitions of trafficking in the criminalization of, and penalties for, trafficking, and in the foundation of a national committee to combat trafficking. Indeed, while the UNODC Model Law makes it optional to apply aggravating punishments in the cases of aggravating circumstances related to human trafficking crimes, most national laws in the ESCWA region incorporate articles on aggravating punishment, up to capital punishment in cases where the crime of human trafficking leads to the death of a victim. With regard to the foundation of national committees, while the laws in some states do not stipulate the foundation of a national committee, most do; and one country, namely, Yemen, established a national committee to combat trafficking despite not having passed an anti-trafficking law or being party to the TIP Protocol. In the category of victim protection, while some state laws devote detailed articles to the protection of victims, this important component is missing in other national laws. In addition, international judicial cooperation is not clearly provided for in the national laws of most ESCWA members.

D. INTERNATIONAL AND REGIONAL COOPERATION IN THE AREA OF COUNTER-TRAFFICKING

International and regional cooperation in the field of anti-human trafficking in the region focuses mainly on training and capacity-building. Reviewing and assessing all initiatives and activities is beyond the scope of this report. However, salient examples of international and regional cooperation are presented below.

1. International cooperation

In the past few years, ESCWA member countries have engaged in many activities related to combating human trafficking in cooperation with various international agencies. Training and technical cooperation have been the main areas of engagement. UNODC, through its regional office for the Middle East and North Africa (ROMENA), cooperates with countries of the region to implement joint projects related to the combating of human trafficking, and is partner to the Arab Initiative for Building National Capacities to Combat Human Trafficking in the Arab States (see the next subsection for more information on this Initiative).

Additionally, UNODC engages in direct training of law enforcement officials in the Arab region. The latest related activity took place in November 2012 in Amman, Jordan, where 33 law enforcement officials from the Ministries of Interior of Iraq and Jordan attended a three-day anti-human trafficking workshop that was organized jointly by UNODC and the League of Arab States. The objective of the workshop was to build the capacities of law enforcement practitioners to investigate effectively cases of human trafficking, to assist and protect victims of trafficking, and to prevent trafficking.¹²⁸ The workshop was conducted within

¹²⁷ See Law No. 15 of 2011 (Regarding Combating Human Trafficking) in Qatar.

¹²⁸ UNODC, "Jordanian and Iraqi law enforcement officials receive anti-human trafficking training", available from <http://www.unodc.org/middleeastandnorthafrica/en/web-stories/jordanian-and-iraqi-officials-receive-training-to-combat-human-trafficking.html>.

the framework of the UNODC project, entitled Strengthening the Framework of the Arab Region to Prevent and Combat Human Trafficking.

Through its Regional Programme on Trafficking in Human Beings in the Arab Region, INTERPOL cooperates with states in the region to strengthen law enforcement cooperation, sharing best practices and knowledge in the fields of trafficking in persons, smuggling of persons and illegal migration. In June 2011, a cooperation agreement for countries in the region on the provision of law enforcement training in specialized areas, including trafficking in human beings, drugs and organized crime, was signed between INTERPOL's Capacity-building and Training Unit and the Saudi Arabian Naif Arab University for Security Sciences. Through this initiative, a workshop focusing on best practices for identifying victims of human trafficking was held in Tunis in May 2012. Another workshop took place in January 2012 in Riyadh. The focus of INTERPOL's Training Workshop against Trafficking in Persons was on international police cooperation and best practices regarding the identification of victims of human trafficking and related investigation techniques.

Another example of international cooperation is the work of IOM in the Middle East and North Africa region. In February 2009, through its project Counter Trafficking Technical Assistance and Training: A Global Rapid Response, IOM conducted a three-week pilot, entitled Orientation Course for Law Enforcement Agencies on Counter Trafficking. Through targeted modules, participants developed skills related to the identification of victims of trafficking, the provision of direct assistance and referral, investigation and interview techniques, the development of a national plan of action, and international cooperation and exchange of intelligence. In October 2009, IOM conducted a two-week follow-up training for law enforcement officials, prosecutors and judges.¹²⁹

Data on other such aspects of international cooperation as juridical cooperation are not available. Nor is information available to facilitate assessment of the impact of the activities mentioned above on the institutionalization of anti-trafficking practices.

2. Regional cooperation

With respect to regional cooperation in the ESCWA region, two activities can be mentioned to highlight this aspect, namely, activities related to the work of the League of Arab States, including the Model Law and the creation of an anti-human trafficking unit within the Legal Department; and the Arab Initiative for Building National Capacities to Combat Human Trafficking, which is led by Qatar. A brief description of these two activities is given below.

(a) Activities of the League of Arab States

The League of Arab States created the Anti-human Trafficking Unit within its Legal Department in order to combat human trafficking in the Arab region. The Unit coordinates between states in anti-human trafficking efforts in the League of Arab States; collects information, in coordination with the authorities in Arab countries, and analyses data on human trafficking in the Arab region as part of the preparation for a centralized database of information; assists in preparing strategies, programmes and national action plans; and prepares to issue an annual report on human trafficking in the Arab region. The first annual report is expected to be released in 2013.

(b) The Arab Initiative for Building National Capacities to Combat Human Trafficking

The Arab Initiative for Building National Capacities to Combat Human Trafficking was launched at the Doha Foundation Forum in 2010, an annual regional conference held to exchange views among

¹²⁹ IOM, "2009 Fact Sheet: Technical cooperation on migration management" (Cairo Regional Office, 2009).

stakeholders in the Arab region and to build political consensus for future regional action in combating human trafficking. Despite its foundation in 2010, the Initiative's activities started in January 2012. The Initiative, whose duration is three years (2012-2014), is being implemented in partnership with UNODC and the League of Arab States, and seeks to build leadership capacities in the Arab region in order to provide those working in the field of combating human trafficking with the necessary skills. Since 2010, the Initiative has convened three annual forums. The most recent forum, namely, the Doha Forum on Combating Human Trafficking, took place in January 2013.

Generally speaking, international and regional cooperation activities focus mainly on capacity-building. In these activities the dimension of victim protection is almost entirely missing. In addition, the lack of monitoring and of evaluation strategies means that the outcomes of such activities, and their potential impact on human trafficking and on the establishment of further anti-trafficking efforts are not clear.

III. NATIONAL EFFORTS AND SERVICES TO PROTECT VICTIMS OF TRAFFICKING

A. PROVISION OF STATE SERVICES FOR VICTIMS OF TRAFFICKING

During trafficking, victims are subjected to various forms of human rights violations. These violations may include one or more of the following: physical harm, including injury, infectious disease and/or malnutrition; psychological harm, including depression, shame, fear, insecurity, anxiety and/or mistrust of self and others; trauma; lack of shelter; and lack of legal assistance. It is therefore crucial for states to provide victims not just with shelter, but also with legal assistance and health services. Article 6 of the TIP Protocol stipulates the assistance to and protection of victims of trafficking in persons in detail (see box below).

Article 6 of the TIP Protocol: Assisting and protecting victims of trafficking in persons

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
 - (a) Information on relevant court and administrative proceedings;
 - (b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with NGOs, other relevant organizations and other elements of civil society, and, in particular, the provision of:
 - (a) Appropriate housing;
 - (b) Counseling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
 - (c) Medical, psychological and material assistance;
 - (d) Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.
5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

Source: The TIP Protocol.

1. *Legal assistance*

Most of the victims of human trafficking have little knowledge or understanding of the law, and are unaware of how to seek justice.¹³⁰ Consequently, in order for them to understand their rights and obligations,

¹³⁰ IOM, *Guidelines for Assisting Victims of Human Trafficking in the East Africa Region* (IOM, Geneva, 2011).

they need legal assistance. All anti-trafficking laws in the region, with the exception of Lebanon and the United Arab Emirates, stipulate the provision of legal assistance for victims. While the United Arab Emirates does not specify legal assistance for victims in any article, the law in Lebanon authorizes the Minister of Justice to hold agreements with specialized institutions or associations to provide assistance and protection to victims.

Despite the stipulation of legal assistance for victims of human trafficking crimes in the anti-trafficking laws of most ESCWA member countries, little is known about the provision of such services. This may owe to the fact that no statistics are released regarding the number of victims who have received legal assistance, which may in turn be partly attributed to the fact that legal assistance is part of the juridical systems of these countries, and is therefore considered a usual practice that does not need to be reported. Moreover, some countries turn over provision of legal assistance to NGOs. This is true, for instance, in the case of the United Arab Emirates, where the Ministry of Interior signed a memorandum of understanding with the Dubai Foundation for Women and Children to provide legal assistance and other services to victims of human trafficking.¹³¹ Thus, legal assistance for the victims of human trafficking in ESCWA member countries is typically provided directly through state juridical systems or through NGOs.

2. Establishment of shelters

As mentioned above, most anti-trafficking laws in the region stipulate the provision of shelters for the victims of human trafficking. In the Syrian Arab Republic, the anti-trafficking law states that the Ministry of Social Affairs is responsible for establishing shelters and rehabilitation centres for trafficking victims (article 14a). Oman founded the Muscat Guest House, which hosts women and children, to provide victims of human trafficking with health and psychological care and subsistence, legal aid and other humanitarian assistance.¹³² While the United Arab Emirates anti-trafficking law does not mention the provision of shelter for victims, the country has established a shelter in Abu Dhabi and two shelters in Sharjah and Ras al-Khaimah for women and children only. There is not sufficient data regarding the availability, number of shelters or the number of victims who have benefited from such shelters.

3. Rehabilitation efforts: Medical, psychological and social services

In countries whose anti-trafficking laws stipulate the foundation of national anti-trafficking committees, such committees often provide, directly or in cooperation with national NGOs, the medical, psychological and social services to victims that governments should provide. The case of Jordan is an example of this. Article 5 of the anti-trafficking law in Jordan stipulates that the onus is on the Anti-Human Trafficking National Committee to implement, in collaboration with official and non-official entities, programmes for the physical and psychological and social recovery of victims and others affected by human trafficking crimes, and to supervise the provision of shelter.¹³³ In the case of laws that do not stipulate the foundation of national committees, such laws typically stipulate direct government provision of health and rehabilitation services for victims. The anti-trafficking law in Saudi Arabia, which makes available such services for victims, is an example of this. Data are unavailable regarding the number of victims who have received such services, or the type of trafficking victims may have been subjected to.

B. PROVISION OF SERVICES BY NGOS FOR VICTIMS OF TRAFFICKING

NGOs are frequently more active than governmental organizations in providing services to victims, owing in part to the fact that the laws in some ESCWA member countries delegate the task of protecting the victims of human trafficking to such organizations. It may also be noticed that in countries that have not yet

¹³¹ National Committee to Combat Human Trafficking, *Combating Human Trafficking in the UAE: Annual Report 2011-2012* (2012).

¹³² Oman, National Committee for Combating Human Trafficking, available from <http://www.ncchtoman.gov.om/english/news.asp>.

¹³³ See Law No. 9 of 2009 (Law of Combating Human Trafficking) in Jordan.

passed trafficking laws, NGOs also play an active role in combating human trafficking through awareness-raising campaigns. A complete listing of NGO efforts in ESCWA member countries is beyond the scope of this report. However, some examples of the contribution of NGOs to anti-trafficking efforts are given below.

(a) *Yemen Organization for Combating of Human Trafficking*

Despite the fact that Yemen is not a party to the TIP Protocol, NGOs in the field of anti-human trafficking are active. The Yemen Organization for Combat of Human Trafficking (YOCHT) was established in 2009 as an NGO. One of the main goals of YOCHT is to advocate the adoption of an anti-trafficking law in Yemen; and it maintains an active programme aimed at combating human trafficking and assisting victims. The activities of YOCHT include providing legal assistance; running a call centre for victims; providing health, psychological and social services to victims in cooperation with other governmental organizations and NGOs; and engaging in awareness-raising activities.¹³⁴

(b) *The Anti-human Trafficking Coalition (Egypt, Jordan and Morocco)*

In cooperation with the Jordanian Women's Union and Union de l'Action Féminine in Morocco, the Centre for Egyptian Women's Legal Assistance (CEWLA) led an initiative to establish an anti-human trafficking coalition. The coalition, which includes governmental agencies and NGOs from Egypt, Jordan and Morocco, focuses largely on trafficking in women. Its activities include providing technical assistance to NGOs that offer support services to human trafficking victims; and providing direct services to victims, including legal assistance, shelter and rehabilitation services.¹³⁵

(c) *Ewa'a Shelter for Women and Children*

Ewa'a Shelter for Women and Children was established as an NGO in the United Arab Emirates to provide shelter to victims of human trafficking and of sexual exploitation. Its main objectives are to provide immediate and long-term support for female and child victims of human trafficking, and to increase society's awareness of these victims. Its shelters, which provide victims with health and psychological care as well as social support, operate under the auspices of the United Arab Emirates Red Crescent Society, in cooperation with the NCCHT. Three shelters have been established in the past few years, namely: in Abu Dhabi, established in 2008; Ras El Khaima, in 2010; and Sharjah, in 2011.

During their stay at the Ewa'a shelters, trafficking victims receive social, legal, psychological and medical assistance. They also have the opportunity to participate in educational and rehabilitation programmes aimed at re-integrating them into mainstream society in their home countries. Victims receive assistance at all stages of the legal investigation process and of court procedures, with the goal of protecting their rights and ensuring their safe return to their home countries. According to the statistics available in its annual report, Ewa'a shelters assisted 43 victims in 2011, comprising 11 girls and 32 women. Ewa'a does not shelter male victims, and its annual report does not classify assisted victims by the types of trafficking they have been subjected to.¹³⁶

¹³⁴ YOCHT, "Objectives of the Organization" (2013), available from <http://yocht.org/>.

¹³⁵ See Centre for Egyptian Women's Legal Assistance (CEWLA) website, available from <http://www.cewla.org>.

¹³⁶ Ewa'a Shelter for Women and Children, *Annual Report 2011* (in Arabic) (Abu Dhabi, 2012).

IV. NATIONAL EFFORTS TO PREVENT TRAFFICKING IN PERSONS

A. CAPACITY-BUILDING EFFORTS TARGETING STATE AND NON-STATE ACTORS

Capacity-building efforts at the national level are crucial if countries are to develop “the institutional and technical ability to develop, implement and assess their own anti-human trafficking policies and strategies”.¹³⁷ Moreover, in order for countries to be able to adapt to the complex and ever-changing nature of trafficking crimes and to sustain this capacity over time, these capacity-building efforts must be ongoing.¹³⁸ However, building an inventory of capacity-building efforts in the ESCWA region is an extremely difficult task, given the wide variation of capacity-building efforts from one country to another and the lack of data on these efforts. Some countries depend in part on foreign aid (through partnerships with regional and international organizations) in order to conduct activities related to capacity-building. Some countries consider capacity-building efforts to prevent trafficking to be part of their routine work, and therefore do not publish information on such activities. Country reports, where these are available, tend to be more qualitative than quantitative. However, some examples of capacity-building activities are presented below, as a suggestion of the kinds of capacity-building activities ESCWA member countries undertake.

In Egypt, the Ministries of Justice and of the Interior, in cooperation with IOM, have developed a “reference guide to gather evidence and the investigation and prosecution of trafficking crimes and protecting victims”.¹³⁹ In addition, the National Council for Human Rights conducted two training courses on combating human trafficking. The second training course took place in February 2013, during which 30 participants from the Ministry of Social Affairs received seven days of training on prevention of trafficking crimes as well as on identification of victims and provision of victim assistance.¹⁴⁰ The report on training activities of the National Coordinating Committee on Combating Human Trafficking indicates that, in 2011-2012, Egypt conducted 61 capacity-building activities, including training courses, workshops, seminars and conferences. Some 1,347 officials from different ministries participated in these activities during this period.¹⁴¹ The outcomes of these activities are not clear, given the absence of follow-up mechanisms.

In Jordan, through a project started in September 2010, IOM is cooperating with the Ministry of Justice, Ministry of Labour and the Public Security Directorate to build capacity, raise awareness and provide direct assistance to victims of trafficking. The capacity-building component of the project aims at establishing a national screening team to enhance, with IOM technical support, the mechanisms of the government for identifying and reporting cases of trafficking. In addition, the project has established two cooperation networks to promote dialogue on issues related to trafficking, and to coordinate counter-trafficking efforts in Jordan. The Anti-Trafficking Cooperation Network was established as a network of migrant-sending country embassies in Jordan that handle cases of human trafficking. Another network was also established that includes various local and international NGOs working in the field of counter-trafficking in Jordan.¹⁴² The most recent activity implemented through this project was a training course in February 2013 aimed at training government officials to detect and identify victims of human trafficking.

¹³⁷ UNODC, *Global Report on Trafficking in Persons* (2012), p. 90.

¹³⁸ *Ibid.*

¹³⁹ National Coordinating Committee on Combating Human Trafficking, “Evaluation of implementation of the national plan to combat human trafficking (January 2011 - December 2012)” (Ministry of Foreign Affairs, Cairo, 2013).

¹⁴⁰ National Human Rights Council, “The National Human Rights Council Combats Human Trafficking” (NHRC, Cairo, 2013).

¹⁴¹ National Coordinating Committee on Combating Human Trafficking, “Training courses and workshops: 2011-2012” (Cairo, 2013).

¹⁴² IOM, “Projects in Jordan: Counter-trafficking” (Amman, 2013), available from <http://www.jordan.iom.int/listprojects/50>.

In November 2013, 33 law enforcement officials from the Ministries of Interior of Iraq and Jordan attended a three-day anti-human trafficking workshop organized jointly by UNODC and the League of Arab States.¹⁴³ The objective of the workshop was to build the capacity of law enforcement practitioners to investigate effectively cases of human trafficking, assist and protect victims of trafficking, and work to prevent new cases of trafficking. This workshop falls within the framework of the UNODC project, entitled “Strengthening the Framework of the Arab Region to Prevent and Combat Human Trafficking”.¹⁴⁴ Studies have not been carried out to assess the impact of this training.¹⁴⁵

In order to strengthen the anti-trafficking capacity of future policy officers, the United Arab Emirates has added two courses to the syllabi of police schools and institutes, namely: a course on human rights and a course on human trafficking crimes. The Ministry of Interior has also issued a set of publications and manuals on combating human trafficking; and, in 2011, it provided anti-trafficking training to 1606 in-service officers, and 37 in-service officers who participated in regional and international training courses and workshops. The Ministry of Labour participated in a set of capacity-building activities, including participation in workshops and training courses. The Judicial Department organized a training course on combating trafficking crimes, and published a book on the legal framework of combating human trafficking.¹⁴⁶

Through its NCCHT, Oman organizes four training courses annually to build state capacity in combating human trafficking. These courses include: Introduction to Anti-trafficking Law aimed at governmental and non-governmental institutions; Recognition of Victims of Trafficking that targets officials at the Public Prosecution and Ministry of Manpower; International Cooperation in Anti-Trafficking, which targets all concerned organizations; and Difference between Trafficking of Persons and Labour Violations aimed at all concerned organizations.¹⁴⁷ Data on the number of beneficiaries are not available. Oman is planning to include the topic of combating trafficking of persons in the academic syllabus at Sultan Qaboos Academy for Police Sciences.

As mentioned above, the lack of standardized mechanisms to produce and publish country reports makes it difficult to carry out cross-country comparisons. Both the outcome of the activities mentioned above and their contribution to the foundation of measures to institutionalize protection are unclear. It is important for countries in the region to develop a standard reporting system capable of collecting and presenting qualitative and quantitative data on capacity-building and other activities related to combating human trafficking. Similarly, states should carry out evaluation studies to measure the outcomes of their plans and activities, and to assess their contribution to anti-trafficking efforts and to the institutionalization of victim protection.

B. ADVOCACY AND NATIONAL AWARENESS CAMPAIGNS

Governmental advocacy and national awareness campaigns in some ESCWA member countries lag behind the activities of NGOs. Most awareness activities are carried out by NGOs. Only one country in the region joined the international Blue Heart Campaign against Human Trafficking, which is an awareness-

¹⁴³ UNODC, “Jordanian and Iraqi law enforcement officials receive anti-human trafficking training”, available from <http://www.unodc.org/middleeastandnorthafrica/en/web-stories/jordanian-and-iraqi-officials-receive-training-to-combat-human-trafficking.html>.

¹⁴⁴ Ibid.

¹⁴⁵ Capacity-building activities targeting law enforcement practitioners is very much needed, especially given the anecdotal evidence in the ESCWA region that often cites abuse of victims of trafficking by law enforcement agencies.

¹⁴⁶ National Committee to Combat Human Trafficking, “Combating Human Trafficking in the UAE” (NCCHT, Abu Dhabi, 2013).

¹⁴⁷ National Committee for Combating Human Trafficking, “Sultanate of Oman’s Report on Anti-Human Trafficking: 2009-2010” (Muscat, 2011).

raising initiative led by UNODC that is intended to combat human trafficking and its impact on society. The small amount of available data on state advocacy and awareness campaigns for ESCWA countries is presented below.

In December 2011, Lebanon joined the Blue Heart Campaign. As part of awareness-raising efforts under the Blue Heart Campaign in Lebanon, UNODC has supported local NGO Caritas Migrants and law enforcement officials in publishing booklets in local languages for such vulnerable groups as domestic workers. The booklets provide information about forms of human trafficking and about the recently adopted anti-trafficking law.¹⁴⁸ Since 2005, ILO has provided support to the National Steering Committee on Migrant Women Domestic Workers. Among its activities, it has carried out an awareness-raising campaign focusing on the rights of migrant domestic workers.¹⁴⁹

In the United Arab Emirates, the Dubai Police created the Centre of Human Trafficking to coordinate and direct anti-trafficking activities. One of the objectives of the Centre is to raise community awareness about human trafficking crimes via press releases and prevention campaigns. In order to meet this objective, the Centre conducts training courses and publishes awareness-raising leaflets and brochures in different languages. In March 2011, the Centre conducted a workshop on the role of women in strengthening efforts to combat human trafficking, which resulted in the participation of 54 women from various local agencies involved in combating human trafficking crimes in the country. Additionally, the Centre organizes an annual forum on the role of the media in combating human trafficking.¹⁵⁰ Other awareness-raising activities in the United Arab Emirates are usually run by the NCCHT.

¹⁴⁸ UNODC, “Lebanon joins the Blue Heart Campaign against Human Trafficking” (2013), available from <http://www.unodc.org/unodc/en/frontpage/2011/December/lebanon-joins-the-blue-heart-campaign-against-human-trafficking.html>.

¹⁴⁹ ILO, “Regional Overview: Regional Office for Arab States” (Regional Office for Arab States, Beirut, 2011).

¹⁵⁰ Dubai Police, “Dubai Police News” (2011), available from http://www.dubaipolice.gov.ae/dp/jsps/media/news-details.do?contentCode=NEWS_11444&searchKeyword=%C7%E1%C5%CA%CC%C7%D1+%C8%C7%E1%C8%D4%D1.

V. POLICY RECOMMENDATIONS AND CONCLUSION

A. STATES

In order to effectively address the crime of trafficking in persons, governments need to establish policies that address the problem of trafficking on different levels. Governments need to tackle root causes; develop anti-trafficking legislation congruent with international conventions and protocols; increase capacity-building efforts; and expand their cooperation with other states and with regional and international organizations. Some policy objectives and recommendations are set forth below.

1. *Tackling root causes*

The United Nations Global Plan of Action to Combat Trafficking in Persons requests Member States and the international community to address the root causes of trafficking, namely: poverty, unemployment, inequality, gender discrimination, sexual violence, social exclusion and marginalization, armed conflicts and natural disasters.¹⁵¹ In order to tackle root causes, states should work to achieve the following:

(a) Implement comprehensive policies and plans aimed at facilitating and enhancing economic and social development, the rule of law, the promotion of human rights (including women's rights), good governance and education;

(b) Mainstream the issue of trafficking in persons in national socioeconomic plans.

2. *Legal and legislative frameworks*

In order to combat trafficking in persons in congruence with international guidelines, states need to establish legal and legislative frameworks that comply with international conventions and protocols. States should aim to achieve the following:

(a) Ratify international conventions on trafficking, especially the Palermo Convention and the TIP Protocol, if this has not already been done;

(b) Pass anti-trafficking laws, if this has not already been done, in order to establish a solid legislative basis for combating human trafficking;

(c) Ensure that victim protection measures and prevention strategies are both addressed in legislation and carried out in practice.

3. *Capacity-building and cooperation*

In order to combat trafficking, states need to build anti-trafficking capacity and to increase cooperation with other countries, with regional and international organizations and, within countries, with municipalities. They should aim to achieve the following:

(a) Make available resources to conduct capacity-building activities at the national level, viewing international cooperation and support from international and regional organizations as added value rather than the major component of capacity-building;

(b) Address issues related to advocacy and awareness-raising efforts directly through the state and/or in partnership with NGOs; and, when implementation of awareness-raising efforts is delegated to NGOs, states should oversee and monitor the overall process of implementation;

(c) Consider integrating issues related to human trafficking into the curricula of schools and universities;

¹⁵¹ United Nations Global Plan of Action to Combat Trafficking in Persons (2010), resolution A/RES/64/293 adopted by the General Assembly, Sixty-fourth session, the United Nations, New York.

(d) Ensure that capacity-building activities cover a broad range of actors involved in combating trafficking, including, among others, law enforcement agencies, justice authorities and NGOs, in order to ensure state capacity to deal with all aspects of human trafficking;

(e) Enhance data collection and dissemination measures using the following:

- (i) Collecting and publishing data on trafficking on a regular basis (quarterly, semi-annually or annually);
- (ii) Integrating collected data into the statistics that are routinely collected, classified and published by regional statistical agencies and offices;
- (iii) Strengthening the quantitative aspect of such data by publishing information on numbers of offenders and victims by age, sex, nationality and type of human trafficking crimes;
- (iv) Standardizing country reports in order to facilitate cross-country comparisons.

B. CIVIL SOCIETY

NGOs in the ESCWA member countries play an active role combating human trafficking, especially in countries that have not yet passed national anti-trafficking laws. Indeed, NGOs are “well-acknowledged partners in the fight against trafficking in persons”.¹⁵² In countries without national anti-trafficking laws, NGOs often play the role that governments should play in combating trafficking, especially with regard to victim protection. Women’s and children’s NGOs are particularly well placed to address trafficking issues affecting women and girls, as they work closely with their target population and are aware of local conditions and root causes. Given these realities, the role of regional human rights organizations in the field of anti-trafficking should be strengthened in order to enhance their capacity to combat trafficking and provide protection. NGOs should be put in charge of monitoring the process of development and implementation of national anti-trafficking legislation, policies and plans. They should act as pressure groups to ensure that governments give more attention to issues related to anti-trafficking efforts.

1. *Integrating anti-trafficking into NGO activities*

NGOs working in the fields of social protection, poverty alleviation, and women’s and girls’ rights are required to integrate anti-trafficking programmes into their plans and activities. Given that a large proportion of human trafficking victims are women and girls, women’s rights organizations should consider developing programmes to incorporate awareness-raising and protection of victims as part of their activities.

2. *Networking*

NGOs in the region should work together to create regional and national thematic networks of NGOs active in the field of anti-trafficking. They should coordinate efforts, exchange ideas, share experiences, propose and implement awareness-raising activities, and coordinate in making services available to assist victims.

3. *International cooperation*

In cooperation with governmental organizations, NGOs should expand their cooperation with international NGOs as well as with international and regional organizations in order to implement international anti-trafficking initiatives at a regional and national level. As a supplement to international state-level cooperation efforts, and in cooperation with governmental organizations, NGOs should develop country-specific and region-specific versions of such international initiatives as the Blue Heart Campaign Against Human Trafficking that match national/regional specific needs and conditions.¹⁵³

¹⁵² UNODC, *Global Report on Trafficking in Persons* (2012), p. 94.

¹⁵³ The Blue Heart Campaign against Human Trafficking, which was created by UNODC, is an awareness-raising initiative to fight human trafficking and its impact on society.

4. *Women's and children's NGOs*

NGOs focusing on women and children have a particular role to play in anti-trafficking efforts. Such NGOs work closely with their target population and are aware of local conditions and of the root causes of trafficking in their regions. They should integrate anti-trafficking activities and awareness-raising activities into their regular plans and activities, making use of their knowledge of local conditions and of root causes.

C. UNITED NATIONS

The United Nations and other specialized and regional entities are required to develop region-specific action plans and initiatives to combat trafficking, to foster cooperation and coordination with such regional organizations as the League of Arab States and ALO, and to provide technical support to individual states in the area of anti-trafficking. Development of region-specific plans ensures greater regional support and compliance than can be achieved by simply imposing a single global action plan.

1. *Regional initiatives*

United Nations agencies, including ESCWA and UNODC, should lead regional initiatives and develop region-specific versions of international initiatives and action plans. These plans should be developed in consultation with states in the region and should take into account cultural and socioeconomic specificities of the region. The UNODC regional office should work together in cooperation with ESCWA to formulate action plans, programmes and activities on a regional basis.

2. *Cooperation and coordination with regional organizations outside the United Nations system*

In order to achieve regional success in combating human trafficking, United Nations organizations such as UNODC should foster cooperation with regional organizations outside the United Nations system, including ALO, GCC and other regional organizations and entities. One example of successful partnership is that between UNODC and the League of Arab States. Cooperation with regional organizations could include, among others, technical cooperation in the fields of legislative development; development and refinement of model laws; direct training and training of trainers; developing, translating and adjusting training modules and training guides; and setting up mechanisms for monitoring, evaluating, reporting and exchanging experiences among regions.

3. *State-specific support*

In addition to regional initiatives and cooperation with regional organizations, the United Nations should work closely with individual states to help them to pass anti-trafficking laws; promote the UNODC Model Law; build the capacity of all stakeholders to address trafficking crimes; and suggest monitoring, evaluation and reporting mechanisms. The United Nations should work closely with states to help them to strengthen their capacity-building and, in particular, to help ensure that such activities will be sustained on an ongoing basis by relevant governmental institutions as an integral part of their routine programmes.

D. CONCLUSION

This report attempted to provide comprehensive information on combating human trafficking in ESCWA member countries by highlighting the following:

(a) The root causes of human trafficking in the region, focusing on such issues as poverty, wars and political conflicts, globalization, and gender-based violence and social exclusion;

(b) State responses to trafficking in persons, presenting applicable and comparatively recent international instruments related to trafficking, including CEDAW, CRC, the Palermo Convention, and the TIP Protocol, and assessing the status of ratification of these international instruments by ESCWA member countries;

(c) National anti-trafficking laws of ESCWA member countries, assessing the congruence of these laws with international applicable instruments;

(d) National efforts to protect victims of human trafficking, focusing on the provision of legal assistance, shelter, health and other services as could be ascertained through available data;

(e) National efforts to prevent human trafficking through capacity-building efforts and awareness-raising campaigns;

(f) Policy recommendations at the levels of the state, civil society and the United Nations.

As the report shows, the rate of ratifying international conventions and protocols relating to human trafficking in the ESCWA region is high, with 15 out of 17 ESCWA members for CEDAW, 16 out of 17 for CRC, 16 out of 17 for the Palermo Convention, and 14 out of 17 for the TIP Protocol. Moreover, 11 out of the 14 ESCWA members that ratified the TIP Protocol have passed anti-trafficking laws. The legal analysis carried out in this study indicates that national laws as a whole follow the model set forth by international instruments and the UNODC Model Law. However, some national laws differ from the Model Law in certain elements, including the definition of trafficking; and some national laws are lacking in various elements, including establishment of a national coordination committee, victim protection and international judicial cooperation. Regarding the all-important issue of protection of victims, it is clear that NGOs are more active than governmental agencies in this domain. Protection efforts vary among the states, and data are missing on legal assistance in some countries.

International and regional cooperation efforts are led by UNODC and the League of Arab States. However, the Arab Initiative for Building National Capacity to Combat Human Trafficking provides a step forward towards more regional cooperation in efforts to combat human trafficking. Cooperation in the region, both at a regional and international level, focuses mainly on training and capacity-building.

National efforts to prevent trafficking in persons include capacity-building and awareness-raising campaigns. While the available data on these activities do not allow a comprehensive cross-country comparison, it is clear that capacity-building activities in the region are not implemented in a systematic way and are not institutionalized in the routine work of the national authorities in charge of combating human trafficking. Moreover, capacity-building activities in low-income states depend, in part, on donor funds. With respect to awareness-raising activities, while activities vary from one country to another, they typically include such face-to-face methods as workshops, mass media campaigns and distribution of posters.

While data on laws and legislations are available on all the states covered by this report, data on national plans, programmes, capacity-building, awareness-raising activities and national efforts to protect victims are either unavailable or, where available, suffer from incompleteness, inconsistent reporting style and a tendency to drop statistical evidence and focus more on qualitative information. As a result, although it is possible to assess the legal basis for anti-trafficking efforts in the ESCWA region, it is more difficult to evaluate the practical measures by which anti-trafficking efforts are carried out. In order to facilitate assessment of trafficking crimes and anti-trafficking measures in ESCWA member countries, reporting mechanisms should be developed and standardized in order to make available comparable descriptive and statistical data. Such data should include details regarding types of human trafficking and detailed background characteristics of both offenders and victims, thereby creating a profile of potential traffickers and individuals or groups vulnerable to being trafficked. The provision of thorough, systematic and standardized information will assist all parties in their efforts to combat the crime of trafficking in persons in the ESCWA region.

Annex

NATIONAL ANTI-TRAFFICKING LAWS

1. Bahrain

(a) The legal framework

Law No. 1 of 2008 (Law with Respect to Trafficking in Persons) consists of ten articles. Article 1 defines human trafficking; articles 2-4 describe the penalties of committing human trafficking crimes; articles 5-6 describe the rights of victims during the investigation and trial, including health care, counseling, housing and security; article 7 provides for the foundation of a committee in the Ministry of Social Development to assess the status of foreign victims of trafficking, while article 8 stipulates the foundation of the Anti-Human Trafficking National Committee and states its responsibilities; article 9 stipulates the foundation of shelters for the victims of human trafficking; and article 10 includes final provisions to be implemented by ministers.

The definition of trafficking in persons under the Law in Bahrain follows the definition of the TIP Protocol. As penalty for committing human trafficking crimes, the Law stipulates imprisonment, a fine ranging between 2,000 and 10,000 Bahrain dinars (approximately US\$5,300 and US\$26,500), and the confiscation of money and tools used or intended for use in the commission of the crime or funds derived from the crime. The Law also specifies a fine ranging between 2,000-10,000 Bahrain dinars for each judicial person/entity committing the crime of trafficking in human beings, without prejudice to the criminal liability of the natural persons working with a legal person/entity. Regarding protection of victims, articles 5 and 6 of the Law stipulate the provision to the victims of human trafficking of legal assistance, physical and psychological health services and shelter. The Ministry of Social Development has established a shelter for victims in cooperation with relevant judicial authorities.

(b) National committee

Article 8 of the Law stipulates the formation of the National Committee to Combat Trafficking in Persons, comprising representatives of the Ministries of Interior, Justice, Foreign Affairs and Social Development, the Information and Labour Market Regulatory Authority, as well as representatives of three non-governmental organizations (NGOs). The Committee's responsibilities are to develop programmes on preventing and combating trafficking in persons and protecting victims; to encourage and support research, mass-media campaigns and other initiatives to combat trafficking; to coordinate with state agencies, prepare reports, and follow up on the implementation of anti-trafficking conventions and protocols; and to submit reports on such implementation to the Ministry of Foreign Affairs. In April 2010, the Committee released its first annual report, focusing on activities of capacity-building, awareness-raising and international cooperation. The report also included information about victims and perpetrators of trafficking over the period 2008-2011, during which seven people – five women and two men, nationals of Middle Eastern countries as well as of Thailand – were convicted of trafficking in persons. During the same period, national authorities identified six victims of trafficking: three adult women (nationals of Thailand) and three girls (nationals of Iraq), who had all been trafficked for sexual exploitation.¹⁵⁴

(c) International cooperation

International cooperation is not mentioned in Law No. 1 of 2008.

¹⁵⁴ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

2. Egypt

(a) *The legal framework*

Law No. 64 of 2010 (Law Regarding Combating Human Trafficking) consists of 30 articles in six chapters. Chapter one (articles 1-3) defines human trafficking; chapter two (articles 4-15) defines crimes and penalties; chapter three (articles 16-17) defines the scope of application of the Law in terms of the place; chapter four (articles 18-20) concerns international judicial cooperation related to human trafficking; chapter five (articles 21-27) addresses the protection of victims; and chapter six (articles 28-30) sets forth concluding provisions.

The definition of trafficking in the Egyptian law regulating combating human trafficking follows the Trafficking in Persons (TIP) Protocol definition and the United Nations Office on Drugs and Crime (UNODC) Model Law. However, the Egyptian law additionally includes forced begging in the definition of human trafficking crimes. Regarding the penalties for committing human trafficking crimes, the law stipulates aggravated imprisonment and a fine ranging between 50,000 and 200,000 Egypt pounds (approximately US\$7,000 and US\$28,000), or a fine equal to the value of the benefit gained, whichever is greater. Moreover, the Law stipulates life imprisonment and a fine of 100,000-500,000 Egypt pounds (US\$14,000-US\$70,000) in the following cases:

(a) If the perpetrator established, organized, or managed an organized criminal group for the purposes of human trafficking, if he was a leader thereof, if he was one of its members or belonged thereto, or if the crime was of a transnational nature;

(b) If the act was committed by way of threats of death, serious harm or physical or psychological torture; or if the act was committed by a person carrying a weapon;

(c) If the perpetrator was the spouse, one of the ascendants or descendants, or custodian or guardian of the victim, or was responsible for the supervision or care or had authority over the victim;

(d) If the perpetrator was a public official or was assigned to carry out public service, and committed the crime by exploiting the office or public service;

(e) If the crime resulted in the death of the victim or caused him to suffer a permanent disability or an incurable disease;

(f) If the victim was a child, was incapacitated or was a person with disabilities;

(g) If the crime was committed by an organized criminal group.

In addition, the Law stipulates the confiscation of funds, possessions, means of transport or tools derived from trafficking crimes.

Regarding protection of victims, the Law grants trafficking victims the right to physical, psychological and mental safety; the right to have their inviolability and identity protected; the right to be informed of relevant administrative, legal and judicial procedures and to have access to related information; the right to be heard and have their views considered at all stages of criminal proceedings; the right to legal assistance, especially legal counsel; and the right to protection, including protection from undue influence and concealment of identity.

(b) *National committee*

In July 2007, the Prime Minister issued a decree to form the National Coordinating Committee on Combating Human Trafficking within the Ministry of Foreign Affairs. The members of the Committee include representatives of all relevant government authorities. One of the responsibilities of the Committee

is to formulate a national action plan on combating human trafficking. The first national action plan covered the period from January 2011 to January 2013 and aimed at effective implementation of the Law on combating trafficking in human beings that was issued in April 2010. The action plan aimed to take necessary precautions to protect the community, to combat and prevent the crime of trafficking, to protect and assist victims, to ensure strict and appropriate punishment to the perpetrators of trafficking, and to promote and facilitate the building of partnerships and coordination at the national and international levels in order to achieve these objectives.¹⁵⁵

As in most of the national committee reports on trafficking in the region of the Economic and Social Commission for Western Asia (ESCWA), activities in combating trafficking are listed without an assessment of the impact of such activities on establishing systematic anti-trafficking procedures. In a report on her 2010 visit to Egypt, the United Nations Special Rapporteur on Trafficking in Persons, especially Women and Children, stressed that the assistance provided to trafficked victims, particularly shelter facilities, should be improved, and that service providers should be adequately trained to respond effectively to the needs of victims. In addition, the Special Rapporteur called on the government to strengthen partnerships with civil society, particularly in view of its experience and expertise in working on related issues (for example violence against women and children). The Special Rapporteur recommended that the Government of Egypt “develop a comprehensive, holistic and integrated national plan of action on combating human trafficking that clearly sets out strategic objectives, the responsibilities of all stakeholders, measurable indicators ... [and] monitoring and evaluation tools”.¹⁵⁶

Available data indicate that, in 2009-2010, 23 people were convicted for offences related to trafficking in persons, namely, 16 men and 7 women, all Egyptian nationals with the exception of one Saudi Arabian national. During the same period, 15 people were identified as victims of trafficking: four girls, one man and eleven boys. Forms of exploitation included eleven cases of sexual exploitation, four cases of slavery and one other case.

(c) *International cooperation*

The anti-trafficking Law in Egypt devotes a complete section to international judicial cooperation. Articles of this section focus on the cooperation of national authorities with respective foreign authorities to combat and prosecute crimes of human trafficking. Modes of cooperation include exchange of information, conducting investigations, judicial assistance and rogatory, and other forms of judicial and police cooperation.

3. *Iraq*

(a) *The legal framework*

Law No. 28 of 2010 (Law of Combating Human Trafficking) consists of 14 articles. Article 1 defines human trafficking; articles 2-3 establish the Central Committee of Combating Human Trafficking in the Ministry of Interior and identify its responsibilities; article 4 initiates subcommittees in every governorate; articles 5-10 stipulate the penalties of human trafficking crimes; article 11 sets forth the commitment of state authorities to assist victims of human trafficking, taking into account the special needs of children; and articles 12-14 include final provisions.

¹⁵⁵ National Coordinating Committee on Combating Human Trafficking, Arab Republic of Egypt (2013). Evaluation of implementation of the national plan to combat human trafficking (January 2011 - December 2012). Ministry of Foreign Affairs, Cairo.

¹⁵⁶ United Nations Human Rights Council (2010). *Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo: Preliminary note on the mission to Egypt*, 11-21 April. p. 3.

The definition of trafficking in the Law on combating human trafficking in Iraq follows the definition set forth in the TIP Protocol. However, the Law adds to the definition the exploitation of human beings in military or terrorist activities. Regarding the penalties of committing human trafficking crimes, the Law stipulates temporary imprisonment and a fine ranging between 5 and 10 million Iraq dinars (approximately US\$4,900 and US\$9,800) for crimes of trafficking as detailed in article 1 of the Law. A penalty of imprisonment up to 15 years and a fine of up to 10 million Iraq dinars (US\$9,800) is imposed in cases of trafficking using any form of coercion, including blackmail, threat, or confiscation of travel or official documents, cases in which fraudulent means were used to deceive or victimize, or cases in which money or privileges were given or received in exchange for authority or guardianship over the victim. A fine of not less than 15 million Iraq dinars (US\$14,700) and life imprisonment are stipulated if the victim of human trafficking is under 18 years of age, female or disabled; if the trafficking crime was carried out by an organized criminal group, or was international in nature, or used kidnapping and or torture; if the perpetrator is an immediate or second relative, or a guardian or spouse of the victim; if the trafficking resulted in terminal illness or permanent disability to the victim; if it affected multiple persons or occurred multiple times; or if the trafficking was associated with the exploitation of influence or of a victim's weakness or need by a government employee, or by a person commissioned to public service. Crimes of establishing or managing a website to engage in trafficking, or engaging or facilitating a human trafficking contract using the Internet, are punishable by a fine of a minimum of 10 million Iraq dinars and a maximum of 20 million dinars (approximately US\$9,800 and US\$19,600), and/or by a minimum three-year prison sentence. In cases in which trafficking leads to death of the victim, capital punishment is stipulated.¹⁵⁷

Regarding the protection of victims, the Law stipulates the provision of physical and psychological health services; language interpretation services for non-Iraqi victims; legal assistance; the securing of contacts between victims and their relatives as well as their consulates and NGOs in order to receive assistance; providing the necessary protection for victims and witnesses; maintaining the confidentiality of information of the victims and respecting privacy. In addition, the Law stipulates providing financial assistance for victims, and providing temporary shelter for them appropriate to their gender and age. The Law also stipulates providing non-Iraqi victims with temporary visas, residence permits, and legal documents when necessary.

(b) *National committee*

In Iraq, the Inter-ministerial Central Committee to Combat Trafficking in Persons, which was founded according to article 2 of the Law No. 28 of 2012, is part of the Ministry of Interior. Its duties include developing plans and programmes to combat trafficking in persons; making recommendations to combat trafficking, and following up on their implementation; preparing reports; cooperating with concerned authorities to assist victims and to exchange information with neighbouring countries and relevant international organizations; proposing measures to assist and protect victims and to protect witnesses; implementing awareness campaigns and education in collaboration with NGOs, academic institutions, and religious and research centres; issuing an annual report providing information on cases of human trafficking; and working towards Iraq's accession to international conventions on trafficking. While the Central Committee has convened seven times since its establishment, a concrete plan has not been released, and no reports have been issued on its activities.¹⁵⁸ This may be attributed, in part, to the fact that the Committee was formed soon after the trafficking law was passed in 2012. Data are unavailable about perpetrators or victims of trafficking in Iraq.

¹⁵⁷ The United Nations adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty. It is a side agreement to the International Covenant on Civil and Political Rights. It was created on 15 December 1989, and entered into force on 11 July 1991.

¹⁵⁸ Iraq, Ministry of Interior, "The Seventh Meeting of the Central Committee of Combating Human Trafficking" (2013), available from <http://www.moi.gov.iq/>.

(c) *International cooperation*

International cooperation is mentioned in the Law as part of the mandate of the Inter-ministerial Central Committee to Combat Trafficking in Persons, as outlined in article 3 of the Law. The duties of the Committee, as stated above, include exchange of information and experience with neighbouring countries and relevant international organizations, as well as working towards the accession of Iraq to international conventions on combating human trafficking.

4. *Jordan*

(a) *The legal framework*

Law No. 9 of 2009 (Combating Human Trafficking) consists of 17 articles. Articles 1-3 include general provisions and definitions, incorporating the definition of human trafficking crimes; articles 4-7 stipulate the foundation of the Anti-Human Trafficking National Committee, chaired by the Minister of Justice, and sets forth the mandate of the Committee and stipulates the foundation of shelters for the victims of human trafficking; articles 8-15 stipulate the penalties of human trafficking crimes; and articles 16-17 include final provisions.

The definition of trafficking in the Jordanian law of combating human trafficking follows the definition of the TIP Protocol and the UNODC Model Law. Regarding the penalties of committing human trafficking crimes, the Law stipulates imprisonment for at least six months and/or a fine ranging between 1,000 to 5,000 Jordan dinars (approximately US\$1,400 to US\$7,000) for crimes of human trafficking. The Law stipulates up to ten years imprisonment and a fine ranging between 5,000 and 20,000 Jordan dinars (US\$7,000 and US\$28,000) in cases in which the victim is aged under 18 years, a woman, or a person with disabilities; in which the perpetrator is involved with an organized criminal group, or is the spouse, ascendant, descendent, custodian or guardian of the victim, or a public official exploiting his/her office; in which the crime was committed for the purposes of prostitution, sexual abuse or organ removal; in which the crime was committed with the threat or use of a weapon; in which the crime caused the victim to suffer an incurable disease; or in which the act was transnational in character. The Law penalizes persons who conceal or dispose of any funds obtained from a crime of trafficking with up to one year's imprisonment and/or a fine ranging from 200 to 1,000 Jordan dinars (US\$280 to US\$1,400) for each legal person/entity involved, without prejudice to the criminal liability of the natural persons involved.

While the protection of victims is not stated clearly in the Law, it is mentioned as part of the responsibilities of the Anti-Human Trafficking National Committee. According to article 5, one of the responsibilities of the Committee is to cooperate with relevant governmental organizations and NGOs to facilitate the return of victims to their countries or any country of their choice that agrees to receive them. Regarding provision of shelter to the victims, article 7 states that, based on the recommendation of the Anti-Human Trafficking National Committee, the government must prepare one or more shelters for the victims of human trafficking and must determine the basis for admission to and release from the facility and a programme of physical, psychological and social recovery.

(b) *National committee*

In Jordan, the Anti-Human Trafficking National Committee, which was founded according to article 4 of Law No. 9 of 2009, is constituted of representatives of various ministries, official and national NGOs working in the field, and is chaired by the Minister of Justice. The duties of the Committee, as outlined in article 5 of the Law, include the following: defining a general policy for the prevention of trafficking, formulating a plan for implementing this policy and monitoring its implementation; reviewing legislation on combating trafficking; formulating recommendations; and coordinating among official and non-official entities combating trafficking. The duties also include ensuring the return of victims to their home countries or other countries; issuing a national guide with educational materials; and raising awareness on issues

related to trafficking among employers and worker recruiters via seminars, training and other educational means. Focus is also placed on cooperating with official and non-official entities to implement necessary programmes for the physical, psychological and social recovery of victims; and supervising the shelter of victims in appropriate places of accommodation.¹⁵⁹

The Committee formulated the National Strategy to Combat Trafficking in Persons for the Years 2010-2012. This Strategy is based on four pillars, namely: prevention, protection, prosecution and partnership (including building local, regional and international partnerships and cooperation and enhancing transparency). The strategic goals set forth include creating comprehensive policies to combat trafficking; raising awareness; providing specialized training to those working in trafficking related entities; identifying, protecting and supporting victims; enhancing the rule of law to guarantee implementation of anti-trafficking law; creating a specialized executive body for combating trafficking in persons; enhancing transparency, participation and local, regional and international cooperation; and establishing monitoring mechanisms.¹⁶⁰ Specific proposed programmes include assessing the status of the TIP Protocol in Jordan; proposing new legislation and amending existing legislation to harmonize with the TIP Protocol; adopting best practices and preventive practices; creating awareness programmes, enhancing the role of civil society organizations and NGOs in combating trafficking; integrating trafficking in persons law and relevant legislation into the curricula of law faculties, institutes and training programmes; creating training programmes; identifying victims and providing training for those who work with victims; establishing shelters; facilitating the process of reporting cases; and providing documents to victims. No data is available to measure the impact of the national plan on the institutionalization of combating trafficking in persons in Jordan. However, authorities reported 17 cases of trafficking and related offences (domestic servitude and selling of children) between 2008 and 2009.¹⁶¹ According to the Anti-Trafficking Unit within the Ministry of Interior, the national police dealt with a range of trafficking issues in 2009 mainly focused on sexual exploitation, domestic servitude and cases related to the sale of human organs.¹⁶² Data on the protection of victims are not available.

(c) *International cooperation*

International cooperation is not mentioned in Law No. 9 of 2009.

5. Kuwait

(a) *The legal framework*

Law No. 91 of 2013 (Regarding the Trafficking of Persons and Smuggling of Migrants) was passed in March 2013 and represents the most recent anti-trafficking law in the ESCWA region. The Law consists of 14 articles, namely: article 1 that delivers general provisions and definitions, including the definition of human trafficking crimes; articles 2-11 that stipulate the penalties for human trafficking and smuggling of migrants; article 12 that stipulates the protection of victims; and articles 13-14 that include final provisions.

The definition of trafficking in the Law follows the definition put forward in the TIP Protocol and the UNODC Model Law of human trafficking crimes. However, the Law in Kuwait is not solely devoted to combating human trafficking, but also to combating the smuggling of migrants. Regarding the penalties of committing human trafficking crimes, the Law stipulates imprisonment for 15 years for the crime of trafficking, with provision for life imprisonment in the context of the following aggravating circumstances:

¹⁵⁹ See Law No. 9 of 2009 (Combating Human Trafficking) in Jordan.

¹⁶⁰ Jordan, National Strategy to Combat Trafficking in Persons for the Years 2010-2012, available from http://www.ahtnc.org.jo/sites/default/files/trafficking_in_persons.pdf.

¹⁶¹ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

¹⁶² Ibid.

a perpetrator who is involved in an organized criminal group, or who is the spouse, an ascendant or descent or guardian of the victim, or a public official; an act of trafficking that is transnational in character; a crime committed by more than one person, or a person carrying a weapon; a crime that causes the victim to suffer serious injury or disability; or a victim who is a child, woman or a person with disabilities. Capital punishment is specified in cases where the crime leads to the death of the victim. The Law also stipulates the confiscation of funds, possessions, means of transport or tools derived from any of the crimes used in the human trafficking crimes, without prejudice to the rights of bona fide third parties.

As for the protection of victims, article 12 of the Law stipulates that the public prosecutor or a competent court shall refer victims of trafficking to medical and social care centres to receive care and treatment, or to shelters where they can be housed until they are able to return to their countries or to their countries of prior residence.

(b) *National committee*

The Law does not stipulate the foundation of a national committee or any similar body to combat anti-trafficking.

(c) *International cooperation*

International cooperation is not mentioned in Law No. 91.

6. *Lebanon*

(a) *The legal framework*

Law No. 164 of 2011 (Punishment of Crimes of Trafficking in Persons) consists of six articles. The articles are directly embedded in the Lebanese Penal Code and stipulate adding, removing and amending articles of the Lebanese Penal Code. The first part of the Law specifies definitions of crimes of trafficking and of victims. The second part stipulates the penalties, while the last part stipulates protection measures related to the crime of trafficking in persons.

In defining human trafficking crimes, the Law follows the TIP Protocol definition and the UNODC Model Law. The Law defines exploitation as committing an act punishable by law, prostitution or exploitation of the prostitution of others, sexual exploitation, the recruitment of children in armed conflict, forced involvement in terrorist acts, and removal of human organs or tissues. Regarding the penalties for committing human trafficking crimes, the Law stipulates imprisonment for five years and a fine of 100-200 times the official minimum wage in Lebanon (approximately US\$45,000-US\$90,000) for crimes of trafficking.¹⁶³ In cases in which deception or violence was used, or in which a perpetrator exerted influence over the victim or a member of his family, penalties increase to seven years imprisonment and a fine 150 to 300 times the official minimum wage. If the perpetrator was a public employee or was assigned to carry out a public service, or was an ascendant, descendant, or guardian of the victim, the prison term increases to ten years, and fines increase to 200-400 times the official minimum wage. If the victim was a pregnant woman, disabled or below the age of 18 years, or if the crime resulted in serious injury or death of the victim, or exposed the victim to an incurable disease, the law stipulates a penalty of ten to twelve years of imprisonment and fine ranging from 200-400 times the official minimum wage. If the trafficking was committed by two or more persons, or affected two or more victims, or was committed inside Lebanon or in other countries, the Law stipulates 15 years of imprisonment and fines ranging from 300-600 times the official minimum wage in Lebanon (approximately US\$135,000-US\$270,000).

¹⁶³ The minimum monthly wage in Lebanon is approximately US\$450.

As for the protection of victims, the Lebanese law authorizes the Minister of Justice to hold agreements with specialized institutions or associations to provide assistance and protection to victims. The Law stipulates the confiscation of funds related to human trafficking crimes, specifying that these funds be deposited in a special account at the Ministry of Social Affairs to be used in assisting the victims of human trafficking.

(b) *National committee*

Despite the adoption of the Anti-Trafficking Law No. 164 in August 2011, a national committee, plan, or a strategy has not yet been formulated. Data about trafficking crimes in Lebanon are unavailable. However, between 2008 and 2010, 144 possible victims were helped by the Bait Al Aman shelter, tasked by the government to protect female victims.¹⁶⁴ All of victims were working in the domestic service sector. Given that Law No. 164 on human trafficking was only introduced in 2011, the victims were not officially recorded as victims of human trafficking, but were likely to have been victims.¹⁶⁵

(c) *International cooperation*

International cooperation is not mentioned in Law No. 164.

7. *Libya*

While Libya is party to the TIP Protocol, no steps have been taken yet to propose or pass a national anti-trafficking law. Libya still relies on existing provisions in national penal codes to prosecute cases of human trafficking. The criminal code prohibits prostitution, sexual exploitation, slavery and trafficking in women.

8. *Morocco*

Similarly, while Morocco is party to the TIP Protocol, no steps have been taken yet to address trafficking in persons, except for a public debate on the need for a trafficking law. Morocco still relies on existing provisions in national penal codes to prosecute cases of human trafficking. In Morocco, forced child labour is prohibited by article 467 of the Penal Code, and articles 497-499 prohibit prostitution. The Moroccan criminal law of 2003 focuses on child labour, prostitution and the trafficking and exploitation of children.

9. *Oman*

(a) *The legal framework*

Royal Decree No. 126 of 2008 (Decree Promulgating the Law Combating Trafficking in Persons) consists of 23 articles. Articles 1-4 include the definition of human trafficking crimes and related terms; article 5 stipulates the measures and procedures to assist victims, including legal assistance, health care, protection and shelter; article 6 stipulates the rights of the public prosecution authority to take all necessary precautionary measures related to human trafficking crimes; articles 7-21 stipulate the penalties for human trafficking crimes; and articles 22 and 23 stipulate the foundation of the National Committee for Combating Human Trafficking (NCCHT) and set forth its mandate.

¹⁶⁴ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

¹⁶⁵ Ibid.

The definition of trafficking in the Omani Law regarding the trafficking of persons and smuggling of migrants follows the definition TIP protocol and the UNODC Model Law of human trafficking crimes. Regarding the penalties of committing human trafficking crimes, the Law stipulates imprisonment for a minimum term of three years and a maximum of seven years for cases of trafficking, with a fine ranging from 5,000 to 100,000 Oman rials (approximately US\$13,000 to US\$260,000). The Law stipulates imprisonment for a minimum of 7 years and a maximum of 15 years, and a fine ranging between 10,000 and 100,000 Oman rials for human trafficking crimes involving a victim who is a minor or a person with special needs, or who has suffered insanity, HIV/AIDS or other irreparable psychological or physical disease or injury as a result of being trafficked; a perpetrator who carried a weapon, was a member of an organized criminal group, a public sector employee, or the spouse, parent, grandparent, child, grandchild, guardian of the victim, or a person with authority over the victim; or cases in which the crime was transnational in character. The Law specifies that anyone found guilty of participating in forming, organizing, administering or soliciting members for an organized criminal gang aimed at carrying out human trafficking will be subject to these same penalties, and that an attempt to commit a human trafficking crime is punishable to the same extent as the actual commission of the crime.

The Law outlines the following measures and procedures to assist the victims during investigation or trial of a crime of human trafficking: victims must have their legal rights explained to them in a language they understand; they must have the chance to explain fully their own status (legal, physical, psychological and social); they must be referred to an appropriate shelter or accommodation, to a medical or psychological rehabilitation centre, or to a welfare house or a housing centre, as necessary; they must be guaranteed protection in a guarded, secured shelter when necessary; and they must be granted permission to stay in the country on a case-by-case basis if the court finds cause. In addition, the Law exempts the victims of human trafficking crimes from paying the fees of any civil suits they file in which they claim compensation for damages resulting from abuse related to a human trafficking crime.

(b) *National committee*

The NCCHT was established according to article 22 of Royal Decree No. 126 of 2008. The functions and responsibilities of the Committee, as specified in article 23 of the Decree, include the following: setting up an action plan to combat trafficking in persons; coordinating with Omani authorities, international agencies and organizations to set up rules and procedures for combating trafficking; coordinating with national and international organizations to establish a database of international legislation, studies and information regarding the techniques of traffickers and trafficking; setting up care and rehabilitation programmes for victims; carrying out studies, research programmes and media campaigns; proposing rules, procedures and coordination strategies to support border restrictions and control of transportation means; organizing training programmes for enforcers of anti-trafficking legislation; preparing reports on judicial statistics, actions taken regarding victims, results of the application of the anti-trafficking law, and recommendations (to be submitted to the Council of Ministers); proposing any necessary amendments to this or other relevant laws; and carrying out any other trafficking-related work assigned to the Committee by the Council of Ministers.

The National Plan for Combating Human Trafficking, which was released in September 2009, aims to establish a national system to coordinate national efforts of local and international organizations, establish appropriate mechanisms for collection and analysis of trafficking data, and improve control of concerned authorities over instances of trafficking.¹⁶⁶ However, an evaluation of the National Plan has not yet been undertaken. The reports issued by the Committee include lists of activities by different governmental and non-governmental institutions without, however, providing a comprehensive evaluation of such activities or assessing their role in a comprehensive approach to combating trafficking. The record shows that 36 people (30 men and 6 women) were suspected of trafficking in persons in Oman in 2009. Of the cases prosecuted,

¹⁶⁶ National Committee for Combating Human Trafficking, “National Plan for Combating Human Trafficking” (NCCHT, Muscat, 2009).

eight involved trafficking by use of exploitation, six involved sexual exploitation, one case involved domestic servitude and sexual exploitation, and one case was not specified. Eighteen people were convicted of trafficking in persons in 2009: 14 men, 1 woman and 3 of undisclosed gender. In 2008, 15 Omani citizens and 21 expatriates were suspected of trafficking in persons.¹⁶⁷

(c) *International cooperation*

International cooperation in Oman is mentioned as part of the mandate of the NCCHT, as outlined in article 23 of the Law. The duties of the Committee include coordination with concerned authorities in Oman, as well as with international agencies and organizations in order to set up rules and procedures for the purposes of combating transnational crimes of trafficking in persons, and of establishing a database of international legislations related to trafficking in persons, studies, and information about techniques of traffickers and of trafficking.

10. *Palestine*

Palestine did not become a party to the TIP Protocol owing to its non-state status. Palestine does not have a specific anti-trafficking law, and does not explicitly criminalize human trafficking in its penal code. In the absence of a national anti-trafficking law, the organization Sawa: All the Women Together Today and Tomorrow, which was established in 1998 by a group of female volunteers active in women's issues, provides support services and community awareness-raising activities. Sawa runs the Women's Support Hotline, which assists Palestinian women victims of sexual, physical and psychological violence. In 2008, Sawa conducted a study on the trafficking and forced prostitution of Palestinian women and girls as a first step towards the identification of the problem in Palestine, and published a briefing paper.¹⁶⁸

11. *Qatar*

(a) *The legal framework*

Law No. 15 of 2011 (Regarding Combating Human Trafficking) consists of 28 articles organized in five sections. Section one (article 1) consists of general definitions; section two (articles 2-4) includes the definition of the human trafficking crime; section three (articles 5-10) includes articles relating to the protection of victims, including legal assistance and shelter; section four (articles 11-12) consists of articles relating to international judicial cooperation; and section five (articles 13-28) includes penalties of human trafficking and final provisions.

The definition of trafficking in the Qatari law regulating combating human trafficking follows the definition put forward in the TIP Protocol and the UNODC Model Law. However, the Law in Qatar adds forced begging, exploitation of children for sexual purposes and pornography to the definition of human trafficking crimes. Regarding the penalties of committing human trafficking crimes, the Law stipulates imprisonment for a period not exceeding seven years and a fine not exceeding 250,000 Qatar rials (approximately US\$67,500) for the crime of human trafficking. The penalty increases to imprisonment for a maximum of 15 years and a fine not exceeding 300,000 Qatar rials (US\$81,000) for the crime of human trafficking in crimes with the following aggravating circumstances: cases in which the victim is a female, a child, an incapable person or a person with disabilities; cases in which the perpetrator is a spouse, one of the ascendants or descendants, a custodian or guardian of the victim, a person with authority over the victim, or a public employee; cases in which the crime is committed by an organized criminal group or is transnational in nature; cases in which the crime involves threat of death, serious harm or physical or

¹⁶⁷ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

¹⁶⁸ Sawa, "Trafficking and forced prostitution of Palestinian women and girls: Forms of modern day slavery – A briefing paper" (Sawa, Jerusalem and Ramallah, 2008).

psychological torture, or is carried out by an armed person; cases in which the crime results in the death of the victim or causes him to suffer a permanent disability or an incurable disease. The Law also stipulates a lesser sentence of imprisonment for not more than three years and a fine not exceeding 200,000 Qatar rials (approximately US\$54,000) for the attempt to commit any human trafficking offence.

The Law devotes six articles to the protection of victims (articles 5-10), granting the following rights to the victims of human trafficking: maintenance of personal dignity and identity, the opportunity to state their position and be recognized, the right to advice regarding their legal and administrative rights, the right to remain in Qatar until the conclusion of the investigation and trial; the right to legal aid, including legal counsel; the right to appropriate compensation for damages suffered; and the right to protection in a guarded, secure shelter.

The Law stipulates the provision of accommodation appropriate for allowing victims to receive their relatives, attorneys and representatives of competent authorities. The Law further stipulates that any information obtained in connection with crimes of trafficking will be kept confidential.

(b) *National committee*

The Qatar Foundation for Combating Human Trafficking (QFCHT) was established under Decree No. 1 of 2008 of the Chairman of the Supreme Council for Family Affairs.¹⁶⁹ Despite the fact that QFCHT is an NGO, it is in charge of all issues related to human trafficking at the national level. QFCHT was founded to consolidate social awareness of the crime of human trafficking, propose policies, create national plans of action, activate special legislation on combating human trafficking, create databases, coordinate with governmental and non-governmental institutions in Qatar and abroad, develop training and awareness programmes, and cooperate and coordinate with international organizations and associations active in addressing non-national organized crimes.¹⁷⁰

QFCHT has developed a five-year plan covering the period 2010-2015, based on the five pillars adopted by the General Assembly in 2010 to combat human trafficking, namely: prevention, protection, prosecution, cooperation/networking and capacity-building. The activities included in the plan include awareness-raising campaigns, field studies, establishing of databases, proposal of laws and legal instruments related to human trafficking, and training.¹⁷¹ As in the case of similar committees in the ESCWA region, a comprehensive evaluation of the work of the Committee and five-year plan has not been carried out; as a result, its role in institutionalizing combating human trafficking cannot be assessed or directly linked to the reported number of persons prosecuted for offences related to trafficking in persons. However, the data show that, in the period 2007-2011, there were 121 people prosecuted for offences related to trafficking in persons: 104 men and 17 women. Given that the specific offense of trafficking in persons was adopted in 2011, the number of prosecutions and convictions recorded during the reporting period refers to cases prosecuted under other related offences.¹⁷² Data on types of trafficking are unavailable.

(c) *International cooperation*

Law No. 15 of 2011 devotes a complete section to international judicial cooperation. Articles 11-12 of this section focus on the cooperation of national authorities with respective foreign authorities in order to combat and prosecute crimes of human trafficking. Modes of cooperation include exchanging information,

¹⁶⁹ See Foundation for Combating Human Trafficking, available from http://www.qfcht.org/about_us_en.aspx.

¹⁷⁰ See Qatar Foundation for Combating Human Trafficking, available from http://www.qfcht.org/mission-objectives_eng.aspx.

¹⁷¹ Qatar Foundation for Combating Human Trafficking, "The General Framework of the Draft National Plan 2010-2015: State of Qatar" (QFCHT, Doha, n.d.).

¹⁷² UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

conducting investigations, providing judicial assistance and rogatory, and other forms of judicial and police cooperation.

12. Saudi Arabia

(a) *The legal framework*

Royal Decree No. M/40 of 2009 (Law for Combating Crimes of Trafficking in Persons) consists of 17 articles: articles 1-2 include general provisions and the definition of human trafficking and other related terms; articles 3-14 stipulate the penalties of human trafficking crimes; article 15 consists of the procedures and measures to assist victims, including legal assistance, health care, shelter and protection; article 16 stipulates the authority of the general prosecution to inspect victims' places of accommodation; and article 17 includes the effective implementation date of this system.

The definition of trafficking under the Law follows the definition of the TIP Protocol and the UNODC Model Law. However, the Law in Saudi Arabia also includes forced begging and conducting medical experiments in the definition of human trafficking crimes. As penalty for committing human trafficking crimes, the Law stipulates imprisonment up to 15 years and/or a fine up to 1 million Saudi Riyals (approximately US\$270,000) for any person committing the crime of trafficking in persons. Penalties are increased in the following cases: if the crime is committed by an organized criminal group, or by more than one person, or is transnational, or results in great harm or permanent deformity to the victim; if the crime is committed by a perpetrator who uses or threatens to use a weapon, who is a spouse, ascendant, descendant or guardian of the victim, or an employer in law enforcement; or if the victim is a woman, a person of special needs, or a child (whether or not the perpetrator is aware that the victim is a child). The court may at all times confiscate private funds, luggage and tools used for, or prepared for use for, committing a crime of trafficking in persons, or gained after the crime is committed. The attempt to carry out any of the crimes mentioned in the Law is punishable as a full crime.

The Law stipulates a set of procedures to protect the victims of human trafficking during investigation or trial that includes informing them of their legal rights in a language they understand; providing the opportunity to victims to explain their situation as a victim of trafficking, and state their legal, physical, psychological and social positions; providing the opportunity to be seen by a specialized physician for physical or psychological care; admitting the victims to medical, psychological or social rehabilitation centres or shelters if necessary; providing security protection if necessary; and providing for the possibility to stay in the country during investigation procedures (with the prosecution or competent court to assess the matter).

(b) *National committee*

The National Committee to Combat Trafficking Crimes was established in 2009 by Royal Decree No. 244 of 2009. Members of the Committee represent the following agencies: Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Social Affairs, Ministry of Labour, Ministry of Culture and Information, and the Human Rights Commission.¹⁷³ The Committee is responsible for following up on the status of victims of trafficking and ensuring that they are protected from re-victimization; preparing a national plan to combat trafficking in persons; training personnel on how to identify victims and combat crimes of trafficking; cooperating with concerned authorities; and making arrangements (including employment) for victims who need to stay in the country. In addition, the Committee is mandated to prepare research studies, information and media campaigns, and social and economic initiatives to prevent trafficking, as well as to coordinate with state agencies regarding information and statistics on crimes of trafficking in persons.¹⁷⁴ Relevant data on the work of the Committee or on human trafficking crimes and victims are unavailable.

¹⁷³ See Royal Decree No. M/40 of 2009 (Law for Combating Crimes of Trafficking in Persons) in Saudi Arabia.

¹⁷⁴ See Bureau of Experts at the Council of Ministers in Saudi Arabia, "System for combating crimes of trafficking in persons" (in Arabic), available from <http://www.boe.gov.sa/printsystem.aspx?lang=ar&systemid=275>.

(c) *International cooperation*

International cooperation is not mentioned in Royal Decree No. M/40 of 2009.

13. *The Sudan*

While the Sudan is not party to the TIP Protocol, it relies on existing provisions in national penal codes to prosecute cases of human trafficking. The Sudanese criminal act of 1991 punishes the operation of a place of prostitution with up to five years imprisonment and flogging (article 155). Moreover, article 163 punishes forced labour with up to one year imprisonment or a fine or both.

14. *The Syrian Arab Republic*

(a) *The legal framework*

Legislative Decree No. 3 of 2010 (Decree on the Crimes of Trafficking in Persons) consists of 22 articles organized in six sections. Section one (article 1) defines human trafficking; section two (articles 2-3) describes objectives and general principles; section three (articles 4-13) describes criminalization and penalties; section four (articles 14-16) is devoted to care of victims and the protection of witnesses; section five (articles 17-18) is devoted to international cooperation; and section six (articles 19-22) includes final provisions.

In defining human trafficking crimes, the Law follows the TIP Protocol definition and the UNODC Model Law. In addition, the Law in the Syrian Arab Republic expands the definition to include child pornography and illegal acts and purposes in consideration for material or moral gain or a promise thereof, or offer of privileges, or attempt to achieve any of these or others. Regarding the penalties of committing human trafficking crimes, the Law stipulates imprisonment for not less than seven years and a fine ranging between 1 and 3 million Syrian pounds (very approximately US\$15,000 and US\$45,000) for any person who commits the crime of trafficking in persons as defined in article 4, or who creates, organizes or administers a criminal group committing human trafficking crimes, or who participates in, or asks to join, such a group. The Decree calls for higher penalties if the trafficking is against women, children or persons with special needs.

Regarding the protection of victims, Legislative Decree No. 3 of 2010 makes the following provisions for victims: women will be present during investigations with female victims; victims will be housed in appropriate shelters rather than in facilities that are inappropriate for victims of crimes; victims will have access to medical care (both physical and psychological) and material support; names, locations and other information related to victims or their families will be kept confidential; and victims are assured the right to have information on their legal status provided in a language they understand. Furthermore, protection of those who report a trafficking crime is ensured by the competent authorities, as is protection of witnesses and family members of the victims. The Decree authorizes the Minister of Social Affairs and Labour to establish shelters for the victims of human trafficking and to make available funds for establishing and running such shelters through the Ministry's budget.

(b) *National committee*

The Department of Anti-Trafficking in Persons was created in the Ministry of Interior by article 17 of Legislative Decree No. 3 of 2010. Article 18 of the Decree states the objectives of this Department as follows: to propose public policy and executive programmes for approval by the Ministry of Interior; to prepare a baseline database of information and statistical data related to human trafficking and make this information available to stakeholders; to exchange information on trafficking with other countries, international organizations and relevant authorities; to develop and follow up on specialized training programmes for those involved in combating trafficking; to take appropriate measures to ensure oversight

within national territories and at border crossing points; to cooperate with organizations and official bodies to create widespread public awareness of the dangers of human trafficking; to take appropriate measures to alert relevant authorities of the arrival of suspected or potential traffickers; to coordinate international cooperation on issues of trafficking with relevant organizations and counterpart agencies in other countries, in accordance with the international agreements to which the Syrian Arab Republic is party. In February 2012, the Ministry of Interior, in cooperation with the International Organization for Migration (IOM), conducted a workshop on the National Plan to Combat Trafficking in Persons in the Syrian Arab Republic to discuss capacity-building projects related to the identification and protection of victims, and to assess trafficking in persons in the Syrian Arab Republic. The plan itself has not been released yet.

Owing to the current violence and instability in the Syrian Arab Republic, it is difficult to assess the work of the Department. However, the available data for 2010 indicate that the authorities prosecuted 21 cases for offences related to trafficking in persons. A total of 51 suspects were involved in these cases, as follows: 12 suspects were involved in trafficking in organs and human parts, 11 suspects were involved in trafficking for prostitution, nine suspects were involved in baby selling and illegal adoption, two suspects were involved in trafficking for begging, and 17 suspects were involved in other forms of trafficking.¹⁷⁵

(c) *International cooperation*

Legislative Decree No. 3 of 2010 on the crimes of trafficking in persons devotes a complete section to international cooperation. Articles in this section stipulate the foundation of a new department, namely, Department of Anti Trafficking in Persons, within the structure of the Ministry of Interior. Among the mandates of the new department is the exchange of information related to human trafficking with other countries, international organizations and relevant authorities.

15. *Tunisia*

While Tunisia is party to the TIP Protocol, it has not taken any further steps in terms of passing a trafficking law, with the exception of holding a public debate to discuss the need for such legislation. Tunisia still relies on existing provisions in national penal codes to prosecute cases of human trafficking. Article 232 of the Tunisian penal code prohibits procuring the prostitution of others irrelevant of the consent or age of that person, including aiding, protecting or assisting in the prostitution of others.

16. *United Arab Emirates*

(a) *The legal framework*

Federal Law No. 51 of 2006 (Combating Human Trafficking Crimes) is considered to be the first law relating to human trafficking in the ESCWA region. The Law consists of 16 articles, namely: article 1 that defines human trafficking, organized criminal gang and transnational crimes; articles 2-11 that describe the penalties of committing human trafficking crimes; articles 12 and 13 that stipulate the foundation of the NCCHT and state its responsibilities; and articles 14-16 that contain general and final provisions. The Law does not include any article about the protection of victims.

In defining human trafficking crimes, the Law follows the TIP Protocol definition and the UNODC Model Law. Regarding the penalties of committing human trafficking crimes, the Law stipulates imprisonment for not less than five years for crimes of human trafficking, with life imprisonment in cases in which the victims are women, children or persons with disability. Life imprisonment is also stipulated for certain other cases (see article 2 of the Law).

Given that the protection dimension is missing, the Law is limited to criminalization.

¹⁷⁵ UNODC, “Country Profiles: Africa and the Middle East” (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

(b) *National committee*

The NCCHT was established in April 2007 as a coordinating body for anti-human trafficking efforts. Headed by the Minister of State for Foreign Affairs and Federal National Council Affairs, the Committee includes representatives from the Federal Ministries of the Interior, Foreign Affairs, Labour, Health and Social Affairs, as well as from the State Security Authority and the United Arab Emirates Red Crescent Society. The Committee has responsibility for developing a framework within which to implement the anti-trafficking law; studying and updating legislation regulating trafficking matters in order to ensure compliance with international requirements regarding protection; preparing reports on state measures combating trafficking; studying reports on trafficking and taking relevant measures; coordinating between different state authorities (ministries, departments, corporations and establishments) in order to facilitate control of human trafficking and monitor actions taken in this regard; raising awareness of human trafficking by organizing conferences in international conferences and forums involving control of human trafficking; communicating the country's point of view through these international forums, seminars, publications and workshops; participating, along with related parties in the United Arab Emirates, in international conferences and forums involving control of human trafficking; and conducting any duties commissioned to the Committee in this regard.¹⁷⁶

Through the Committee, the United Arab Emirates pursues a four-pillar action plan of legislation, enforcement, victim support and bilateral agreements/international cooperation. Since its foundation, NCCHT has issued six annual reports, highlighting its activities and achievements. The latest was the 2012/2013 annual report.¹⁷⁷ The reports are factual rather than analytical, and no effort has been made at the national level to assess the overall impact of the committee's activities on the institutionalization of combating human trafficking in the country.

During the period 2008-2011, 448 persons were accused in the United Arab Emirates of trafficking in persons. The number of accused persons increased from 43 in 2008 to 169 in 2010, and then decreased to 111 in 2011. The number of human trafficking-related court cases increased from 10 cases in 2007 to 58 cases in 2010, and then decreased to 37 cases in 2011 (figures III and IV).¹⁷⁸ Data on trafficking crimes by type of trafficking are unavailable. While it is not possible to arrive at direct correlations, the increase in the number of persons accused of trafficking and the number of trafficking related court cases during 2008-2010, together with the decrease of both accused perpetrators and court cases in 2011, may stand as a positive indicator of the increasing effectiveness of government policies aimed at combating trafficking in the United Arab Emirates.

(c) *International cooperation*

International cooperation is not mentioned in Federal Law No. 51 of 2006.

17. *Yemen*

(a) *The legal framework*

Yemen is not party to the TIP Protocol and relies on existing provisions in national penal codes to prosecute cases of human trafficking. Article 248 of the Yemeni Penal Code provides for a ten-year imprisonment for anyone who "buys, sells, or gives as a present, or deals in human beings, and/or anyone

¹⁷⁶ United Arab Emirates, National Committee to Combat Human Trafficking, available from www.nccht.gov.ae.

¹⁷⁷ National Committee to Combat Human Trafficking, *Combating Human Trafficking in the UAE: Annual Report 2011-2012* (2012).

¹⁷⁸ UNODC, "Country Profiles: Africa and the Middle East" (2013), available from http://www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Africa_Middle_East.pdf.

who brings into the country or exports from it a human being with the intent of taking advantage of him”.¹⁷⁹ Moreover, article 163 of the Child Rights Law criminalizes the prostitution of children by a maximum of a ten-year imprisonment term.¹⁸⁰

(b) *National committee*

Despite the fact that Yemen is not a party to the TIP Protocol, NGOs in the field of anti-human trafficking are active. The Yemen Organization for Combat of Human Trafficking (YOCHT) was established in 2009 as an NGO. One of the main goals of YOCHT is to advocate the adoption of an anti-trafficking law in Yemen; and it maintains an active programme aimed at combating human trafficking and assisting victims. The activities of YOCHT include providing legal assistance; running a call centre for victims; providing health, psychological and social services to victims in cooperation with other governmental organizations and NGOs; and engaging in awareness-raising activities.¹⁸¹

¹⁷⁹ See Penal Code of Yemen, which is available from [www.mohamoon.com/montada/Default.aspx?action=Arabic Law&ID=436](http://www.mohamoon.com/montada/Default.aspx?action=ArabicLaw&ID=436).

¹⁸⁰ See Law No. 45 of 2002 (Children’s Rights) in Yemen.

¹⁸¹ YOCHT, “Objectives of the Organization” (2013), available from <http://yocht.org/>.

This publication examines the trafficking of persons within and among the countries of the Arab region, focusing on the primary victims of trafficking, namely women and children.

It concentrates on the following three areas: (a) congruence of national laws with applicable international instruments in the Arab region; (b) national efforts undertaken by governments and civil society institutions to protect the victims of trafficking, including the provision of legal assistance and of medical, psychological and social rehabilitation services; (c) national efforts aimed at preventing human trafficking through capacity-building activities, advocacy and awareness campaigns and the dissemination of data. It concludes with policy recommendations to combat this phenomenon at the national and regional levels.



ESCWA

United Nations House, Riad El Solh Square
P.O. Box: 11-8575, Beirut, LEBANON
Tel.: +961 1 981301; Fax: +961 1 981510
www.escwa.un.org

Copyright © ESCWA 2013

Printed at ESCWA, Beirut

E/ESCWA/ECW/2013/2
United Nations Publication

13-0227 – December 2013

