



Trafficking in Human Beings in Lebanon

A Stock-Taking Report

Trafficking in Human Beings in Lebanon - A Stock-Taking Report

International Centre for Migration Policy Development
2013

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FOREWORD

This assessment looks at the situation of trafficking in human beings in Lebanon through an analysis of existing legal and institutional responses. An attempt has been made to identify the current state of play of the main forms of trafficking present in Lebanon, as well as the challenges related to the identification and referral of trafficked persons. Based on these analyses the document outlines the ambiguity and complexity which surrounds the issue of trafficking in human beings as a crime: a crime that is often hidden and intertwined with other migration related matters. With regard to the Lebanese context, policies and actions against human trafficking cannot be dealt with separately from policies and actions related to the status of migrant domestic workers and migrants working under the 'artist's visa'. As this report argues a comprehensive anti-trafficking response needs to be part and parcel of a wide-ranging response mechanism which will ensure coordination between the actions taken by the authorities involved in anti-trafficking activities and those responsible for tackling broader migration issues.

The assessment is part of the project 'Training to Enhance Lebanese Anti-trafficking Effort (TELAE): Identification, Referral and Policy Responses', implemented by the International Centre for Migration Policy Development (ICMPD) and financially supported by the United States Department of State, Office to Monitor and Combat Trafficking in Persons. The document was regularly updated during the entirety of the project and its findings served as a basis for the development of capacity building activities and two strategic documents: the Draft Standard Operating Procedures for Identification and Referral of Trafficked Persons in Lebanon and the Draft National Anti-trafficking Action Plan.

The assessment shows that human trafficking has been recognised as a pressing problem by the national authorities in Lebanon and important steps have been taken to strengthen anti-trafficking efforts. The introduction of the Anti-Trafficking Law Number 164 created a legal basis for the anti-trafficking response in Lebanon. Even though Lebanon still lacks specialised anti-trafficking institutional structures, it has to be noted that the relevant institutions have proven their commitment and determination to improve the situation and actively participate in the reform process and in specialised capacity building activities.

Despite the progress achieved so far, this report also identifies shortcomings in the anti-trafficking response in Lebanon. It spells out the actions that need to be undertaken in the near future - especially in relation to the implementation of the existing anti-trafficking law. Additionally it highlights developments needed in order to prevent trafficking in human beings and to ensure a human rights and a victim-centred approach in other related legal instruments (such as the Labour Code, provisions regulating the work of foreigners and administrative directives). Furthermore, the establishment of coordination structures, the formal endorsement of standard operating procedures and the adoption of a national strategy on anti-trafficking and a national action plan have been identified as key to ensuring a comprehensive national anti-trafficking response.

This assessment should be considered as a tool for those involved in improving the anti-trafficking situation in Lebanon so as to better identify key elements to be included in the design of an effective anti-trafficking response. We hope that the information provided in the assessment will be translated into targeted interventions and concrete actions with the intent to fight trafficking in human beings in Lebanon.

Lukas Gehrke
Director, ICMPD



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Finally, ICMPD would like to thank the United States Department of State, Office to Monitor and Combat Trafficking in Persons for financially supporting this assessment and the overall project 'Training to Enhance Lebanese Anti-trafficking Effort (TELAE): Identification, Referral and Policy Responses'.

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ACRONYMS AND ABBREVIATIONS

ALEF	Lebanese Association for Education and Training
CLMC	Caritas Lebanon Migrant Centre
CSO	Civil Society Organisation
DGSG	Directorate General of the Security General
EU	European Union
GSO	General Security Officials
HCC	Higher Council of Childhood
HRW	Human Rights Watch
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IO	International Organisations
IOM	International Organization for Migration
ISF	Internal Security Forces
MDW	Migrant Domestic Worker
MOSA	Ministry of Social Affairs
MOU	Memorandum of Understanding
NAP	National Action Plan
NGO	Non-Governmental Organisations
NSC	National Steering Committee
SDC	Social Development Centre
SG	Security General
SOP	Standard Operating Procedure
TELAE	Training to Enhance the Lebanese Anti-Trafficking Efforts
TIP	Trafficking in Persons
THB	Trafficking in Human Beings

OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations
UNIFEM	United Nations Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office for Drugs and Crime
UNRWA	United Nations Relief and Works Agency
US	United States
UPEL	Union for Protecting Childhood in Lebanon
VoT	Victim of Trafficking

EXECUTIVE SUMMARY

The aim of this report is to present an overview of current anti-trafficking initiatives in Lebanon and outline the roles and responsibilities of governmental, non-governmental and other anti-trafficking actors. Recommendations based on the findings were elaborated to address the pressing issues in the anti-trafficking response.

Lebanon holds a strategic location in the Mediterranean region, and its position contributes to making it simultaneously a country of origin, transit and destination for human trafficking. The main issue pertaining to Lebanon as a country of origin is internal trafficking, predominantly with Lebanese children whom are subjected to forced labour in street begging, sexual exploitation through child prostitution and early marriages. As a country of transit, women are exploited in the sex industry and they “regularly rotate between Lebanon and other countries in the eastern Mediterranean region”¹. Lebanon is a country of destination for forced labour (migrants coming from Sri Lanka, the Philippines, Ethiopia, Kenya, Bangladesh, Nepal and Madagascar) and for sexual exploitation (victims come mainly from the Eastern European countries, Morocco, Syria and Tunisia).

The assessment presents data and analysis of migrant domestic workers (MDWs), women exploited in the sex industry and child trafficking. The Directorate General of the Security General (DGSG) has provided data on complaints received by MDWs for the period from 2008 to 2012. Since 2008 there is an increase of total number of victims of abuse which relates to elements of labour exploitation and not to THB per se.

Data regarding trafficking for sexual exploitation was obtained from the Moral Protection Department at the Internal Security Forces (ISF). The numbers of identified victims of trafficking for sexual exploitation has increased significantly since 2011, particularly the number of identified Syrian victims. Caritas Lebanon Migrant Centre reported total of 442 victims of forced labour, domestic servitude and sexual exploitation accommodated and assisted in its safe house. The majority of the victims were victims of domestic servitude. In 2010 there was a peak in the number of victims, with almost all of these being female (only one male was identified). Little research or data collection has been conducted regarding child trafficking. Only ISF provided data on identified child victims of trafficking, which shows that only 13 victims are identified since 2009.

¹ UN Special Rapporteur report, Sigma Huda (2005) on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, p.14

In addition, this assessment looks at the current legal and institutional framework. It provides analysis of the anti-trafficking legislation as well as the national legal framework for vulnerable groups. Namely, in August 2005, Lebanon ratified the Palermo Protocol, supplementing the United Nations Convention against Transnational Organized Crime. In line with the commitments and obligations under the Palermo Protocol, there have been amendments made to the Penal Code and to the Criminal Procedure Law. These legal changes, known as Law Number 164 Punishment for the Crime of Trafficking in Persons², prohibit and punish all forms of trafficking and create a basis for the anti-trafficking legal response in Lebanon. Despite this progress, Law 164 should be amended to introduce new mechanisms for the protection of victims and victim witnesses.

Regarding the national legal framework for vulnerable groups the assessment looks into the existing regulations on foreign workers in Lebanon. The Lebanese Labour Code excludes the migrant domestic workers and does not apply to women working in the regulated sex industry, although they conclude employment contracts and they are granted visas. As a result, they are vulnerable to abuse and they are not protected or recognized under the legal and regulatory framework; thus they do not receive the protection provided to other workers and at times no protection at all.

Governmental institutions, non-governmental and international organisations have been playing an active role in the fight against trafficking in human beings (THB) through a various number of programmes and initiatives. An institutional mapping was conducted in order to identify the key players involved in the different areas of the fight against trafficking, including responsibilities and roles undertaken by each institution/organisation.

In the last part of the assessment, an overview of the situation with prevention, protection and prosecution is presented and information on the informal and ad-hoc based processes of identification and referral of trafficked persons has been provided.

The findings show that prevention has been addressed through several measures. Awareness-raising activities have been conducted with aim to bring attention to a broad array of issues related to trafficking. Civil society organisations and national institutions have developed brochures and booklets on general awareness about THB, and the risks of exploitation. However, the information material targeting foreign workers was in most cases unavailable in their native language.

Following the introduction of the Law 164, the identification process has become more formalised by legally introducing the definitions of THB and victim of THB. Currently, the first points of notification of suspected victims of trafficking are the DGSG, ISF and the General Prosecutors' Office. So far, the number of identified victims of trafficking is very low. The main reason for this is a lack of knowledge and cooperation between the main actors involved in the process of identification due to weak interpretation and implementation of the law.

² Translation, U.S. Department of State Office of Language Services Translating Division, LS No.09-2011-0047, Law Number 164 Punishment for the Crime of Trafficking in Persons.

The challenges in the identification have an impact on the referral of trafficked persons both at a national and transnational level. In light of the different organisations working on the issue of human trafficking, there is no official coordination structure established to date, although there are efforts to set up a referral system for victims. Thus, cooperation between the institutions is conducted on an ad hoc basis.

Assistance is provided to different groups of victims, including safe houses and shelters, psychological, social and legal counselling, hotlines and complaint offices. The vulnerable groups of foreign women that are victims of sexual exploitation are very difficult to reach and assist. A slightly better level of assistance is available to MDWs, mainly through the Caritas Lebanon Migrant Centre.

In 2011 to 2012 there were no prosecutions or convictions of sex trafficking or forced labour. Simply put, the reasons for this are the low identification rate of victims and failure to provide assistance to trafficked persons. Victims were encouraged to bring their cases to the attention of public prosecutors; however, until now no victim was offered residency status - instead they were deported to their home countries without assessing the risks they might face upon return.

The Public Prosecutors Office and the Ministry of Justice do not collect data on prosecutions in this matter and therefore, there are no official statistics available to show the number of prosecutions and convictions of trafficking in human beings.

In order to further improve the anti-trafficking response in Lebanon, the following suggestions outline the most important action oriented recommendations to be considered when shaping the future anti-trafficking effort:

At policy level:

- Adopt the draft National Anti-trafficking Strategy and NAP to structure the anti-trafficking response;
- Provide funding to support the NAP and anti-trafficking related measures;
- Formally endorse the draft Standard Operating Procedures for Identification and Referral of Trafficked Persons in Lebanon to ensure that victims are promptly identified and referred to assistance and supportive services;
- Establish a National Referral Mechanism (NRM) as a co-operative framework through which state actors fulfil their obligations to protect trafficked persons;
- Formally introduce the amendments of the Standard Employment Contract to prevent the vulnerability of migrant domestic workers;
- Consider revising the kafala system and introduce amendments to the Labour Law extending legal protections to migrant domestic workers and bylaws to better implement the new legislation;
- Create a unified information management system for the collection of data on human trafficking. The system will allow sharing between law enforcement agencies, the judiciary and civil society;

- Law Number 164 focuses on prosecution of criminal acts related to human trafficking. Provisions for protection and support for victims of trafficking are needed to enhance the law's effectiveness;
- Strengthen transnational cooperation on referral of trafficked persons between Lebanon and countries of origin to enable effective return of trafficked persons;
- Improve international law enforcement cooperation between Lebanon and other countries to more vigorously prosecute traffickers. This should be achieved by establishing MoUs and bilateral agreements on: exchange of information, extradition of offenders and victim evidence collection;

At operational level:

- Ensure full implementation of Anti-Trafficking Law Number 164. Design and conduct trainings to empower relevant actors and enable them to implement the legislation;
- Establish a specialised anti-trafficking unit comprising officials from relevant law enforcement agencies;
- Provide support for research to identify all forms of trafficking and to assess the extent of the problem in the country.
- Enhance victim identification by developing identification criteria to support the implementation of Law Number 164;
- Apply a child-sensitive approach to cater for child victims of trafficking. Special protection and assistance measures are needed, irrespective of their legal status both as victims and as children, in accordance with their unique rights and needs;
- Provide further assistance to children living and working on the streets such as the establishment of outreach support mechanisms;
- Capacity building and training on the new anti-trafficking legislation for judges and magistrates is critical. Moreover, there is a need to build the capacity of judges in techniques on how to treat victims of trafficking/ witnesses with respect and dignity;
- Establish training programs for governmental and non-governmental actors in victim identification according to standard operating procedures;

About The Report

The aim of the Assessment was to present an overview of current anti-trafficking initiatives in Lebanon and review the roles and responsibilities of governmental, non-governmental and other anti-trafficking actors.

It was implemented by the International Centre for Migration Policy Development (ICMPD) within the framework of the project 'Training to Enhance Lebanese Anti-trafficking Effort (TELAE): Identification, Referral and Policy Responses' and financially supported by the United States Department of State, Office to Monitor and Combat Trafficking in Persons.

This assessment builds on a report published in 2008 by the Lebanese Ministry of Justice produced in cooperation with UNODC and UNICEF. The 2008 project identified factors contributing to trafficking in human beings both at the operational and policy making level. Provided here is an update on the situation of human trafficking in Lebanon and a focus on the latest improvements in the fight against human trafficking.

An attempt has been made to provide a practical tool for national actors. Based on desk research and interviews, it identifies the shortcomings in the current anti-trafficking response and provides the national actors with action-oriented recommendations for the future.

The assessment process started with the commencement of the TELAE Project in October 2010. The preliminary findings of the assessment were used as a basis to plan and develop the project activities. The assessment was regularly updated with information gained through project activities and in accordance with current developments in the Lebanese anti-trafficking response.

The assessment is comprised of the following sections:

Introduction

- General description of the TELAE project.
- Brief introduction of the Gaps and Needs Assessment including the methodology of its preparation

Part One: Overview of the Situation of THB in Lebanon

- Analysis of the trafficking situation in Lebanon and the obstacles encountered.
- Information on the main forms of trafficking in Lebanon.
- Data on trafficking in human beings in recent years.

Part Two: Current Legal and Institutional Response

- Overview of anti-trafficking legislation and related legislation for vulnerable groups that is strictly connected to the trafficking phenomenon in Lebanon.
- Analysis of the institutional framework in Lebanon and description of the roles and responsibilities of state and non-state actors involved in the anti-trafficking response in Lebanon.

Part Three: A Closer Look at the 3 Ps (Prevention, Protection, and Prosecution)

- Information on past and current prevention activities.
- Mapping of informal and ad-hoc based processes of identification and referral of trafficked persons in Lebanon.
- Summary of shortcomings in terms of protection, prosecution and convictions in human trafficking cases.

Conclusions and Action-Oriented Recommendations

- Practical recommendations on further action for policy makers and national actors at an operational level.

TELAE PROJECT

The overall objective of the TELAE Project is to enhance the capacity of Lebanese anti-trafficking actors to develop and implement a comprehensive anti-trafficking response. The TELAE project started its implementation on the 1st of October, 2010 and was finalised on 31st March 2013. The activities implemented in the course of this 30-month project were divided into two phases.

Phase I

The first phase was implemented in the period of October 2010 to September 2011 and the goal of this phase was to enhance the capacity of the National Steering Committee (NSC) to develop and implement a comprehensive anti-trafficking response that promotes multi-agency co-operation and effective responses among criminal justice, labour immigration, and social service agencies to combat trafficking and effectively identify, assist and refer trafficked persons. This was done through:

- Conducting an action-oriented assessment on the Lebanese anti-trafficking programmes and policies;
- The development of a training curricula on victim identification and referral;
- Training of key national anti-trafficking actors in multi-agency training sessions;
- The development of recommendations.

Phase II

The second phase of the project was implemented in the period of October 2011 to March 2013. It aimed to enhance the capacity of Lebanese anti-trafficking actors to develop and implement a comprehensive anti-trafficking response. Strategic documents were developed with the expected outcome of strengthening coordination and cooperation between state and non-state actors. This was done through:

- The development of Standard Operating Procedures (SOPs) for Identification and Referral of Trafficked Persons in Lebanon;
- Producing a tailor made training curriculum and Training of Trainers workshop on the implementation of the SOPs;
- The development of a draft National Action Plan (NAP) for combating THB;
- Publication of the final Gaps and Needs Assessment.

Methodology

The Assessment is action-oriented and based on the findings gathered through desk research, meetings and questionnaires disseminated to governmental institutions, non-governmental organisations (NGOs), and International Organisations (IOs) active in the Lebanese anti-trafficking response. Furthermore, additional information was included within the report collected during the activities of the project during the national workshops conducted for the development of the SOPs and the draft NAP.

The desk research reviewed and analysed existing information and compiled a chronological overview of Lebanon's efforts to fight THB. The summary encompasses reports on THB in Lebanon, newspaper articles and recent global reports.

Mapping of relevant legislation and institutions was undertaken to identify the key informants of the assessment. Multiple meetings with the major institutions and organisations working in the field of anti-trafficking were then conducted with the goal of gaining insight into their roles and responsibilities in the anti-trafficking response.

A questionnaire³ was developed with the purpose of assessing the current anti-trafficking situation – both the legal and the institutional framework. A decision on to disseminate the questionnaire to was based on information gained from meetings and the desk research. In total, seventeen representatives of governmental institutions, NGOs, and IOs active in the Lebanese anti-trafficking response participated. The questionnaire was divided into four main areas:

- Supporting framework;
- Prevention;
- Support and protection of victims and victim-witnesses;
- Investigation and prosecution of trafficking, considering Lebanon both as a country of destination and origin.

The questionnaire was sent out to the following governmental institutions: the Directorate General of the Security General (DGSG), Internal Security Forces (ISF), the Ministry of Labour, the Ministry of Justice, the Ministry of Social Affairs and the Beirut Bar Association. The questionnaire was also sent to the following NGOs and IOs: KAFA (enough violence and exploitation), World Vision, Heartland Alliance, Caritas Lebanon Migrant Centre, Terre Des Hommes (Tdh), Lebanese Association for Education and Training (ALEF), International Organization of Migration (IOM), Human Rights Watch (HRW) and the International Labour Organization (ILO).

Responses from governmental institutions were received from the DGSG, ISF, Ministry of Labour, and the Ministry of Social Affairs. The answers from the Ministry of Justice and the Beirut Bar Association are so far still outstanding. Questionnaire responses from NGOs and IOs were received from KAFA (enough violence and exploitation), World Vision, Heartland Alliance, Caritas Lebanon Migrant Centre, Terre Des Hommes, ALEF, IOM, and ILO.

Some information was compiled through interviews using the questions included in the questionnaire. Follow up interviews were also conducted with some organisations to clarify responses.

³ See Questionnaire in Annex 1.

PART ONE:

Overview of the Situation of THB in Lebanon

Background

Lebanon holds a strategic location in the Mediterranean region, and its position contributes to making it simultaneously a country of origin, transit and destination for human trafficking.

The main issue pertaining to Lebanon as a country of origin is internal trafficking, predominantly with Lebanese children whom are subjected to forced labour in street begging, sexual exploitation through child prostitution and early marriages. Although no official statistics exist, organ trafficking is also suspected as being an issue of concern in Lebanon.

As a country of transit, women exploited in the sex industry “regularly rotate between Lebanon and other countries in the eastern Mediterranean region”⁴ since an artist visa is valid for only six months and can be renewed only after the woman has spent at least 12 months outside the country.

Lebanon has also become a country of destination for trafficking for forced labour and sexual exploitation. The main countries of origin for labour exploitation are Sri Lanka, the Philippines, Ethiopia, Kenya, Bangladesh, Nepal and Madagascar, whereas the victims of sexual exploitation come mainly from the Eastern European countries, Morocco, Syria and Tunisia.

Over the last few years, **Lebanon has made significant progress in legal and policy reform**. THB has received greater attention and the national actors have invested considerable effort in combating the phenomenon.

The legal reform process was initiated in 2005 with **the ratification of the Palermo Protocol**⁵. In 2011, the Parliament adopted amendments made to the Penal Code (PC) and the Criminal Procedure Law (CPL) known as Law Number 164 Punishment for the Crime of Trafficking in Persons (hereafter referred as Law 164). This law prohibits and punishes all forms of trafficking and creates a basis for the anti-trafficking legal response in Lebanon. Additionally, an important step forward was taken with the introduction of Law 164, since for the first time a definition of the crime of THB was established.

Before the introduction of the Law 164, government institutions, NGOs and IOs **used different definitions for recording the crime of THB**. As a result, there was great difficulty in identifying

⁴ UN Special Rapporteur report, Sigma Huda (2005) on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, p.14

⁵ The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

registering and referring victims to appropriate services. Most victims were labelled as “potential” victims, not actual victims. Also, it was impossible to know the number of identified and prosecuted perpetrators for the crime of THB.

The Labor Code introduced in 1946, excludes migrant domestic workers (MDWs) and does not apply to women working in the regulated sex industry. Migrant workers are subject to the Code of Obligations and Contracts which provides them neither protection nor social security.⁶ Migrant workers are also excluded from the provisions of the Social Security Act. In 2009, the Government introduced a unified standard employment contract with purpose of regulating the work terms and conditions of the MDW and to ensure protection to both sides - the worker and the employer. Unfortunately, MDWs, migrants working under the artist visa and children remain subject to exploitative situations from which they have very few possibilities of escape. Furthermore, even if escape is achieved, they have little to no legal framework to rely upon in order to address their situation.

Despite this progress, the **victim-centered approach is missing within the Lebanese legal system.** Development of bylaws and related regulations will help further control this area and align the Lebanese anti-trafficking response with international standards. Also, Law 164 should be amended to introduce new mechanisms for the protection of victims and witnesses. In order to prevent trafficking, significant legal amendments should be made related to the status of MDWs and migrants working under the artist visa. The Labour Code should **provide legal protection for migrants who are particularly vulnerable to trafficking and exploitation.** In addition, the current provisions regulating the work of foreigners (including related administrative directives) should be revised in order to reduce the chances for exploitation and abuse.

On policy level, some progress has been achieved through the development of policy documents such as **draft SOPs** for identification and referral of trafficked persons, the first draft of a **National Anti-trafficking Strategy and NAP.** The draft SOPs is a document designed for the comprehensive assistance and support framework that integrates the process of identification and referral of trafficked persons in Lebanon and involves cooperation between different government institutions and non-governmental actors. The draft National Anti-trafficking Strategy and NAP identify the main elements of a comprehensive national anti-trafficking response on both the strategic and the operational level. This demonstrates the commitment of relevant governmental and non-governmental actors to enhance the anti-trafficking response.

There are ongoing efforts to **amend and improve the standard employment contract for domestic workers.** This should be recognised as a step forward to ensure prevention and protection of vulnerable groups to different forms of abuse including THB.

The introduction of Law 164 together with the increased number of referred victims for assistance, increased investigations into allegations of abuse and implemented awareness campaigns were the main reasons contributing to Lebanon’s placement at Tier 2 watch list⁷ ranking in the US 2012 “Trafficking in Persons” (TIP) report (compared to 2011 when Lebanon was placed on Tier 3).

There are several government institutions responsible for addressing the issue of THB, such as: DGSG, ISF, the Ministry of Labour, the Ministry of Justice, the Ministry of Social Affairs and the Beirut Bar Association.

In 2006, Ministry of Justice formed an **inter-ministerial National Steering Committee (NSC)**, charged with the responsibility of **drafting the anti-trafficking law**, and thus criminalising THB.

In 2009, the Ministry of Labour formed a **second National Steering Committee dealing with labour issues**. The main aim of the second NSC was the development of the unified standard employment contract.

In 2012, a **third Committee was formed with the objective of building an anti-trafficking strategy** to support the implementation of Law Number 164, led by the Beirut Bar Association.

The three committees operate on an informal basis and thus their mandate and activities are not regulated. The first two haven't met since the introduction of Law 164.

Notwithstanding the efforts made so far, there is a need to further develop and strengthen the existing institutional framework. **Absence of specialised anti-trafficking structures has been identified as an obstacle in identification, referral and treatment of victims**. This is particularly important in order to have a comprehensive national anti-trafficking response.

The situation would be improved if Government were to **foster coordination and cooperation among relevant institutions**. This requires establishment of a formal institutional framework, such as the National Referral Mechanism (NRM). The state actors need to define their respective roles and set a clear division of responsibilities. Furthermore, coordination needs to be strengthened between state-level actors and civil society organisations to reinforce a multi-disciplinary approach to prevention, protection and prosecution of trafficking related cases. This can be done through the implementation of the SOPs preceded with their formal endorsement by relevant institutions.

Several steps have been undertaken to improve the national prevention, assistance and protection system to the different groups of victims. NGOs and IOs working on anti-trafficking initiatives in Lebanon are engaged in fairly regular, although informal, coordination and review meetings. They play a major role in providing services to protect and assist potential victims of trafficking and exploitation. However, they have limited capacity in prevention, protection and prosecution. Therefore, it is crucial to have state-funded assistance for trafficked persons.

Following below is a summary of services available in six key areas: prevention, identification, referral, assistance, protection and prosecution.

⁷ US Department of State (2012). Trafficking in Persons Report, p. 219

Prevention has been addressed through several measures. Awareness-raising activities have been conducted with aim to bring attention to a broad array of issues related to trafficking; however, the target group was primarily potential victims of trafficking. Civil society organisations and national institutions have developed brochures and booklets on general awareness about THB, and the risks of exploitation. However, the information material targeting foreign workers was in most cases unavailable in their native language and these persons usually do not speak or read Arabic or English. The dissemination of these materials to the most vulnerable groups is not always possible. Difficulties are faced in reaching victims since they are isolated in private houses or hotels, with their movement controlled by their employer. Additionally, media campaigns targeting migrant workers and Iraqi refugees were conducted from 2007 to 2011 through TV, radio, billboards, and two short movies titled “Maid in Lebanon”.

Identification of trafficked persons in Lebanon has been challenging due to various reasons. Before the introduction of Law 164, criminalisation of trafficking in human beings was unrecognised in Lebanese legislation. In the absence of legislation, identification of victims was therefore virtually impossible. In some instances, authorities identified different types of exploitation or abuse but failed to identify the victims as victims of trafficking. After the introduction of Law 164, identification remains a challenge. The main reason for this is a lack of knowledge and cooperation between the main actors involved in the process of identification due to weak interpretation and implementation of the law.

The challenges in the identification have an impact on the **referral** of trafficked persons both at a national and transnational level. The referral is not formalised and the roles and responsibilities of the state and non-state actors are not well defined. Referral is often conducted on an ad-hoc basis. In 2011, only 8% of women accommodated in a safe house were referred by the DGSG and ISF.⁸ Often foreign victims are deported to their countries of origin. They are not identified and referred to protective services.

Assistance is provided to different groups of victims, including safe houses and shelters, psychological, social and legal counselling, hotlines and complaint offices. The vulnerable groups of foreign women that are victims of sexual exploitation are very difficult to reach and assist. A slightly better level of assistance is available to MDWs, mainly through the Caritas Lebanon Migrant Centre.

The NGOs now have an increased interest in the situation of migrant workers and in the sexual exploitation of women. As a result, the NGOs have developed comprehensive programs to support potential victims of trafficking, specifically targeting women and children. Shelters, social and psychological support, legal assistance and other services are currently available to victims of abuse and exploitation.

Unfortunately, involvement of NGOs is unavailable to migrants working under the artist visa due to the strict regulation of these women’s conditions and length of stay in Lebanon.

⁸ US Department of State (2012). Trafficking in Persons Report, pg. 221

The Ministry of Labour (MoL) has licensed around 150 recruitment agencies in Lebanon. Licensed employment agencies are expected to regularly contact migrant workers and sponsors, and to monitor employers' work satisfaction. To some extent, they are also responsible to assess the proper treatment of migrant workers. These agencies are expected to report all cases of exploitation and abuse to the MoL. In an attempt to improve protection, the Lebanese authorities have established complaint offices within the MoL where migrant workers can report abuse. Excluded from the 1946 labour code⁹, most migrant workers do not receive proper protection, and as such their legal status is often weak. As a result, most complaints are evaluated on the terms laid out in employment contracts. It has been reported that at times the migrant workers are subjected to physical abuse, and in some cases victims are deported before a criminal case proceeds¹⁰. Failure to respect prohibitions would mean that agencies would lose their licenses. Yet in practice, this has not been well enforced and most non-conforming agencies have not had their licenses suspended or repealed.

Limited legal aid is provided to some domestic workers through a programme provided by the Beirut Bar Association and through NGOs which assist in bringing their cases to civil courts. These cases are frequently associated with employers withholding wages, however few have been decided in favour of the domestic employees, and unfortunately no court cases have yet passed judgment recognising a situation of forced labour. The circumstances are very similar in criminal courts, with few cases surrounding restriction of freedom or sexual exploitation resulting in prosecution or conviction of perpetrators.¹¹ Moreover, contributing factors such as the perceived reaction of security forces, fear of employers or the cost of legal action act as obstacles to most workers denouncing their employers. As a result, many domestic workers find no choice but to endure their conditions or flee.

Protection to sexually exploited victims is weak. Some women recruited for prostitution under the 'artist' visa program are confined to hotels, sometimes mistreated, and are immediately deported on any complaint of mistreatment¹². As a response to the lack of state protection, alternative protection mechanisms have been developed for foreign workers. Many domestic workers resort to their embassies for consular protection. As reported by the UN Special Rapporteur, Sigma Huda, Sri Lanka, Ethiopia and the Philippines have established protection programmes documenting cases of abuse or exploitation and raising these as an issue to authorities, agencies or individual employers.

As documented in the report¹³, the Philippines and Ethiopia have in some instances managed to secure the payment of wages to migrant workers, however, obtaining a signed receipt of payment, which would hold employment agencies liable, has not been possible to date. Unfortunately, with the lack of bilateral or multilateral agreements between Lebanon and the countries of origin of migrant workers, monitoring of standardised employment contracts to decrease exploitation is difficult.

⁹ See <http://lb2.mofcom.gov.cn/aarticle/lawsofhostcountry/labourlawhost/200812/20081205940533.html> for more details on the Labour Code of 23 September 1946 – Lebanon.

¹⁰ UNODC and Ministry of Justice (2008). *Trafficking in Lebanon*, p.46.

¹¹ UN Special Rapporteur report, Sigma Huda (2005) on the Human Rights Aspects of the Victims of 12 *Trafficking in Persons, Especially Women and Children*, p.5.

¹² US Department of State (2012). *Trafficking in Persons Report*, p. 184

¹³ UN Special Rapporteur report, Sigma Huda (2005) on the Human Rights Aspects of the Victims of *Trafficking in Persons, Especially Women and Children*, p.12.

In 2011 to 2012 there were **no prosecutions** or convictions of sex trafficking or forced labour. Simply put, the reasons for this are the low identification rate of victims and failure to provide assistance to trafficked persons. Victims were encouraged to bring their cases to the attention of public prosecutors; however, until now no victim was offered residency status - instead they were deported to their home countries without assessing the risks they might face upon return. The Public Prosecutors Office and the Ministry of Justice do not collect data on prosecutions in this matter and therefore, there are no official statistics available to show the number of prosecutions and convictions of trafficking in human beings.

The Main Forms of Trafficking

In Lebanon, the majority of victims are foreign women and children subject to varied forms of exploitation.¹⁴

Every year, large numbers of migrant women are recruited from Asia and Africa. The purpose is to perform domestic work in private households. Many of these women are subjected to forced labour and abuse.

Additionally, thousands of women from Eastern European countries are recruited in the sex industry as artists. They frequently experience deception and a high level of exploitation.

Young children from various marginalized backgrounds are forced into street begging¹⁵ and many others are sexually exploited. There is suspicion that some might be victims of organ trafficking although there is not enough evidence to support such claims.

There are also cases involving commercial exploitation, many under the guise of fake marriages to the victims' supposed husband, boyfriend or male pimp. Allegedly, a number of Lebanese girls have been taken to Arab countries for sexual exploitation¹⁶. Moreover, some Syrian women may have been forced to engage in prostitution, and several Syrian girls have been reportedly brought to Lebanon under the veil of early marriage, where the actual purpose is prostitution¹⁷.

The proceeding section presents data and analysis of MDWs, women exploited in the sex industry (hereafter referred to as artist workers), child trafficking and finally other forms of exploitation.

¹⁴ As cited in UNODC & Ministry of Justice (2008) Trafficking in Lebanon, p. 45-52.

¹⁵ According to UN Special Rapporteur, Sigma Huda (2005) on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, having been moved out of a zone of protection into an area of vulnerability, these children would be considered internally trafficked children.

¹⁶ US Department of State (2012). Trafficking in Persons Report, p.219.

¹⁷ US Department of State (2012). Trafficking in Persons Report, p.219.

A) Migrant Domestic Workers (MDWs)

The **origin** of MDWs is diverse. The largest group comes from Sri Lanka, followed by the Philippines and Ethiopia, with others from Bangladesh, Nepal, Madagascar and other countries. Numbers obtained in 2009 estimate that of the 200,000 migrant domestic workers, circa 80,000-100,000 are Sri Lankans, followed by Filipinos and Ethiopians¹⁸.

The **key reason** for a MDW to come to Lebanon is economic since they are more likely to earn higher salaries to support their families than they would in their own countries or in other Middle Eastern countries¹⁹.

The process of **recruitment** of a MDW is mainly organised through employment agencies in Lebanon in coordination with the labour-sending countries. A worker requires formal 'sponsorship' in order to enter the country legally. This sponsorship can be acquired through an individual employer or through an employment agency. The process starts in Lebanon with employers paying a fee to an agency to bring in a worker. At the same time, the MDW signs an employment contract with an agency in his/her country which details the duration of employment, expected salary, and working conditions (e.g. number of working days, etc.). The worker is expected to pay a fee to the agency for being selected and in order to undergo the process of transportation and legal entry to Lebanon. This fee is high for most workers, with many needing to borrow money to cover it and thus incurring a debt.

Upon arrival to Lebanon, MDWs are required to sign a second contract; this contract is in Arabic and usually contains terms that are less advantageous than the one signed in the worker's home country. They are then required to stay at the airport until the sponsor arrives to pick him/her up, at which point the General Security force hands the MDW's passport to the sponsor. The MDW is then issued a three-month visa with the name of the sponsor/ employer on the visa.

The employer is also expected to provide the worker with insurance covering medical, disability, accident and repatriation costs arranged within the first three months of employment²⁰.

The placement varies depending to which category of MDWs they belong. There are three categories²¹ of MDWs classified according to their different living and working conditions: "live-in workers", "freelancers" and "runaways".

¹⁸ Nayla Moukarbel (2009), *Sri Lankan Housemaids in Lebanon: A case of 'Symbolic Violence' and 'Everyday Forms of Resistance*, p. 10

¹⁹ Kathleen Hamill (2011) *Trafficking of Migrant Domestic Workers in Lebanon: A Legal Analysis*, p.5

²⁰ US Department of State (2012). *Trafficking in Persons Report*, p.219.

²¹ Ibid.

Table 1: Categories of Migrant Domestic Workers in Lebanon

Live-in Workers	Freelancers	Runaways
<ul style="list-style-type: none"> • Live in their sponsors/ employers homes for an average of two to three years; • The employer is completely responsible for all financial costs (worker's paperwork, insurance, clothing, food, return ticket) • Employers assume a high level of control over the domestic worker • Employers usually limit and control their freedom of movement and withhold passports and other official documents. • The employer resumes control over renewal of insurances and work and residency papers annually. • Employers reserve the right to change domestic workers within the first three months of the contract, yet domestic workers cannot change employers unless the employer consents to the change in coordination with the Lebanese authorities. 	<ul style="list-style-type: none"> • Have less restricted living and working conditions; • Usually live on their own, renting a room alone or with other freelancers; • Work on an hourly basis, and can work for many employers; • Many have originally entered Lebanon on a live-in contract and have decided to remain in the country after completion of employment period; • Others have entered Lebanon to work as freelancers; In order to retain a legal status in Lebanon, a sponsor agrees to sponsor them in return for a fee, but not to be their employer. Many MDWs entering Lebanon this way have been taken advantage of, as there is no set fee charged to act as their sponsors ²². 	<ul style="list-style-type: none"> • Former live-ins that have decided to run away from their employers; • There are various reasons, such as withholding of payment or other types of abuse; • As soon as the employer notifies General Security, the worker is immediately considered illegal; • As a result, the runaway usually resorts to living with compatriots or seeks refuge at embassies or NGOs; • At this point, s/he is faced with the two options: to return back to home or to find a new sponsor ²³.

²² As cited in Jureidini's (2002) article, Women Migrant Domestic Workers in Lebanon, there have been a number of cases where this sponsorship money has been taken, but no papers arranged and the passport not returned. To our knowledge, none of these persons has been prosecuted. It is important to note that in most cases, the freelancer cannot prove that she had given money to get her status normalised as these "acting sponsors" rarely give receipts. In such cases, migrants are usually too scared to go to the police because of their illegal status and the risk of arrest and deportation. Moreover, they generally do not have access to legal representation.

²³ In the first option, the migrant must succeed in retrieving her passport from her employer (who sometimes "sells" it to her) or she must get a laissez-passer from her embassy to leave the country. In the second option, a release to work for someone else needs to be purchased (Jureidini, 2002).

- Freelancers are much less vulnerable to abuse and exploitation, as they can be considered “free-labour”, untied to the direct control of an employer. In contrast, live-ins and runaways (i.e. former live-ins) are more prone to experiencing bad working conditions and different forms of abuse by their employers.
- The most common complaints of abuse received from domestic workers are considered violations of their basic human rights. In many cases, employers have used several methods to gain complete control over their workers. As reported by Human Rights Watch, the most common complaints are related to withholding wages, excessive working hours, no days off, withholding or confiscating legal documents, food deprivation and other such bad living conditions, as well as verbal, physical and sexual abuse²⁴. Employers often refuse to pay workers their first few month’s salaries in an attempt to recover some of their initial investment (agency fees, airfare, etc.). Some of the most exploitative practices involve the restriction of freedom of movement. In such cases workers are not allowed to leave the house, not given the house keys and most of the time locked in the premises alone. Some are even denied permission to communicate with the outside world.
- As noted in the Special UN Rapporteur report, harsh physical and psychological violence is often used in an attempt to train the worker and ‘break his/her resistance’. Cases of sexual harassment and exploitation have also been reported²⁵.

²⁴ See Human Rights Watch Report, (2010) Without Protection: How the Lebanese Justice System fails Migrant Domestic Workers, for more details.

²⁵ See UN Special Rapporteur report, Sigma Huda (2005) on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, for more details.

The Directorate General of the Security General (DGSG) has provided data on complaints received by MDW for the period from 2008 to 2011. These complaints relate to elements of labour exploitation and not to THB per se.

Chart 1: Main Countries of Origin and Number of Complaints Received Per Year.

Country	2008	2009	2010	2011	2012	Trend
Bangladesh	3	7	7	21	13	
Botswana	0	0	0	1	0	
Cameroon	0	0	0	0	8	
Congo	1	0	1	0	0	
Ethiopia	18	5	14	16	39	
Ghana	0	0	0	0	2	
Ivory Coast	0	0	0	1	0	
Kenya	0	0	0	1	3	
Madagascar	2	2	11	16	8	
Nepal	2	5	13	10	11	
Nigeria	0	0	0	0	3	
Philippines	12	8	8	14	19	
Sri Lanka	5	2	4	4	0	
Togo	0	0	0	0	3	
Total Number	43	29	58	84	109	









Source: DGSG, 2013

Chart 2: Type of abuse and percentage of complaints per year.

Type of Abuse	2008	2009	2010	2011	2012	Trend
Overworked / Mistreatment	2	2	4	3	21	
Non payment of Wages	5	3	3	14	11	
Non payment of Wages & Mistreatment	5	1	7	7	14	
Non payment of Wages & Physical Abuse	8	5	11	27	14	
Non payment of Wages & Sexual Assault / Rape	0	0	11	8	8	
Mistreatment / Physical Abuse	17	10	10	15	24	
Sexual Assault / Rape & Physical Abuse	1	4	7	3	1	
Rape / Sexual Assault	2	4	5	7	11	
Pregnant / Abortion	0	2	0	0	1	
Sickness	2	0	0	0	0	
Hospitalized	0	0	0	0	0	
Bad working conditions	0	0	0	0	2	
Decieved about work conditions	0	0	0	0	3	
Total Number	43	31	58	84	110	

Source: DGSG, 2013

Chart 3: Type of abuse and percentage of complaints per year.

Type of Abuse	2008	2009	2010	2011	2012	Overall	Trend
Mistreatment	57%	42%	36%	30%	54%	44%	
Non payment of Wages	43%	29%	55%	67%	43%	50%	
Sexual Assault / Rape	2%	13%	31%	13%	8%	13%	
Physical Abuse	62%	61%	48%	54%	35%	48%	
Pregnant / Abortion	0%	6%	0%	0%	1%	1%	
Hospitalized	0%	0%	0%	0%	0%	0%	
Bad working conditions	0%	0%	0%	0%	2%	1%	
Deceived about work conditions	0%	0%	0%	0%	3%	1%	

Source: DSGG, 2013

From the data presented above, it cannot be concluded that all MDWs are victims of trafficking. This category of workers is vulnerable to trafficking because they are entirely dependent on the good will of the “sponsor”. Sometimes MDWs are misled about employment conditions at the time of recruitment and often they are subjected to labour exploitation including verbal or physical abuse, threats of deportation to their country of origin, withholding of passports or restrictions of movement.

B) Artist Workers

The government’s artiste visa program facilitates the entry of women from Eastern Europe, Morocco, and Tunisia on three month visas to work as dancers in Lebanon’s adult entertainment industry. Artiste visas are granted by the General Security for a period of up to six months, after which the artiste is expected to leave Lebanon for at least 12 months. Thus, women regularly rotate around countries in the Mediterranean and then they return for tourism or employment.

The **profile of such victims** is typically female, aged 19 to 28 years, originating from a poor or underprivileged background. Most are from Ukraine, Russia, Romania, Belarus and Moldova. In 2011, there were 6,024 women who entered Lebanon under this type of visa ²⁶.

²⁶ US Department of State (2012). Trafficking in Persons Report, p.219

Recruitment is performed by Lebanon's 130 licensed super nightclubs²⁷, resembling strip clubs, lining on the main street of Jounieh (an area 20 minutes north of Beirut). They are portrayed as a legitimate business regulated by the government because they are supervised by the General Security with strict rules and regulations. They are expected to perform dance routines, swing on poles, and if the customer pays they will be allowed to have conversations with the customer. No sexual contact is permitted within the club; however, this does not prevent contact outside the working hours of the club, regulated through 'dates' by the club owners. When they first arrive, the women pay for their plane ticket, while the nightclub owner, who acts as a "sponsor", covers the visa and medical costs (for mandatory pregnancy and sexually transmitted diseases tests that are taken periodically).

The **reason** artist workers come to Lebanon is to work as models, masseuses, dancers or barmaids. Many of the women have entered the country not knowing that they would be expected to have sexual relations with customers, as they sign contracts as "nightclub dancers" or "models" with the nightclub owners²⁸ and so some are also forced into prostitution. Prostitution per se is prohibited according to Lebanese legislation; however, it is well known that women, entering Lebanon on the artiste visa are often engaged in prostitution.

The **placement and living conditions** of these women are strictly controlled by the club owners. Their working hours at the club are between 8pm and 5am. The artist workers are expected to return to their hotel, where they are obliged to remain from 5am until 1pm²⁹, thereafter they have "free time" until 8pm. In most cases, it is during this free time that they are expected to meet up with their customers on dates as described above. Club owners keep tight restrictions on their movement during their 'free time', restrict their social contact, and often take their passports.

According to the US 2009 TIP Report, some of these women are exploited by being "... held in debt bondage, receiving little or no income."³⁰ until the employer has recovered the costs of their recruitment and transportation. The employers often force these women to pay exaggerated amounts for their accommodation, food, clothing, and other employment-related costs, leaving the women in extensive debts that they need to work for and repay through prostitution.

²⁷ The venues they work in are called Super night clubs in Lebanon

²⁸ Officers interviewed by ICMPD have reported that no more than 5% are unaware of the type of work that they are actually recruited to Lebanon for, with the remaining 95% being aware that they would be expected to have sexual relations with customers that come to the clubs they sign to work with.

²⁹ As stated in the "Female Workers in Some Sectors and Occupations – Rights and Responsibilities" booklet that is provided to them by the General Security upon entering the country. See Annex 4 for more details on their rights and responsibilities as stated in the booklet.

³⁰ US Department of State (2009). Trafficking in Persons Report.

Table 2: Total number and nationality of trafficking victims disaggregated per year (2009–2012)

Year	Number of Victims	Nationality
2009	1	Kazakh
	1	Moldovan
	3	Russian
	2	Ukrainian
2010	3	Moroccan
	5	Syrian
2011	1	Bedouin
	1	Bella Russian
	1	Dominican Republic
	2	Lebanese
	2	Moldovan
	3	No documents
	16	Syrian
	1	Tunisian
2012	5	Lebanese
	1	Palestinian
	19	Syrian
	2	Ukrainian
Total	69	

There is limited data available on the total number of trafficking victims. There have been several reported cases of potential victims of trafficking in persons and other related crimes, but generally there is a lack of official statistics available in Lebanon. ISF provided the following data on identification of victims of trafficking from 2009–2012, as shown in the tables below. Moreover, the cases identified by ISF were all cases of sexual exploitation or forced prostitution, some of which were minors.

Source: Moral Protection Department at ISF, 2013

Caritas Lebanon Migrant Centre provides shelter to trafficking victims. In the period between 2008 and 2012 they provided services to 442 victims, the majority of which were victims of domestic servitude. In 2010 there was a peak in the number of victims, with almost all of these being female (only one male was identified).

Table 3: Number of cases received at Caritas Lebanon Migrant Centre safe house

Year	2008	2009	2010	2011	2012	Total
Forced Labour	14	4	8	28	9	63
Domestic Servitude	64	50	75	20	20	229
Sexual Exploitation	10	26	34	39	21	130
Total	30	80	117	87	50	442

Source: Caritas Lebanon Migrant Centre, 2013

C) Child Trafficking

A child victim is considered any person under the age of 18 being a victim of abuse, violence and/or exploitation.

The three main identified areas of child exploitation are: child labour, forced prostitution and baby selling. The children are of different nationalities, also including Lebanese. Poverty, discrimination, poor education and domestic violence are factors which make children more vulnerable to exploitation.

Child labour is a common problem in most low-income families in Lebanon, especially in poor rural areas of the country. Most of these children are compelled to work in order to contribute to household expenses that their families are unable to fully cover. Consequently, most young boys find work in jobs such as auto mechanic and carpentry workshops. Lebanese children have also been reported to be exploited through labour, begging, cross border movement for dancing and sexual exploitation, early marriages or through facilitation of a third party (e.g. by a partner or male pimp). Many of the exploited children are not Lebanese, and these often enter the country alone or with their parents, finding themselves vulnerable to trafficking after crossing the border.

Child work on the streets is a common phenomenon in Lebanon. Exploitation of street children and other children from marginalized backgrounds are either run by organised groups or even their parents, who take the lion's share of the money they make every day.

Estimates have suggested there are between 3,000 to 8,000 children conducting activities such as begging, selling ornaments and handicrafts, selling flowers and polishing shoes on most of the streets in Lebanon ³¹.

Estimates have suggested there are between 3,000 to 8,000 children conducting activities such as begging, selling ornaments and handicrafts, selling flowers and polishing shoes on most of the streets in Lebanon ³¹. Street children experience varied living conditions, with some working on the streets and living at home with their family, while others live and work on the streets with no family at all. It has also been reported that a large number of street children are actually concentrated in urban centres whereby adults force them to work long hours and expose them high levels of physical and psychological harm. Children who are considered to be trafficked are often shipped from location to location, hand over most of their earnings to their controllers and many are forced into gangs to commit petty crimes.

In 2011, ISF began a project in cooperation with the Ministry of Social Affairs with the aim of dismantling networks which facilitate the trafficking of street children. Although the project implementation has not undertaken, ISF reported that they were able to breakup one network involved in the trafficking of children as street beggars.

³¹ World Vision (10/12/2010) "Street Children in Lebanon Dream Through a Camera Lens" <http://www.trust.org/alertnet/news/street-children-in-lebanon-dream-through-a-camera-lens/>

Unfortunately, provision of appropriate assistance to child victims is a challenge. The two institutions able to offer assistance to child victims are already full and unable to host more children. Also, these institutions are not capable of providing all the necessary rehabilitation services to child victims of trafficking.

Table 4: Total number of child victims of trafficking in Lebanon from 2009 to 2012

Nationality	Number of Victims
Syrian	6
Bedouin	1
Lebanese	5
Palestinian	1
Total	13

Little research or data collection has been conducted in this area. Only ISF provided data on identified child victims of trafficking, which is presented in Table 4.

The Dom community is a very much marginalised ethnic minority that also lives in other countries in the Middle East. They are generally isolated from major cities and are located in poor, marginalised areas. The research found that their children face the greatest risk as they have no access to basic services or proper living conditions. Among the major vulnerabilities faced by this community, children are exposed to violence and negligence, early marriages, dangerous and exploitative forms of work, as well as prostitution and trafficking³².

The issue of child trafficking in Lebanon requires immediate action. There is a need to gather more information on the different forms of trafficking, recruitment and exploitation schemas. There is necessity to develop tailor made programs for identification, assistance and referral of child victims. This should be complemented with a legislative reform to ensure better protection and care for child victims.

D) Syrian Victims of Trafficking

In the last two years, there has been an increased number of Syrian victims. According to ISF, the majority are women, but also children who are trafficked to Lebanon. They have been brought to Lebanon through early marriages and forced into prostitution.³³

³² Terre Des Hommes (July 2011). The Dom People and their Children in Lebanon.

³³ US Department of State (2011). Trafficking in Persons report, p.227

PART TWO: Current Legal & Institutional Response

Legal Framework

Review of the National Legislation Related to Trafficking in Human Beings

Law Number 164 Punishment for the Crime of Trafficking in Persons

In August 2005, Lebanon ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime – also referred to as the Palermo Protocol. In line with the commitments and obligations under the Palermo Protocol, there have been amendments made to the Penal Code and to the Criminal Procedure Law. These new legal changes, known as Law Number 164 Punishment for the Crime of Trafficking in Persons³⁴, were passed on 1st September, 2011.

Article One	<ul style="list-style-type: none">• Contains Chapter Three that is to be added to Chapter Eight of Book Two of the Penal Code.
Article 586.1	<ul style="list-style-type: none">• Gives a definition on trafficking in persons;• It defines the means, the ways, the purpose that constitute the crime of human trafficking;• Unlike other definitions of human trafficking, it does not include the types of exploitation and specific provision for minors. The same article foresees a separate definition where these two elements are present;• The two definitions of this article contain the elements of the Palermo Protocol definition of trafficking in persons, namely: the act, the means and the purpose. Therefore, these definitions align with that of the Palermo Protocol.• In addition, the definition of victim of trafficking adopts a broad concept of what should be considered as trafficking in human beings and therefore includes a detailed list of forms of exploitation;• The consent of the victims is irrelevant. In case of a minor the consent of the victim's forefathers, legal guardian, or any other person who exercises legal or actual authority over the victim is irrelevant.

³⁴ Translation, U.S. Department of State Office of Language Services Translating Division, LS No.09-2011-0047, Law Number 164 Punishment for the Crime of Trafficking in Persons.

Article 586.1	<ul style="list-style-type: none"> • Stipulates the level of penalties; • The minimum penalty is five years imprisonment and payment of a fine (from one hundred to two hundred times the official minimum wage); • The maximum penalty is fifteen years imprisonment and payment of a fine (from three hundred to six hundred times the official minimum wage); • The level of penalties depends on the role of the perpetrator (single person or an organised group) and the harm caused to the victim (his/her vulnerability and the age).
Article 586.2	<ul style="list-style-type: none"> • Stipulates the level of penalties;
Article 586.3	<ul style="list-style-type: none"> • The minimum penalty is five years imprisonment and payment of a fine (from one hundred to two hundred times the official minimum wage);
Article 586.4	<ul style="list-style-type: none"> • The maximum penalty is fifteen years imprisonment and payment of a fine (from three hundred to six hundred times the official minimum wage);
Article 586.5	<ul style="list-style-type: none"> • The level of penalties depends on the role of the perpetrator (single person or an organised group) and the harm caused to the victim (his/her vulnerability and the age).
Articles 586.6 and 586.7	<ul style="list-style-type: none"> • A penalty can be waived for a person, who may also benefit from the mitigating circumstances clause if s/he reports the crime
Article 586.8	<ul style="list-style-type: none"> • Regulates non-prosecution and non-application of penalties to the victim; • The burden of prove is on the victims; • It is not in line with the victim-centred and human rights-based approach and prosecution of victims of trafficking might continue
Article 586.10	<ul style="list-style-type: none"> • Stipulates that victims of these crimes can be assisted through a special fund established within the Ministry of Social Affairs. The confiscate assists from perpetrators will be deposited in the fund; • This kind of fund is to be established in near future. The provision of state compensation to victims of trafficking is not foreseen as such in the provisions of the law. It is to be assumed that this will be done through the above mentioned fund.

Article 586.11	<ul style="list-style-type: none"> Regulates the jurisdiction of Lebanese courts if any of the acts that constitute the crime is committed on Lebanese territory.
Article Two	<ul style="list-style-type: none"> Foresees two new articles that shall replace the existing Articles 524 and 525 of the Penal Code.
Article Three	<ul style="list-style-type: none"> Refers to wording changes within the existing articles 508-5010 of the Penal Code.
Article Four	<ul style="list-style-type: none"> States that the old articles 524 and 525 shall be valid for persons who are being prosecuted before this law goes into effect.
Article Five	<ul style="list-style-type: none"> Foresees that the remaining articles of the new law shall be added to the Criminal Procedure Law after the Seventh Section of the mentioned law as "Protection Procedures in the Crime of Trafficking in Persons". The Seventh Section contains provisions in regard to the possibility of protection of identity of a person who is in possession of information and acting as a witness; An investigating judge may decide to record the testimony in a special report that shall not be added to the case file; The defendant is given the right with these provisions to request the disclosure of the identity of the person giving the testimony if she/he considers such a measure to be fundamental to the rights of their defence. A defendant may request that s/he face the witness. The judge may decide to disclose the identity of the witness (if the witness agrees) or to allow the defendant to confront the person who bore witness, and to seek the assistance of technologies that would make the dilator's voice unidentifiable. However, the law does not foreseen protection mechanisms for victims of trafficking, but only for witnesses. This is a huge gap and hopefully it will be amended to ensure that victims also be entitled of protection before, during and after the court proceedings.

Prior to current legislation, Law Number 164 Punishment for the Crime of Trafficking in Persons, the Penal Code included some components of trafficking, with each considered separate individual punishable crimes/offences. The Lebanese penal code makes the following offences punishable: deprivation of a person's personal freedom through abduction or any other means, fraud, deceit, violence, threats and abuse of power, exploitation of the prostitution of others or any other forms of sexual exploitation, abandoning a minor for money or using a minor for purposes of prostitution. These components/offences were discussed in greater detail in the Trafficking in Lebanon (2008) report prepared by UNODC in cooperation with the Ministry of Justice in 2008 ³⁵.

³⁵ Refer to report for more details on the prosecution stipulations of each crime: <http://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf>, under "Legal Review"

Recommendations from the civil society

The whole process of elaboration of the Law 164 took a long time and it was presented to the Parliament in 2009, awaiting its approval until September 2011. In the meantime, five organisations active in Lebanon (ALEF, Caritas, Heartlined Alliance, KAFA and World Vision) gave their opinion on the draft law in the framework of Joint Recommendations on the Draft Law on the Punishment of Trafficking in Persons on 20 July 2011.³⁶ Within this document, they presented five recommendations in relation to the proposed Draft Law. For more information on the recommendations see Annex 2.

Decree number 12³⁷

In line with Article 586.9 of the Law Number 164, the first Decree to support the implementation of the above mentioned law has been issued in July 2012. The Decree is defining the terms for entering into contracts with institutions and associations that help and protect trafficked persons and the bases for extending assistance and protection. According to the Decree, the Ministry of Justice is the responsible institution that may enter into agreements with specialised institutions and associations so that they may offer assistance and protection to the victims.

Articles Two and Three of the Decree foresee on general basis the criteria for evaluation and the documents needed to be submitted along with the applications of those institutions and associations with which agreements are to be made. The decree does not define the tasks of the association or institution, the terms for executing those tasks, and the financial contribution to be made annually by the Ministry of Justice, but it states that this shall be set forth in the agreement. Moreover, such fund to subcontract civil society organisations to provide assistance and protection to victims is not established within the Ministry of Justice. Therefore, it is to be assumed that the special account that will be established within the Ministry of Social Affairs (according to Article 586.10) will also be used for this purpose.

The agreements can be made for a period of time that shall not exceed five years with a possibility for extension depending on the evaluation results. For this purpose, the Decree foresees that the Ministry of Justice shall designate a team of experts specialised in trafficking in persons who shall conduct at least two field visits every year to an association aiming at evaluating the association's activity periodically. The team of experts will be responsible to prepare periodic reports to be submitted to the Minister of Justice.

Furthermore, the Decree states the obligations of the institutions and associations with whom agreements are made in terms of their responsibility for regular reporting and submission of a plan of action, and draft budget on yearly basis to the Ministry of Justice. In order to coordinate the activities undertaken by the associations and institutions, it is a responsibility of the Ministry of Justice to organise periodic meetings.

³⁶ Joint Recommendations on the Draft Law on the Punishment of Trafficking in Persons on July 20, 2011.

³⁷ Translation, U.S. Department of State Office of Language Services Translating Division LS No.07-2012-0302, Implementation Decree for Lebanon's Anti-Trafficking Law.

The National Legal Framework for Vulnerable Groups

I. Foreign Workers

The Lebanese Labour Code of 1946 excludes domestic migrant workers and does not apply to women working in the regulated sex industry, although they conclude employment contracts and are granted visas. Migrant workers are a subject to the Code of Obligations and Contracts which does not provide them neither protection nor social security.³⁸ Migrant workers are also excluded from the provisions of the Social Security Act. Although excluded from the protection of the national labour law, local and migrant domestic workers are covered by the law on occupational accidents. Foreigners wishing to enter Lebanon to work are expected to receive authorization from the Ministry of Labour prior to entry. In the case of artist workers though, the approval would need to be issued by the General Security, as they are under a separate legal regime.

A) Migrant Domestic Workers (MDWs)

The current anti-trafficking legislation states that slavery practices that resemble slavery and forcible or compulsory work are acts punishable by law. Moreover, Lebanese law prohibits behaviours constituting forced or compulsory labour; such as the article 569 of the penal code – prohibiting deprivation of personal freedom and using the person to perform a task. Lebanon adheres to ILO's Conventions 29 and 105 that prohibit forced labour, though this has not seemed to benefit the MDWs situations of coerced labour, bonded labour or mistreatment. MDWs receive no protection under the Lebanese Labour code as Article 7 of the labour law states that MDWs employed in private houses are exempted from its provisions³⁹. MDWs do not benefit from regulations such as limitation of working hours, weekly days off, annual leave, etc. As reviewed in Human Rights Watch's 2010 report, migrant domestic workers often work 18 hours a day, and in many cases are not given holidays or vacations of any sort. By law, the minimum wage does not apply to domestic workers, and thus they often receive less than the minimum wage a month.

In order to reside and work legally in Lebanon, the MDWs need to be registered with valid work and residence permits. The residence permit is issued by the DGSG and the work permit is issued by the Ministry of Labour. Both the work and residence permits can be issued for a period of one year and have to be renewed every year before their expiry date.

To legally enter Lebanon and register as a MDW, the workers need a sponsor (kafil), the actual employer. The employer is legally responsible for the stay and work of the worker in Lebanon, including regularly renewing and updating of the personal documents (visa, passport, residence and work permits) of the worker. Every legal migrant is bound to only one particular employer through the sponsorship system (Kafala). This system ensures that each MDW will remain with the same employer for the duration of his/her contract. The employer is set as soon as the MDW decides to travel to Lebanon. This has been reported as being one of the major barriers to protection, as the worker cannot change employers even in the case of abuse or exploitation, unless he/she is able to obtain release from the current employer to a new one.

³⁸ Law of 9 March 1932 establishing the Code of Obligations and Contracts.

³⁹ <http://www.lebaneselaws.com/>

Being excluded from the regulations within the 1946 Labour Code, the work terms and conditions of the MDW are regulated by the employment contract introduced in 2009 by the Ministry of Labour through a ministerial decree⁴⁰. This contract outlines workers rights and their employers' obligations and it is to be signed at the notary public by both parties upon the arrival of the worker in Lebanon. The workers also sign a contract with the employment agency in their country of origin before they arrive in Lebanon. However, upon their arrival in Lebanon they must sign a contract that is only available in Arabic, a language they do not understand. Unfortunately, it still has not been translated into the most common languages of MDWs. This second contract (see Annex 5) is the only official and valid contract.

The provisions within the contract to some degree protect the rights of the MDWs but at the same time carries many constraints as several parts remain unclear or rather unclearly defined. The work contract contains the terms and conditions of employment, in particular:

- **The name and address of the employer and of the worker;**
- **The address of the usual workplace;**
- **The duration of the contract** defined by one year renewable;
- **The type of work to be performed** is not detailed within the contract but it contains a provision that the employer shall not employ the worker in any other work or place that is different from the place of residence;
- **The remuneration, method of calculation and periodicity of payments.** The contract does not set minimum wages but the amount of the monthly salary is to be stated in the contract and should be paid by the end of each working month in cash or by a bank transfer in pursuance of a written receipt signed by both parties;
- **The normal hours of work** are to be fixed by the employer at an average of ten non consecutive hours a day at most, including at least eight continuous hours of rest at night;
- **Paid annual leave, and daily and weekly rest periods.** The period of weekly rest is not less than twenty four continuous hours, the conditions of the use of which shall be defined by agreement between both parties. The annual leave is foreseen for a period of only six days;
- **The provision of food, clothing and accommodation;**
- **The period of probation** is of three months,

⁴⁰ Unified Contract Decree No. 19/1 dated 31/12/2009.

- **The terms of repatriation.** The employer shall secure at his/her expense a ticket for the departure of the worker and his/her return to his/her country, except in the cases when the worker: commits a deliberate mistake, neglect, assault or threat, or causes any damage to the interests of the employer or a member of his/her family; has committed an act that is punishable by the Lebanese laws in force in accordance with a court judgement. In these cases, the worker shall be obliged to leave Lebanon and to pay the price of the return ticket home from her/his own money.
- **Terms and conditions relating to the termination of employment.** The worker can terminate the contract in the cases when: the employer does not honour the payment of the salary of the worker for a period of (3) three consecutive months; the employer or a family member of his/hers or any resident in his/her house beats, assaults, sexually abuses or harasses the worker, after such has been established through medical reports given by a forensic physician and investigation records provided by the Judicial Police or the Ministry of Labour and In case the employer employs the worker under a capacity other than that under which he/she had recruited him/her without his/her consent.

The scope of the above mentioned elements are in line with Article 7 of the newly introduced ILO Convention⁴¹ supplemented by a Recommendation⁴² on Decent Work for Domestic Workers that has been adopted during the 100th Session of the International Labour Conference in June 2011, which Lebanon hasn't signed yet. Still, it has been noted that there is ambiguity in its terms. NGOs highlighted a number of gaps in the contract that fail to provide comprehensive protection to migrant workers. Daily breaks, weekly breaks and yearly breaks are set under mutual agreement between the domestic worker and the employer. The sponsor may refuse to give the worker any breaks, and may prevent him/her from leaving the house during his/her breaks. The contract does not specify a standard minimum wage. Sick leaves can go unnoticed, since a sick leave cannot be given without a medical report, which would entail the employer taking the worker to a doctor.

Some employers might refuse to take the worker to a doctor and force him/her to work. Employers are also able to terminate the contract at any point and use any excuse for termination as the contract states that termination is liable when the worker commits an intentional mistake – this is also not adequately defined in the contract. Moreover, it was further highlighted that, in the case of physical or sexual abuse, a forensic doctor's note is required to prove it. If the domestic worker is unable to obtain such a report within 24 hours after the occurrence of the abusive situation, he/she would have no proof and the employer can thus immediately terminate the contract with no penalty. Moreover, the employee is able to complain at the respective court in the case of sudden contract termination. Unfortunately, this usually takes too much time to settle and for the worker to receive any form of compensation. The contract is difficult to implement as it has no basis in the Labour Law, with a lack of monitoring of its implementation.

⁴¹ Convention No. 189 titled Decent Work for Domestic Workers Convention, year 2011 http://www.ilo.org/ilc/ILCSessions/100thSession/reports/provisional-records/WCMS_157836/lang--en/index.htm

⁴² Recommendation No. 201 titled Decent Work for Domestic Workers Recommendation, year 2011 http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_157837.pdf

Currently, there are on-going efforts by ILO in Lebanon to draft a new contract for MDW together with the state and non-state actors in Lebanon. The draft of the new contract has not yet been finalised, but it already includes important provision to improve the situation of MDWs.

In addition to the standard employment contract, DGSG drafted a **booklet**⁴³ entitled “Conditions for Engaging Housemaids: Rights and Obligations”, outlining the rights and obligations of migrant domestic workers. The booklet is available in Arabic and English, and has yet to be translated to the most common native languages of the MDWs in order to reach out to as many workers in Lebanon as possible.

The booklet includes information pertaining to general regulations for employers of MDWs concerning the required documents that are needed before, and upon their arrival to Lebanon. It further outlines the required documents for the migrant domestic workers’ residence permit and the required fees. The fees are calculated according to the following breakdown: if the domestic helper is a male or female (males earning a higher salary), and the number of housemaids one has. Thus each housemaid is paid 300,000 Lebanese Liras, equivalent of \$200, while the male domestic helper would receive 400,000 Lebanese Liras, equivalent of \$267⁴⁴. The booklet also outlines the procedure of transferring the domestic worker to another employer when needed, the rights and the obligations of both the domestic worker as well as those of the employer. Furthermore, the booklet defines the role of the employment agencies, mainly being the mediator in guiding the process of legalising the migrant domestic worker’s status and its responsibility to inform the DGSG in cases of mistreatment or exploitation of the worker. Finally, the booklet outlines the role of the embassies of the migrant domestic workers, and provides a circular page that includes telephone numbers of the Security room at DGSG that deals with complaints of mistreatment.

Decree number 17561, issued on 18 September 1964, grants the Ministry of Labour the power to regulate the relationship between recruitment agencies, employers and workers.⁴⁵ In addition, the Ministry of Labour signed the **Order No. 5** on 17 January 2003, which regulates the operation of agencies that recruit migrant domestic workers. The Ministry of Labour also approved the establishment of an association of owners of recruitment agencies. The Ministry of Labour has aimed to take further steps by coordinating with source country embassies in order to ensure MDWs are aware of the employment agency regulations and of the complaint office at the Ministry that is currently run specifically for receiving reports of violations of workers’ rights.

⁴³ See Annex 3: “Conditions for Engaging Housemaids: Rights and Obligations”.

⁴⁴ See Annex 3, “Required fees”, for more details.

B) Artist Workers

Women in the regulated sex industry are subject to a separate legal regime that includes norms based on the **Decree No. 17561 Regulating the Work of Foreigners** of 1964, and transferred into a **booklet issued by the General Security Department titled “Female Workers in Some Sectors and Occupations -Rights and Obligations”**⁴⁶. Along with this booklet, administrative directives have been issued by the General Security that prohibit physical and emotional abuse against women, and that allow victims to complain in person or by telephone⁴⁷. According to these directives, any employer violating them is liable to being blacklisted and prohibited from further employing foreign women.

Their entry to Lebanon for work is permitted only upon contract and after a prior approval by the Directorate General of the Security General and the required “Entry Visa” granted by The Arabs, Foreigners, and Special Categories Department – Artist’s Section. The border posts grant these women a “48-hour Transit Visa” upon entry to Lebanon, which enables them to refer to The Arabs, Foreigners, and Special Categories Department, in order to sign the employment contract. These women are contracted as dancers, masseuses, bartenders, and models in adult clubs. Their employment contracts are signed at the General Security Department between the woman and the so-called impresario. General security officers then inform the women that prostitution is illegal in Lebanon, and as such they must not engage in it. However, these officials are aware that these women will be engaging in prostitution⁴⁸. Support for this claim is evident in the requirement for these women to be tested for HIV/ AIDS and other sexually transmitted diseases at regular periods during their stay in Lebanon. The artist visa that is issued by the General Security is valid for six months and can only be renewed after the woman has spent at least 12 months outside the country.

As is the case with MDWs, the Labour Code of 1946 does not apply to women working in the regulated sex industry.

As previously mentioned these women sign employment contracts and are given visas as “artists”. Their work is further regulated in accordance to the booklet outlining their rights and obligations. According to the Lebanese Penal Code, practising or enabling secret prostitution is prohibited and is punishable by imprisonment between one month and one year. Given that the law criminalises women engaged in prostitution, certain parts might facilitate the exploitation of these women. As criticised by several NGOs, some of the directives included in the booklet can facilitate the exploitation of these women. For example, as will be discussed in the following sections, artist workers are allowed to accompany customers voluntarily – though not for prostitution services. Generally, these women accompany customers for the sole purpose of prostitution, and the club owner can state that she/he did not know whether the woman had prostituted herself. By law, if she is caught she would face arrest and deportation while the customer is not criminalised and does not face any punishment.

⁴⁵ UNIFEM (2009) Legal Protection for Migrant Domestic Workers in Asia and the Arab States, p.100.

⁴⁶ See Annex 4 for “Female Workers in Some Sectors and Occupations -Rights and Obligations”

⁴⁷ UN Special Rapporteur, Sigma Huda (2005) on Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, p. 7.

⁴⁸ Ibid.

C) Child Labour and Exploitation

According to the US 2012 TIP report, anecdotal information received suggests that Lebanese children are victims of forced labour within the country, specifically in street begging and commercial sexual exploitation that is usually facilitated by male pimps, husbands, and “boyfriends”. At times, this is facilitated through early marriage⁴⁹.

According to Lebanese legislation children are defined to be children under the age of 18. According to the labour law, juveniles are defined as children between the ages of 14 and 18. The Lebanese Law sets the minimum age of employment at 14 years of age. Juveniles cannot be hired until they have undergone a medical exam ensuring their fitness for the work. Those under 17 are prohibited from working in anything that endangers their health, safety or morals; and children under 18 are prohibited from working for more than 6 hours a day, with 1 hour of rest and are prohibited from working at night. They are also entitled to 21 days of paid leave, with working hours between 7 a.m. and 7 p.m. As such, this labour law framework is expected to limit the demand of trafficking and discourage child forced labour and other such forms of exploitation⁵⁰. Measures dealing with street children, sexually exploited children as well as other groups of children are still necessary.

Though the Ministry of Labour is the main responsible actor in enforcing these requirements, the law is not applied meticulously. After the passing of **Law Number 422 Protection of Minors in Conflict with the Law or Minors at Risk** in 2002, the government made significant efforts to implement the Law. A centre for juvenile victims of physical abuse, the Union for the Protection of Juveniles (UPEL), was established in order to prevent juveniles from being interrogated at police stations, leaving the centre the main body dealing with all juvenile cases.

Child prostitution is a pressing issue in Lebanon. According to UN Special Rapporteur Juan Miguel Petit in 2003, the ISF take children involved in prostitution into custody and refer them to a juvenile misdemeanours court. Custodial sentences ranging between 3 and 6 months are usually the outcome of such court cases. Boys are imprisoned at a juvenile facility, and separated from the men in the prison premises, while girls are imprisoned at a woman's prison. Rehabilitation programs are available in the form of vocational trainings at the juvenile facility, while nothing is offered for the girls except occasional activities provided by external organisations⁵¹.

There have been very few reports assessing the situation of child trafficking in Lebanon. A country assessment of human trafficking conducted by the Ministry of Justice and UNODC (2008) offer some insight into the situation of child trafficking in Lebanon. The report does not confirm trafficking cases including children, but indicates that information was collected from 38 potential victims of child trafficking whereby the majority of the victims were female, most uneducated and from large families. The identified forms of child trafficking in Lebanon include trafficking for sexual exploitation, labour exploitation including forced begging, forced involvement in criminal activities, organ trafficking and the selling of babies⁵².

⁴⁹ US Department of State (2012). Trafficking in Persons Report, p.220

⁵⁰ UN Special Rapporteur, Sigma Huda (2005) on Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children.

⁵¹ UN Special Rapporteur, Jean Miguel Petit (2002) on the Sale of Children, Child Prostitution and Child Pornography.

⁵² Carla Lewis (2011). A preliminary study on child trafficking in Lebanon: Patterns, Perceptions and Mechanisms for prevention and protection, p.26.

Review of the International Legislation Related to Trafficking in Human Beings

Conventions

Lebanon has ratified all major human rights conventions.

Lebanon contributed to the formulation of the text of the Universal Declaration of Human Rights, adopted by the UN General Assembly in December 1948. This declaration enriched the Lebanese Constitution, also stating that “all international conventions to which Lebanon is a signatory will take precedence over national laws and conventions”⁵³. The ones of crucial importance to migrant workers are Article 5 on torture or cruel, inhuman or degrading treatment or punishment, Article 13 on the right of freedom of movement and right to leave any country, including one’s own, and return to country of origin, Article 23 on free choice of employment, to just and favourable conditions of work and to protection against unemployment; the right to equal pay for equal work and the right to form and join trade unions for the protection of interests, and Article 24 on the right to rest and leisure (with reasonable limitation of working hours and holidays with pay)⁵⁴.

Convention	Ratification
The International Covenant on Economic, Social and Cultural Rights, 1966	1972
The International Covenant on Civil and Political Rights, 1966	1972
ILO Convention No. 29 on Forced Labour, 1930	1977
The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979	1997
ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999	2001
Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, 1984	2000
United Nations Convention against Transnational Organized Crime	2005

⁵³ Jureidini, R. (2002). Women Migrant Workers in Lebanon, p.19

⁵⁴ Ibid.

Protocol against the smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2005
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	2005

Moreover, the Lebanese government further amended its laws on child employment in accordance with international standards set out by the 1973 Convention on the Rights of the Child and ILO Convention No.138 on the *Minimum Age for Admission to Employment*.

Of those specifically targeting the needs of migrant workers, Lebanon has **not yet ratified**:

- The Migration for Employment Convention 1949 (no.97), accompanied by the Migration for Employment Recommendation (Revised) 1949 (no.86), and the Migrant Workers Convention 1975 (no. 143).
- Convention C111 concerning the Discrimination in Respect of Employment and Occupation ratified in 1977 (excluding conventions C118 Equality of Treatment of Nationals and Non-nationals in Social Security);
- Convention C143 concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers).
- The 1990 Convention on the Protection of all Migrant Workers and Members of Their Family⁵⁵;
- The Geneva Convention and its Protocol, 1967;
- The Convention No. 189 entitled Decent Work for Domestic Workers Convention, 2011.

⁵⁵ CARIM Migration Profile: Lebanon - http://www.carim.org/public/migrationprofiles/MP_Lebanon_EN.pdf

Other instruments: Memoranda of Understanding and Bilateral Agreements

Foreign workers in Lebanon are vulnerable to serious abuse as they are not protected or recognised under the legal and regulatory frameworks; thus they do not receive the same protection provided to other workers as per the labour code. As a result, they receive little social protection and at times no protection at all. They have very limited access to public infrastructure and benefits, no security of property rights, and are unable to enforce contracts. Legally, migrants are considered aliens and require diplomatic representation for protection; this is particularly essential when international human rights instruments are not established. This protection can only be achieved through state-activated bilateral relations⁵⁶. Moreover, domestic workers cannot be registered under the Labour Code in Lebanon. According to Caritas Migrant Center, there needs to be a ratification of the Convention for protecting Rights of All Migrant Workers and their Families along with the integration of international labour standards with domestic legislation and laws in order to have a powerful tool to ensure and provide protection for migrant workers⁵⁷.

Memoranda of Understanding (MoUs)

MoUs have not been drafted/signed with most of the labour-sending countries. In 2009, the Nepal government decided to ban their nationals from migrating to Lebanon for domestic work as a result of the rising case of abuse and the increase in suicides among Nepali workers in Lebanon. With many discussions aiming at finding solutions to conserve the rights and welfare of Nepali women employed in Lebanon, the two countries agreed to regularise the labour migration process during the International Labour Conference held in Geneva on 2-18 June 2010. Accordingly, there was an attempt by the Nepal government to draft a MoU and to forward to the Lebanese government for consideration and processing⁵⁸.

A MoU has been signed between the Lebanese government and the Sri Lankan Ministry of Labour to establish education centres for domestic workers wishing to come to Lebanon.

Bilateral Agreements

Lebanon has not signed any bilateral agreements with countries of origin for MDWs. Moreover, no bilateral agreements have been signed with Eastern European countries sending artist workers. The Philippines and Ethiopian governments have both banned their nationals from coming to Lebanon. The Philippines suspended the deployment of its nationals in 2007 as a result of the frequent human rights abuses and the lack of legal protection provided to migrant workers. Migrant Rights⁵⁹ reported that there have been several cases whereby undocumented migrants (mostly Filipino women) entering Lebanon each year through another country.

⁵⁶ Cited in Jureidini, R. (2002). Women Migrant Workers in Lebanon.

⁵⁷ Najla Chahda. Human Trafficking for Forced Labour; http://www.coatnet.org/aspe_shared/form/download.asp?nr=140231&form_typ=115&acid=0D2EBC71A8834E3BB41D32C32D28EEA9CD16&ag_id=3807

⁵⁸ Beyond Remittance (July 2010)

⁵⁹ Migrant Rights International aim to raise awareness about migrant workers in the Middle East and encourage social action to end the violations of their human rights and dignity through the web. <http://www.migrant-rights.org/>

Unlike the Nepal government, the Philippines has refused to review the ban of its nationals migrating to Lebanon until the Lebanese government agrees to a bilateral labour agreement or to laws focused on ensuring protection to Overseas Filipino workers⁶⁰. After conducting a detailed study on the human rights violations and violence faced by Ethiopian domestic workers in Beirut, the Ethiopian government also decided to suspend the work travel to Lebanon in 2008. After several documented cases of abuse, states of despair and suicide, the Ethiopian government decided the ban was the only way to protect their nationals, since the Lebanese government did not take any steps in addressing the problem⁶¹. According to the US 2010 TIP report, the Ministry of Foreign Affairs has begun negotiating a bilateral agreement with the Ethiopian government regarding employment of its nationals in Lebanon.

Institutional Framework

In the past couple of years trafficking in human beings has received greater attention in Lebanon, and efforts to combat trafficking have been taken as relevant. Governmental organisations and institutions, NGOs, as well as IOs have been playing an active role in the fight against THB through a various number of programmes and initiatives. An institutional mapping was conducted in order to identify the key players involved in the different areas of the fight against trafficking, including the programmes, responsibilities and roles undertaken by each institution/organisation. Information for this section has been collected through interviews and questionnaires⁶² disseminated to the key actors, as well as from the trainings and workshops conducted by ICMPD in the course of 2011-2012.

Government Structures

Ministry of Interior and Municipalities

The ISF and DGSG are part of the Ministry of Interior and Municipalities (MoIM).

A) Internal Security Forces (ISF)

The ISF are general armed forces covering all the Lebanese territory and its regional waters and airspace. Their missions are specified in the field of administrative police, judicial police, as well as in other, mostly public, fields⁶³. Thus, ISF officers' duties are to protect citizens and enforce judicial laws and apply rules and regulations.

The ISF are generally responsible for investigating criminal acts, following complaints or witnessed crimes, including THB. The ISF are currently taking measures to set up a specialized anti-trafficking unit comprising of trained officials in order to more effectively combat trafficking. A large number of ISF staff has received issue-specific trainings to recognize and investigate cases of human trafficking, mostly provided by NGOs⁶⁴.

⁶⁰ Philippines busts Lebanon-bound migrants disguised as nuns (January 2011).

⁶¹ Ethiopians Bans its Citizens from Seeking Jobs in Lebanon (May 2008).

⁶² For more information on the questionnaire, please see Annex 1.

⁶³ <http://www.lebanon.com/isf/#Definition> for more details.

⁶⁴ US Department of State (2011). Trafficking in Persons Report.

In terms of human trafficking cases, ISF have mostly been dealing with cases of sexual exploitation through their Moral Protection Department. ISF have investigated and identified several cases since 2009, though at the time they were unable to formally identify these cases as cases of human trafficking due to an absence of an anti-trafficking law. ISF have reported identifying cases of minors involved in prostitution, as well as street prostitutes that were victims of forced prostitution. Moreover, ISF have identified a few cases of sexual exploitation among women working under the artist visa. Investigations involving women under the artist visa are always referred back to General Security for follow-up after initial investigation.

In terms of exploitation amongst MDWs, ISF have come across cases that have been forwarded to police stations. However, complaints regarding exploitation of MDW are under the mandate of the General Security as the main body dealing with cases involving foreign workers.

ISF began a project in 2011 in cooperation with the Ministry of Social Affairs to combat child begging and street vending. The aim of the project was to break down the criminal networks managing child begging across the country.

B) Director General of the Security General (DGSG)

DGSG⁶⁵ is the Lebanese Intelligence Agency participating in the surveillance of the territorial, maritime and aerial frontiers, covering security functions, media censorship, dealing with foreigners, as well as technical functions. The DGSG is generally responsible for collecting political, economic and social information for the government; in charge of passport control and travel documents of Palestinians and other foreigners in Lebanon; and investigating all cases concerning foreigners. DGSG currently does not have a specialised anti-trafficking unit, but a significant number of DGSG officials have received trainings in identification of victims of trafficking and investigating their cases. DGSG has conducted extensive background checks into adoption centres that have been involved in selling babies, and run thorough background checks on all foreigners adopting children in Lebanon. DGSG was able to effectively arrest several such cases. General Security is thus the main government agency responsible for monitoring the entry, residence and departure of foreigners, including foreign workers. In potential cases of human trafficking and labour exploitation, DGSG is responsible to detect cases involving MDWs as they closely follow their work and residence permits, as well as into cases involving women working under the artist visa programme. DGSG is responsible to investigate and formally identify cases involving mistreatment and abuse of migrant domestic workers, and for monitoring the work and residence permits of women under the artiste visa programme. However, the DGSG is also responsible to refer potential victims to ISF for further investigation whenever a case involves criminal elements. Alongside DGSG, ISF also take part in the monitoring rounds of work conditions conducted for females under this visa programme. The majority of the cases involving MDWs have been reported to include disputes between the worker and the employer, thus in cases whereby a crime is involved the cases are referred to the ISF.

Thus, ISF officers tend to investigate cases with criminal elements, while in contrast DGSG is more involved in the administrative procedures of foreign workers.

⁶⁵ <http://www.general-security.gov.lb/English/SiteUtils/HomePage/Pages/HomePage.aspx>.

Prosecutor-General Office

The Prosecutor-General holds the jurisdiction to prosecute. The Prosecutor-General Office does not collect official data on investigations, prosecutions and convictions in trafficking-related cases.

At the Prosecutor-General Office, complaints relating to misdemeanours and crimes are received and the cases are assessed. Investigations are carried out by judicial officers (the Judicial Police) who operate within the police. The judicial officers are under the jurisdiction of the Public Prosecutor's office, the examining magistrate, and the Court. There is a Prosecution Office at every Court of Appeal in each province and a General Prosecutors Office at the Court of Cassation. The General Prosecutor supervises the work of the Prosecution Offices seated in provinces.

The Prosecutor's office is considered one of the main competent authorities that can take part in the identification of victims of trafficking, and are one of the first points of notification along with DGSG and ISF. Moreover, it is the General Prosecutors' offices responsibility to appoint social workers in cases that require investigations with children.

Ministry of Social Affairs

The Ministry of Social Affairs (MoSA) focuses on the protection and empowerment of the most vulnerable groups of the population. MoSA has around 200 Social Development Centres (SDCs) located all around Lebanon that provide assistance and protection to vulnerable groups and victims of crime. These centres provide socio-economic and medical services, and implement prevention and protection activities. In addition, these centres promote womens' rights and stress on the improvement of womens' life situations through vocational trainings, educational programs, and the like. MoSA works in partnership on the majority of the programs that are conducted by NGOs and IOs, including those that focus on human trafficking, as the fund discussed in the Law 164 has not yet been established.

The Higher Council for Childhood (HCC) within MoSA has also been active in addressing children's rights issues, and child trafficking is amongst them. The HCC works with NGOs on various projects targeting children. Towards the end of 2012, they have been involved in the development of a NAP on child protection, under which trafficking will be addressed. The national action plan has been developed with all organisations working in child protection, facilitated by World Vision in close coordination with the HCC. The draft national action plan on child protection was approved on December 12, 2012, and as such the HCC is currently working on a specific action plan to combat child trafficking in close coordination with World Vision.

Ministry of Labour

The Ministry of Labour⁶⁶ aims to protect the rights of workers and eliminate all forms of exploitation in the workplace, as well as protect children from labour exploitation. The Ministry of Labour conducts supervision of workers in the workplace and has managed to close down a number of recruitment agencies for violations of workers' rights, including physical assault, under administrative laws and are working on other labour-related issues through the National Steering Committee that was formed to address labour issues⁶⁷.

⁶⁶ For more information, please see: <http://www.labor.gov.lb>

⁶⁷ See National Institutional Forums below for more information on the National Steering Committee addressing labour issues

Moreover, the Ministry of Labour maintains a black list of violating employment agencies and revokes the licenses of agencies violating the regulations.

The Ministry has two divisions investigating labour violations, namely the Division of Inspection, Prevention, and Safety and the Division of Investigation and Labour Matters. According to Human Rights Watch's findings in late 2010, the divisions had not yet examined violations involving migrant domestic workers.

As an outcome of these efforts, the Ministry of Labour suspended the permits of several recruitment agencies which violated the terms of the permit, particularly with regard to ill-treatment of women workers and the use of fictitious sponsors to bring in women workers. The Ministry of Labour closed down 15 agencies for violations of workers' rights, including physical abuse, and decided 57 labour disputes.

National Institutional Forums

As of 2006, four different institutional forums to combat trafficking in human beings have been established in Lebanon: the NSC, led by the Ministry of Justice and the National Inter-ministerial Steering Committee, led by the Ministry of Labour, Parliamentary Committee for Human Rights and The Committee for Drafting the General Strategy for the Implementation of Law 164 of the Punishment for the Crime of Trafficking in Persons.

- 1) The National Steering Committee (NSC) led by the Ministry of Justice, comprised representatives from the DGSG, Caritas, and UNODC. The committee conducted an in-depth assessment on the situation of human trafficking in Lebanon. The assessment resulted in the Trafficking in Lebanon report, published in 2008⁶⁸, with the aim of assessing the trafficking situation in Lebanon and to review the existing legislation on trafficking. The recommendations of the report supported the efforts of the Lebanese actors to draft the anti-trafficking legislation in accordance with its obligations under the Palermo Protocol. The assessment had also the aim to increase the law enforcement agencies capacity to investigate and prosecute cases of trafficking, improve the level of training and encourage enhanced cooperation between the judiciary, the law enforcement agencies and civil society. The report offered several recommendations on amendments of national legislation and enhancing institutional capacities in combating THB, and aided several organisations and institutions in providing trainings, mostly in the field of defining trafficking, victim identification and assistance to law enforcement officials, judges, lawyers and ministries. Since the anti-trafficking legislation was submitted to the Parliament in 2010 the NSC did not conduct any meetings.

⁶⁸ UNODC and Ministry of Justice (2008) Trafficking in Lebanon <http://www.unodc.org/documents/human-trafficking/Lebanon-HTreport-Oct08.pdf>

- 2) The National Inter-ministerial Steering Committee, led by the Ministry of Labour was comprised of the Ministry of Justice, the General Security, the Ministry of Interior and Municipalities, the Ministry of Social Affairs and Caritas Lebanon; with ILO, OHCHR and UNIFEM as main observers. The committee drafted and finalised⁶⁹ the standard employment contract. The Committee has been working on improving labour laws by drafting proper legislation ensuring MDWs in Lebanon are managed by the Lebanese Labour Law rather than by domestic regulations. They have also produced two booklets on the rights and responsibilities of domestic workers and artists in Lebanon⁷⁰ also targeting employers and recruitment agencies. The members of this steering committee have also not met since the drafting of the labour law amendment.
- 3) The Parliamentary Committee for Human Rights was formed in September 2011. The office of the Prime Minister established and convened a national anti-trafficking actors group. The committee includes experts from Lebanese government ministries, as well as representatives from NGOs and IOs. The committee assists the government by proposing legal changes that promote human rights, and provides suggestions to facilitate the coordination of Lebanese laws with international laws. Another function of the Committee is to monitor the actions of Lebanese authorities and ensure that they conform to human rights standards. The committee is focusing on discussing the integration of a chapter on human trafficking within the national human rights draft action plan. The committee has successfully prepared 23 booklets addressing the twenty three human rights issues at hand, and are currently in their final drafting. Once drafting is finalised, the booklets will be compiled and incorporated into one document that will also include a roadmap of recommendations expected to be adopted by the parliament, hence allowing the government to provide/enhance assistance to victims.
- 4) A committee for drafting the General Strategy for the Implementation of Law 164 of the Punishment for the Crime of Trafficking in Persons was formed in August 2012 with the objective of building a strategy to support the implementation of the Law 164. The committee consists of representatives from the Internal ISF, DGSG, the Ministry of Labour, MoSA, and the Ministry of Justice, led by the Institute of Human Rights of the Beirut Bar Association. The committee has also involved World Vision and ICMPD, holding an advisory role. NGOs involved in anti-trafficking are not represented within this committee. The committee held its first meeting in late August 2012, and has been meeting biweekly ever since. The committee has developed a National Strategy for the implementation of Law 164. The strategy includes four major components, namely prevention, victim assistance and protection, prosecution, and continuous follow-up. The draft strategy developed so far was presented at a national conference on March 11, 2013.

It is important to note that, apart from the Parliamentary Committee for Human Rights, the three other committees operate on an informal basis and thus their mandate and work are not regulated.

⁶⁹ Unified contract successfully achieved on the 31st of January 2009, Annex 5.

⁷⁰ "Conditions for Engaging Housemaids – Rights and Obligations" and "Female Workers in Some Sectors and Occupations – Rights and Obligations" – See Annexes 3 and 4.

Non- Governmental and International Organisations

The Lebanese Association for Education and Training (ALEF)

ALEF⁷¹ is a NGO aiming to monitor, protect and promote human rights in Lebanon through education, training, advocacy and lobbying activities. Its current activities include capacity building for beneficiaries and professionals in the area of human rights, with the current program on trafficking focusing on child trafficking for sexual exploitation. ALEF has participated in anti-trafficking trainings designed for the Lebanese Internal Security Forces and conducted awareness raising sessions that included trafficking-related issues. ALEF is currently preparing for a media-based awareness raising documentary on issues related to human trafficking. As of late 2011, ALEF has not had any programme solely addressing human trafficking.

Caritas Lebanon Migrant Center (CLMC)

Caritas Lebanon set up the Migrant Center in 1994 with the aim to reinforce and protect the human rights of migrants, refugees and asylum-seekers in Lebanon, by improving their living and working conditions; reduce their exploitation, marginalisation and exclusion. CLMC⁷² initiated its anti-trafficking activities in 2003 under G/TIP support and has been the leading agency in providing assistance to migrant workers, and more recently to refugees and asylum seekers. CLMC established a shelter for victims of abuse and exploitation in 2005 and runs the largest legal aid program for migrant domestic workers in Lebanon. CLMC's programs focus on providing protection and assistance to trafficked persons as well as offering a number of direct and indirect services.

CLMC provides protection and assistance through eleven offices located all over Lebanon. Regular visits to prisons are conducted around the country, with daily visits to the prison in Tripoli. It has an every-day presence within a General Security's Retention Centre, CLMC provides legal counselling and assistance allowing for lawyers to accompany victims of trafficking during investigations, and to represent and defend them in court. They also operate two hotlines on a 24/7 basis set up for victims of abuse and exploitation, mainly catering for refugees and migrant workers, through which they receive referrals.

The shelters and safe houses allow women to stay over the period during which their cases are being investigated. Medical assistance, psychological support, trauma counselling, and social counselling and assistance are provided. Educational/vocational trainings and awareness raising sessions are also conducted to empower the victims, as well as rehabilitation and reintegration services for returning trafficked persons. CLMC conducts other indirect services such as advocacy and lobbying, assessments and data collection, and capacity building through training of law enforcement agents (e.g. ISF and DGSG) on trafficking issues, interview and investigation techniques, and communication. Furthermore, CLMC works on prevention through awareness-raising sessions and campaigns targeting the the Lebanese society, staff members from embassies of sending countries, refugees, asylum seekers and migrant workers on issues related to preventing mistreatment and trafficking in human beings, as well as highlighting issues faced by migrant workers.

⁷¹ For more information please see: <http://www.alefliban.org/>

⁷² For more information please see: <http://www.caritas.org.lb/>

Caritas had trained employment agencies to improve their knowledge in human rights and trafficking issues, and conducted trainings designed for judges on human rights and counter-trafficking. Training for health care providers on identification and referrals were also conducted, along with prevention sessions on trafficking, targeting men, women and youth.

Heartland Alliance for Human Needs and Human Rights

Heartland Alliance for Human Needs and Human Rights⁷³ is a service-based human rights organisation dedicated to protecting the rights of vulnerable persons. Heartland Alliance's Regional Counter-Trafficking Program was geared towards addressing the problem of human trafficking of Iraqis inside Iraq and Lebanon and Jordan through service provision and capacity-building. Heartland alliance closed its office in Lebanon in 2011 and thus is not implementing anti-trafficking activities in Lebanon. Prior to 2011, Heartland Alliance's Regional Counter-Trafficking Project had the following objectives: providing comprehensive services to victims of trafficking; tracking information on patterns and practices; training first responders (law enforcement, judicial officials, and medical care providers) service providers, and policymakers (i.e. ministries); improving coordination of service providers throughout the region; tracking and documenting patterns and practices of human trafficking from cases; raising awareness and building capacity among law enforcement, courts, civil society organizations and service providers, health care providers and the general public about human trafficking; and finally, supporting legislative and public advocacy. Heartland Alliance has set up hotlines for refugees and has developed several awareness-raising materials such as booklets and brochures.

Heartland alliance conducted further trainings in cooperation with Caritas, designed for judges, lawyers and medical care providers, as well as for service providers. Furthermore, a regional press conference to present the report summarizing results of the program and the analysis of the data collected was expected to take place in the summer of 2011.

Human Rights Watch (HRW)

HRW⁷⁴ is one of the world's leading independent organisations dedicated to defending and protecting human rights. HRW published the report "Without Protection: How the Lebanese Justice System Fails Migrant Domestic Workers", examining the role of the judicial system in failing to adequately protect MDWs in Lebanon and in increasing the responsibilities and accountability of abusive employers. The review was based on 114 cases of judicial decisions affecting MDWs and interviews with MDWs who had reported abuse, as well as with lawyers who regularly took up cases involving MDWs.

The report provides a thorough review of the above stated and provides recommendations for relevant institutions involved. Moreover, HRW have stated that, though Lebanese officials showed increased willingness to discuss human rights issues in 2010, they have failed to implement many of the reforms that are needed to improve the situation in the country.

⁷³ For more information, please see: www.heartlandalliance.org/international/

⁷⁴ For more information, please see: <http://www.hrw.org/middle-eastn-africa/lebanon>

KAFA (enough) Violence and Exploitation

KAFA (enough) Violence & Exploitation⁷⁵ is a non-profit, non-governmental civil society organisation that aims to eradicate all forms of gender-based violence and exploitation of women and children through advocating for legal reform and change of policies and practices, influencing public opinion, and empowering women and children.

KAFA began its anti-trafficking programmes in 2010 in response to the critical situation of migrant domestic workers who are deprived of their basic human rights and the different forms of sexual exploitation and trafficking of Lebanese and migrant women in Lebanon.

KAFA is running an on-going programme on building support against abuse and exploitation of MDWs. The program includes a number of actions designed to: call for better legal protections such as the inclusion of MDWs into the Lebanese labour law and the abolishment of the sponsorship system; raise awareness on the situation of MDWs and challenge common Lebanese employers' perceptions and practices towards MDWs; inform MDWs of their rights and the regulatory framework governing their working and living conditions in Lebanon; build the capacity of MDWs and support them to self-organize; and provide socio-legal services to MDWs victims of physical and sexual abuse through KAFA's Listening and Counselling Centre.

Currently, KAFA is conducting a baseline study on prostitution in Lebanon and its linkages to trafficking. The action-oriented research will guide future awareness raising actions and advocacy demands and campaigns.

World Vision - Lebanon

World Vision⁷⁶ is a Christian humanitarian organisation dedicated to working with children, families and their communities worldwide in order to reach their full potential by tackling the causes of poverty and injustice. World Vision's anti-trafficking programme in Lebanon is linked to its systematic approach to child protection initiative and has primarily taken an advocacy and capacity building approach, addressing child trafficking through governmental reform and community mobilisation. The programme aims to build the knowledge, capacity and will of governmental and non-governmental organisations to prevent and protect children from being trafficked. It also aims to equip vulnerable communities and children with the information and tools they need to prevent trafficking and exploitation.

At the grassroots level, World Vision is focusing on prevention and protection work in communities vulnerable to child trafficking, including working with children and youth to advocate in their own communities for the protection of children in exploitative labour situations, raising awareness on trafficking issues and providing children at risk with tools for self-protection. World Vision has conducted awareness sessions for governmental social workers across the country, training events for journalists on reporting on trafficking cases in an accurate, sensitive and socially responsible way, and for law enforcement officials on identification and referral of child victims. In addition, World Vision hosted the first national level roundtable for various government ministries, UN agencies and local and international NGOs, placing child trafficking on the governmental and civil society agenda.

⁷⁵ For more information, please see: <http://www.kafa.org.lb/>

⁷⁶ For more information please see: <http://www.worldvision.org.lb/>

World Vision has produced awareness-raising materials and conducted research in the field of child trafficking, namely a qualitative study on the issue of child trafficking in Lebanon, and a legal review of the alignment of domestic legislation to the countries international commitments to address child trafficking. On Dec 10th 2010, World Vision Lebanon conducted a Photography Exhibition⁷⁷ and launched the advocacy campaign on the issue of street children.

In 2011, World Vision Lebanon took the lead in initialising a coalition advocacy effort of IOs, international and local NGOs, known as the Counter-Trafficking Working Group, to review and revise the, then draft, law on THB and worked on lobbying efforts with parliamentarians and other key actors to ensure coalition recommendations were incorporated into the new legislation. World Vision also published a preliminary study on child trafficking in Lebanon (2011)⁷⁸, and is currently leading a working group for the development of a NAP to combat child trafficking and improve protection systems for children at risk, in close coordination with the Higher Council for Childhood of the Ministry of Social Affairs. The NAP to combat child trafficking will be integrated under the NAP for Child Protection, which was approved by the Cabinet in December 2012.

The Union for the Protection of Juveniles in Lebanon (UPEL)

UPEL⁷⁹ is a NGO, subcontracted by the Ministry of Justice to provide protection to juveniles in Lebanon. UPEL coordinated all issues related to juvenile justice, the juvenile judge or ISF. The organisation consists of social counsellors following up on cases of juveniles exposed to danger (homelessness, neglect, sexual/physical abuse, violence) and provides support to juveniles appearing in courts for violation of laws (robbery, attempted murder, beating, etc.). UPEL thus operates a child protection system in Lebanon for children victims of violations.

DGSG and ISF officers are expected to contact UPEL whenever they receive any cases that involve trafficked child. In cases where the presumed victim is thus a minor, the competent authorities are expected to immediately submit a request to the General Prosecutor for the appointment of a social worker from UPEL to ensure protection of the interest of the child. The appointed social worker is to be present shortly after the child is present at any of the police or general security stations. The social worker must be present at all times thereafter; thus at all stages of the interviews and investigations undergone with the child victim. UPEL has been developing a training curriculum to train street recruitment and detection teams that will be able to intervene on the streets by detecting cases of potential trafficking and abuse, as well as how to deal with such cases through 'crisis situation intervention'. Moreover, trainings are continuously conducted with ISF on forensic interview techniques. Such trainings are also targeting social workers in order to increase their ability to intervene and work with street children who could be potential victims of trafficking.

⁷⁷ See World Vision (2010), <http://www.trust.org/alertnet/news/street-children-in-lebanon-dream-through-a-camera-lens/>, for more details on the event

⁷⁸ Lewis, Carla (January 2011). A Preliminary Study on Child Trafficking in Lebanon: Patterns, Perceptions and Mechanisms for prevention and Protection. World Vision Report.

⁷⁹ For more information please see: www.upel.org/

Terre Des Hommes (Tdh)

Tdh⁸⁰ is an international NGO that aims to help build a better future for disadvantaged children and their communities through projects in child protection and health care. In Lebanon, Tdh provides psychosocial support to children of Palestinian refugees and of the Dom community, considered to be in an unstable situation in the country. Tdh conducted an action-oriented research on the Dom community in Lebanon, with the aim of identifying the child protection needs of Dom children and develop appropriate means for response. Consequently, Tdh developed a child protection project to meet the needs of the Dom children in eight sites in the South of Lebanon⁸¹.

Counter-Trafficking Working group

A counter-trafficking working group was formed and consisted of local and international NGOs working on anti-trafficking issues. The group met regularly and was last focusing on lobbying for amendments to the then proposed draft THB legislation. The group members were CLMC, Heartland Alliance, KAFA, ALEF, World Vision, IOM and ICMPD. The mandate of the group was to develop a coordination matrix to include all activities conducted by NGOs and IOs working in anti-trafficking, in an attempt to strengthen the roles of these organisations in the national anti-trafficking response and clear out the roles and activities of each organisation. The working group aimed to improve coordination and cooperation between the different actors. Moreover, the working group also worked on providing recommendations of changes to the, at the time, draft anti-trafficking law, focusing on the protection of child's rights and the incorporation of assistance and protection in the provisions of the law. Following the approval of the anti-trafficking law, the working group was dissolved.

International Organisations

International Labour Organization (ILO)

ILO⁸² is the UN specialised agency that seeks to promote social justice and internationally recognised human and labour rights. The ILO formulates international labour standards in the form of Conventions and Recommendations, setting minimum standards of basic labour rights: freedom of association, the right to organise, collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues. It provides technical assistance, promotes the development of independent employers' and workers' organisations, and provides training and advisory services to those organisations.

ILO has been working on a global Special Action Programme to Combat Forced Labour, including THB. ILO is working on issues related to domestic workers in Lebanon, in coordination with the Ministry of Labour and other actors involved in the anti-trafficking field.

⁸⁰ For more information, please see: <http://www.tdh.ch/en/countries/lebanon>

⁸¹ <http://www.tdh.ch/en/countries/lebanon>

⁸² For more information, please see: www.ilo.org.lb/

ILO was involved in the production of information guides, capacity building of key actors in matters relevant to migrant domestic workers, as well as research and awareness raising campaigns with other organisations. ILO has been working on the redrafting of the work contract for migrant domestic workers to include clearer provisions in the articles within the contract that aims to increase protection of their rights. Moreover, ILO has been conducting a regional project with views to produce a research assessment of the human trafficking situation in the region, focusing on labour exploitation and sexual exploitation in several countries. The research assessment has been published on April 2013.

The United Nations Office on Drugs and Crime (UNODC)

UNODC is the UN agency leading the fight against illicit drugs and international crime. UNODC is currently focusing on Penal Justice reform in Lebanon, including prison reform and the fight against THB in cooperation with national counterparts, namely the Ministry of Justice and the Ministry of Interior.

In 2005, UNODC carried out the project “Prevent and combat trafficking in human beings in Lebanon” aimed to enhance the existing criminal justice mechanisms against THB by strengthening Lebanon’s capacity to draft and implement legislation in line with international instruments and to increase investigation and prosecution capacities through trainings. Moreover, this three year project also included providing technical assistance to the Ministry of Justice on producing a country assessment of the situation of trafficking in Lebanon and developing a roadmap of recommendations⁸³.

In 2012, UNODC started a project that seeks to build on the achievements of the previous work conducted by UNODC in the field of THB, whereby the overall objective of the project is to ensure that a prevention mechanism and a victim identification process be in place. The project aims to achieve this through the promotion and ratification of domestic legislation aligned with the UN Convention and related protocols, improving the effectiveness of law enforcement tasks, and supporting the role and participation of NGOs in prevention.

The International Centre for Migration Policy Development (ICMPD)

ICMPD is an international organisation which strives for comprehensive, sustainable and future oriented migration governance. It does so based on solid evidence and in partnership with all relevant stakeholders at national, regional and international level.

ICMPD began its anti-trafficking activities in Lebanon in late 2010 under the framework of the TELAE project. The project drew upon the development of an assessment of the current anti-trafficking initiatives in Lebanon and the development of tailor-made training material, and multi-agency training sessions carried out for all the institutions involved in the anti-trafficking response in Lebanon. The project was extended for an additional year with the objective to further enhance the capacity of the Lebanese authorities in developing and implementing a comprehensive anti-trafficking response, particularly for relevant anti-trafficking actors to identify, protect and refer potential victims of trafficking more effectively. The project activities included the development of draft SOPs for identification and referral of victims of trafficking, followed by a training of trainers on the implementation of the developed SOPs. Furthermore, the extended effort aims to foster multi-agency cooperation through the elaboration of a first draft of an anti-trafficking NAP, ensuring the consistent involvement of governmental institutions, NGOs and IOs in all activities. The first draft of the NAP was finalised in February 2012.

⁸³ <http://www.un.org.lb/Subpage.aspx?pageid=60>

Institutional Cooperation

CLMC signed a MoU with DGSG in 2003 upon the setting up of a safe house, stating that victims can stay at the shelter for up to two months. Caritas and the Catholic Migration Commission also signed a MoU with the Ministry of Interior, stating that identified potential victims of trafficking be referred to CLMC's safe houses. Caritas has also signed a Memorandum of Cooperation (MoC) with the Philippines Embassy in Lebanon as well as a MoC with the Syndicate of Recruitment agencies, and thus regularly coordinates with these bodies. Caritas also liaises with embassies and organisations of labour-sending countries; joint programs that have been conducted include the 'Pre-departure Orientation Session (PDOS)' for potential migrant workers. Caritas was also a partner with Heartland Alliance for Human Needs & Human Rights on a GTIP funded project focusing on Iraqi refugees. On the national level, CLMC constantly cooperates with DGSG to assist in victim identification, case handling, and investigations. Caritas also coordinates with the Ministry of Labour in the frame of hotline operation, training the Ministry's hotline operators. Caritas was also a member of the National Steering Committee to combat trafficking and the National Steering Committee for migrant workers.

World Vision also cooperates with other organisations working in the field of trafficking for their various anti-trafficking activities; the cooperation is however not bound to any agreement (i.e. MoU or such). The Higher Council for Childhood is engaged in all national level activities implemented by World Vision. Other partnerships have been formed, namely with the MoSA Social Development Centres, ISF, UPEL, and ALEF for various activities. The MoSA has also coordinated with KAFA on related projects. For their regional anti-trafficking project, IOM worked closely with UNHCR on cases where victims are given refugee status and are in the process of resettlement. Moreover, The Ministry of Labour cooperates with the ILO, Office for the Higher Commissioner for Human Rights (OHCHR), IOM, Middle East Council of Churches (MECC), and local NGOs.

According to the Law 164, and the later issued Decree No. 12, the Ministry of Justice is the responsible institution that may enter into agreements with specialised institutions and associations so that they may offer assistance and protection to the victims.

PART THREE:

A Closer Look at the 3 P's (Prevention, Protection and Prosecution)

Prevention

An important component in combating THB involves preventive measures such as awareness raising of the phenomenon as well as discouraging the demand fostering of the various forms of exploitation of persons leading to trafficking. The Palermo Protocol requires Lebanon to establish comprehensive policies and legislation, programmes, and other measures to prevent THB and to protect trafficked persons from being re-victimised. Preventive measures undertaken by the major actors involved in combating THB in Lebanon, was mapped out through interviews and questionnaires disseminated to the main bodies involved, as well as from previous reports addressing the issue.

Only few prevention activities were conducted by governmental institutions. Lebanon has taken steps in initiating measures to raise awareness on the issue of THB mainly through the activities of NGOs and IOs.

DGSG and the Ministry of Labour have both created complaint offices and hotlines for migrants to report abuse and exploitation. The Ministry of Labours' hotline is still operating to receive labour complaints from foreign workers. Recruitment agencies were also informed to report complaints of abuse or harassment they receive from MDWs.

In 2011 DGSG continued to implement its pilot programme of distributing brochures to a number of departing Moldovan artist workers that contain information on NGO resources available to trafficking victims in Moldova.

In February 2012, DGSG officers at the airport began distributing two booklets to MDWs upon their arrival at the airport. One of these booklets includes information on the anti-trafficking law and is printed in six languages, while the other is the booklet on rights and obligations printed in eight languages⁸⁴. The booklets also provide information on the vital telephone numbers, namely those of the DGSG, the Red Cross and CLMC's hotline.

Concerning child issues, The Higher Council for Childhood within the MoSA has set up a child protection system. According to NGOs, there is no specific system set up for child victims of trafficking; however there is the national referral system for any case of child abuse or neglect at MoSA. The legislative framework, 'Law 422/2002 for the Protection of Juvenile Delinquents or Endangered Juveniles' is the foundation of this system. As reported, there are some efforts to establish a hotline for abuse.

Heartland Alliance has produced anti-trafficking brochures and posters (on general awareness, and on supporting the anti-trafficking legislation). Moreover they have produced identification and response cards for service providers, judges and lawyers, law enforcement, medical care providers and the general public. Training curricula for different target groups were also produced, and included power point presentations, supplemental packages of training documentation and training exercises and activities.

⁸⁴ US Department of State (2012). Trafficking in Persons Report, p.221

In March 2010, a training program on child trafficking for 39 ISF officers was hosted by the HCC in partnership with an international and a local NGO. The training has led to an increased ability among the trained officers to recognise that non-payment of wages and physical abuse of migrant domestic workers are indicators of human trafficking⁸⁵.

In countering gender-based violence, KAFA has a listening and counselling centre with a 24 hour helpline for victims of abuse. The centre provides psychological assessment, socio-legal counselling, and referral to a shelter. In providing assistance to victims, KAFA also coordinates with the MoSA, as well as other centres and shelters. KAFA has drafted and lobbied for a law to protect women from family violence, the draft is currently at the Parliament waiting voting. Moreover, KAFA works on raising awareness on child sexual abuse and creating toolkits to assist counsellors and school staff to help children and young adults through preventative measures, with many activities being conducted in partnership with the Higher Council for Childhood (HCC) within the Ministry of Social Affairs. KAFA conducted a workshop on Prostitution and Trafficking for civil society actors in 2008, and events at the Lebanese American University: International Situation on Prostitution and Trafficking in Human Beings: A Feminist Analysis, in 2010.

Caritas has conducted several information campaigns, producing pamphlets, brochures and newsletters to raise awareness about migrant worker exploitation, as well as on their rights and available services. In 2007, 2008, 2010, and 2011 awareness campaigns were also conducted through media channels; TV, radio, billboards, and two short movies titled “Maid in Lebanon” produced most of these targeted migrant workers and Iraqi refugees. They are also currently planning a radio spot to discuss sex trafficking. In addition, they are preparing trainings for judges on human rights and counter-trafficking, as well as training sessions on identification and referrals for health care providers.

In 2011, ALEF was preparing a comparative study on violence in schools in Lebanon, Yemen and Morocco. They are also currently designing an advocacy plan with the main objective of preventing use of violence against children in schools. ALEF aimed to lobby decision-makers to mainstream child protection in educational development action plans and strategies, as well as target teachers to raise their awareness on national legislation and codes of conduct prohibiting use of violence. In addition, educational inspectors were to be trained to detect and report cases of violence in schools.

Trainings on child trafficking have also been conducted in 2012 by UPEL for ISF officers, in collaboration with previously trained officers.

World Vision Lebanon has also engaged in various national and community level campaigns on child protection, most focusing on banning violence against children. Regarding trafficking, they have adopted a strong child participation focus in their prevention and protection work in communities vulnerable to child trafficking and labour exploitation, mainly by mobilising groups of children and youth to advocate in their own communities for the protection of children in exploitative situations; working children were included in the community campaigns for a peer to peer approach to child protection. In 2010, World Vision facilitated anti-trafficking and labour exploitation campaigns led by children in their communities in several areas in Lebanon.

⁸⁵ US Department of State (2012). Trafficking in Persons Report, p.229

Most of the information materials are produced in Arabic and English. Only few information brochures are also being distributed in the languages of the MDW. The hotline has received calls of complaints of abuse or mistreatment, yet at times it has been reported that the issues are not well-addressed. According to KAFA, though only some NGOs have managed to create information material targeting the different audiences, it is not always accessible to the most vulnerable groups, such as MDW who cannot leave their employers houses, or those who do not speak or read Arabic or English.

Employment agencies can play an important role in prevention of THB in Lebanon. They are the central link between migrants and their employers in Lebanon under current regulations. The first three months of employment are considered the worker's probation period, wherein employment agencies are expected to ensure that the employer and employee are comfortable with the work arrangement. Furthermore, employment agencies are also responsible to report complaints of abuse or harassment to the DGSG when received by MDW. Unfortunately, employment agencies do not always take decisions in favour of employees at times when problems arise.

There is a need of more awareness raising and education concerning the regulated sex industry toward the general public. The artiste visa itself is a problem as the women enter Lebanon within a framework of the sponsorship system, giving their employers a great degree of control over each employee and more control over restricting the women's freedom of movement and choice. Some NGOs believe that the artist visa facilitates trafficking of women for sexual exploitation and prostitution.

The 2012 TIP report stated that despite this awareness campaign and a law prohibiting the confiscation of passports belonging to foreign migrant workers arriving in Lebanon, General Security still require foreign migrant workers to hand their passports to their sponsors upon arrival to Lebanon, limiting their freedom of movement and making them vulnerable to situations of forced labour and other forms of exploitation⁸⁶.

Identification, Referral, Assistance and Protection

An important component in combating trafficking in human beings involves the identification, referral and the provision of assistance and protection to victims of trafficking. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons requires Lebanon to establish comprehensive policies and legislation, programmes, and other measures to prevent further trafficking in persons and to protect trafficked persons from being re-victimised. Earlier in 2012, the nominated focal points from the relevant governmental, non-governmental and international organisations in Lebanon jointly developed and validated draft Standard Operating Procedures (SOPs) for the Identification and Referral of Trafficked Persons in Lebanon. The developed SOPs serve as a tool for institutionalised interagency cooperation that aim to encourage institutions and organisations towards a more structured and solution-oriented mode of cooperation, providing support of the new anti-trafficking law, the bylaws, and the existing regulations at the operational level.

⁸⁶ US Department of State (2012). Trafficking in Persons Report, p.221

The following section was mapped out through interviews and questionnaires⁸⁷ completed by the different anti-trafficking actors, as well as from the workshops that were conducted by ICMPD in early 2012 for the development of the SOP document.

Identification of Trafficked Persons

There was no formal identification of trafficked persons in Lebanon before the introduction of the Law 164. Generally, the identification was considered the responsibility of ISF and DGSG officers and, informally, social service providers. As further noted by NGOs, the identification process was also not clear, as it depends on the knowledge and capacity of the officer or the social worker that is dealing with the identification of a potential trafficking case⁸⁸. NGOs and IOs have trained police officers on victim identification to aid them in identifying cases. Finally, to a certain extent, embassies of the countries of migrant domestic workers were partially involved in the identification of trafficked persons, providing some monitoring and assistance to their nationals once they are identified as victims of abuse/exploitation.

Following the introduction of the Law 164, the identification process has become more formalised by legally introducing the definitions of THB and victim of THB. Currently, the first points of notification of suspected victims of trafficking are the DGSG, ISF and the General Prosecutors' Office. In cases involving foreigners, DGSG should be immediately contacted. In the case of minors, the competent authorities dealing with the case should immediately submit a request for the appointment of a social worker from UPEL, as it has been appointed by the Ministry of Justice to deal with all justice related issues involving minors.

Moreover, if the presumed victim expressed fear of return and holds an official legal refugee/asylum seeker status, the Lebanese authorities should notify UNHCR. The first point of notification are also the responsible authorities to gather evidence and review circumstances to identify the individual as a victim of trafficking in line with the definition put forth in Article 586.1 of Law 164.

Prior to formal identification, DGSG and ISF are the competent authorities to ensure the victims' urgent basic needs are met. Due to lack of resources and capacities to provide provision of these services, the competent authorities in most of the cases refer the presumed victim to a service provider where the above mentioned could thus be provided by them, or otherwise ensure that a social worker is present at all times for the provision of urgent basic needs and information in cases involving minors.

Early risk assessment to assess the presumed victim's situation, to identify potential health risks, need for medical care or other support needs as well as to assess future safety risks is done mainly by NGOs. However, DGSG and ISF are supposed to be the competent authorities to carry out the early risk assessment in cooperation with the service providers and social workers from UPEL (in the case of a minor).

⁸⁷ US Department of State (2012). Trafficking in Persons Report, p.221

⁸⁸ Questionnaire responses from civil society organizations

Due to lack of human and financial resources within the state institutions, language interpretation is a serious concern in Lebanon since in most of the cases it is hard to find in-house interpreters to support the communication process between the potential victim and the authorities. For this reason, the authorities have to rely on the support of the representatives from embassies or consular offices and service providers/NGOs. Failure to provide language interpretation during the identification process has resulted in victims returning to their countries of origin without being identified.

So far, the duration of reflection period has not been regulated by any legal or policy document. In practice, no victim was informed about this right and in most of the cases the victims have been interviewed right after they have been found.

Regarding the temporary residence permit, so far no victim was granted this kind of permit in Lebanon. This is due to the reason that before the introduction of the Law 164, there wasn't a legal ground to grant temporary residence permit to victims of trafficking. Article 586.8 of the Law 164 states that the investigating judge or the judge who is hearing the case may issue a decision allowing the victim to reside in Lebanon during the period of time required for the investigation procedure.

So far, the number of identified victims of trafficking is very low. The introduction of a legal definition of THB, as well as a definition of a victim of trafficking are expected to increase the number of formally identified victims.

Referral, Assistance, and Protection of Trafficked Persons

In Lebanon, there is currently no national referral mechanism. In light of the different organisations working on the issue of human trafficking, there is no official coordination structure established to date, although there are efforts to set up a referral system for victims. Thus, cooperation between the institutions is conducted on an ad hoc basis.

The referral process is split between judicial and social protection. NGOs are the main providers of social protection, along with some UN and intergovernmental agencies. This community has established its own referral networks catering for the needs of each case. Some of these organisations are specialised in certain sectors, such as in providing psychosocial support, and some are specialised to cater to a certain vulnerable population, for example Iraqi refugees, street children, etc. Thus, referral of cases for social protection comes from various sources depending on each organisation's specialisation. This network also includes schools, ISF, DGSG, various hotlines and community members.

When dealing with criminal cases that require judicial intervention, cases are referred to UPEL. UPEL ensures that a social worker is present with the child during interrogation procedures and conducts investigation into the child's situation. A protection request is then submitted to the juvenile judge to refer the child to appropriate social services.

In Lebanon, the competent authorities from ISF, DGSG or the prosecutors' office refer the presumed or identified victim of trafficking to available service providers immediately after initial referral, whereby he/she is provided with accommodation in a safe shelter to receive first assistance and protection. There are several shelters that receive victims of trafficking, some of which are non-governmental and others part of religious institutions⁸⁹. Caritas is the only institution with a government mandated shelter. Victims of trafficking can thus seek support through CLMC's safe house/shelter. Caritas has 2 shelters allowing victims to stay for a period of 2 months though, as reported by Caritas, the majority end up staying for a period of 4-6 months and are usually deported after this period. The number of women staying at the shelter at any given time ranges between 5 and 30. There are several services provided at the safe house/shelter, including medical assistance, psychological support, trauma counselling, and social counselling and assistance. Educational/vocational trainings and awareness raising sessions are also conducted to empower the victims. KAFA provides the same services to trafficked person as they do to other victims of violence, namely socio-legal counselling and referral to a shelter. Caritas Lebanon Migrant Centre also has a regular protection presence inside the detention centres for foreign persons at the General Security, providing medical and social assistance. Moreover, upon arrival to detention centres, General Security officers have begun to more systematically refer suspected victims of trafficking to Caritas⁹⁰.

As reported by ISF, with the absence of a national referral mechanism in place, referral is generally conducted on an ad hoc basis. CLMC's safe house is the main shelter to which most victims are referred.

Martha and Maryam, a shelter for abused women, is also another shelter whereby many victims are referred⁹¹. At other times, the victims are referred to NGOs working with exploited females, and these NGOs then refer the victims to shelters able to take them in.

No specialised NGOs provide assistance or protection to one of the most vulnerable group of trafficking, namely the foreign women in the sex industry (i.e. artist workers), as a result of strict regulations and their short length of stay in the country⁹², leaving DGSG the main body providing assistance to this vulnerable group. The US 2011 TIP report further stated that the Lebanese authorities did not provide services to Moldovan victims of trafficking, and did not take the necessary measures to reduce the demand for commercial sex acts or forced labour⁹³.

There is a gap in the support and protection of measures and services to children at risk, i.e. street children, children engaged in begging, etc. There are two shelters in Lebanon that accept street children; however these institutions are underfunded and financially unable to run at full capacity. Moreover, there is a lack of shelters for abused boys, and a lack of shelters receiving sexually abused girls mainly due to the lack of specialisation. Currently, the government has produced bylaws that will mandate the certain service providers to provide assistance and protection to all victims of trafficking, yet to date, no further action has been taken in identifying these service providers.

⁸⁹ According to questionnaire response from a civil society organization

⁹⁰ US Department of State (2011). Trafficking in Persons Report, p. 229

⁹¹ Questionnaire answer from ISF

⁹² UNODC & Ministry of Justice (2008) Trafficking in Lebanon report.

⁹³ US Department of State (2011). Trafficking in Persons Report, p. 229

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Regarding cooperation with countries of origin in the referral process, ISF and DGSG have reported keeping close contact with embassies of nationals from the countries of origin. Also, for some countries of migrant domestic workers, a few channels have been made available between CLMC and NGOs in certain countries to share information and ensure safe return and provision of assistance for victims of trafficking.

The institution responsible for the information sharing on the return of the victims is the DGSG in association with organisation of the hosting place/country, the victim and the organisation responsible for the return. As noted by NGOs, the return of trafficked persons is not always conducted with due regard for their rights, safety and dignity. Migrant women working as artistes or domestic workers identified as victims of exploitation or abuse are usually returned to their countries of origin at the earliest time possible before appearing in court⁹⁴. As reported in the US 2012 TIP report, out-of-status migrant workers were generally not prosecuted or fined, but were typically arrested, detained, and deported without being screened for indicators of trafficking.

Rehabilitation and reintegration services are available for victims returning to their countries of origin and are provided by CLMC. Caritas has reported close coordination with their partners in the migrants' countries of origin to ensure smooth reintegration of returnees to their native communities. KAFA also provides assistance to MDWs in their return to their countries of origin.

In Lebanon, longer-term assistance is available only to Lebanese national victims of trafficking who decide to join a support programme and thus it is not available to foreign victims. This provides the victims with the opportunities and resources necessary for reintegration in society following the physical and psychological consequences endured.

There are no compensation schemes or funds currently set in place for victims of exploitation and/or trafficking. According to the Law 164, the decision on compensation is to be decided upon by the judge of the competent court once the conviction verdict is out, considered to be part of the judge's ruling. The compensation claim should be submitted by the victim of trafficking/victims' attorney at the conclusion of the main hearing at a criminal court.

⁹⁴ Questionnaire response from civil society organization

Prosecution

Prosecuting cases of trafficking is an additional challenge faced in the national anti-trafficking response in Lebanon. There have been some efforts to prosecute and punish trafficking offenders in the recent years, yet until September 2011 was rather difficult to do so with the absence of a legal framework defining human trafficking as a crime. The information in this section has been extracted from the completed questionnaires by the different anti-trafficking actors, as well as reviews of previously published reports.

As previously mentioned, there is currently no police or prosecutorial department specialised in trafficking in human beings, though steps are currently being taken to ensure an establishment of such a unit at ISF. Several civil society organisations have reported that the lack of a specialised unit is one of the major shortcomings in combating THB in Lebanon. Moreover, there is also a lack of specialisation and a lack of trainings for judges, magistrates and prosecutors in recognising potential trafficking cases. As a result, some organisations have developed and implemented trainings to address trafficking.

Prior to the introduction of Law 164, Lebanon relied on the forms of exploitation that were criminalised in the criminal code, and as such the punishments for most of these crimes were not adequately rigorous⁹⁵. For example, the penalty for forced prostitution involves minimum of one years' imprisonment (Article 524); the penalty for forced labour includes a one years' imprisonment (Article 649). Consequently, proper prosecution relied on the passing of the anti-trafficking law, as is still relying on the approval of the labour law amendment.

Caritas Lebanon Migrant Centre was able to provide data on the number of court cases of human trafficking for the years of 2009 and 2010. Caritas reported 41 court cases in 2009 and 60 court cases in 2010, but had no available data on the number of convictions. There are some complications faced during proceedings that usually hinder prosecutions. NGOs have listed the following as common complications: "if the victim is foreign he/she very often is sent back to their country of origin before the court date; there is a lack of knowledge about trafficking among authorities and the judiciary, mainly as a result of the absence of a legal definition of trafficking; language barriers are a common problem, and often translators are not appointed during investigations of trials".

Prosecutions for forced labour have generally been insufficient, especially with the lack of adequate anti-trafficking training. Generally, most cases involving foreign victims are dealt with through quick administrative settlements due to several obstacles that arise in the pursuance of criminal complaints in the Lebanese court system. After these settlements, the foreigner is deported. There are however many cases that remain unsettled, resulting in immediate deportation.

⁹⁵ According to the US State Department (2010) Trafficking in Persons Report

As cited in the 2010 US Department of State report, there were some cases involving domestic workers brought forth to civil and criminal courts, mostly concerning non-payment of wages. One case was prosecuted in criminal court resulting in imprisonment of a woman for frequently beating her Filipino domestic worker; she was further ordered to pay compensation. Another reported case involved the arrest of two Lebanese men for forcing a foreign dancer into prostitution, but they were released following her refusal to press charges. A third case settled in a civil court, used several articles of the Obligations and Contracts Law, resulted in the ordering of an employer to pay her domestic worker compensation for a period of “14 years of back wages and other indemnities, signifying that the worker was likely a victim of involuntary domestic servitude”⁹⁶. Moreover, as stated in the 2011 US Department of State report, there is no evidence suggesting that a case of sex trafficking has been prosecuted in Lebanon⁹⁷.

The government has yet to suspend employment agencies for facilitating trafficking of persons, and still needs to provide specialised trainings for its officials to recognise, investigate and/or prosecute cases of trafficking⁹⁸. As reported by some NGOs, the Ministry of Labour maintains a black list of violating agencies and can revoke licenses of agencies that violate the regulations, yet the black list is not made publically available.

⁹⁶ US Dept of State (2010) Trafficking in Persons Report, p. 210

⁹⁷ US Department of State (2011) Trafficking in Persons Report, p. 228

⁹⁸ US Department of State (2010) Trafficking in Persons Report, p. 210.

Conclusions

Trafficking in human beings has been recognised as a pressing problem by the national authorities in Lebanon and important steps have been taken to strengthen the anti-trafficking efforts. However, the overview of the situation of THB shows that despite the efforts of governmental institutions, non-governmental and international organisations, Lebanon continues to face considerable challenges within its anti-trafficking response.

Data management

The most significant obstacle to optimise the national anti-trafficking response is a lack of reliable data on the demographics of trafficking in Lebanon. Detailed information is not available on different forms of trafficking or the numbers of trafficked persons, potentially trafficked persons and those at high risk of being trafficked. Having an established system for information management and data collection will contribute towards evidence based policy making.

Legal reform

A major achievement of the Lebanese legal system was amendments to the Penal Code and to the Criminal Procedure Law with the introduction of Law Number 164: Punishment for the Crime of Trafficking in Persons⁹⁹, which was passed on 1st September 2011. This created a basis for strengthening the legislative anti-trafficking framework in Lebanon, since before the introduction of these changes, Lebanon did not have any specialised anti-trafficking provisions within its legal system. The amendments harmonised (to some extent) the national legislation with international standards of the Palermo Protocol.

Most notably, the Law 164 criminalises the act of human trafficking. Furthermore, the law provides definition of 'human trafficking' and of a 'victim of human trafficking'. An important aspect of the law is that the competent authorities can formally identify a victim regardless of whether the perpetrator of the crime was identified, arrested, tried, or convicted.

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⁹⁹ Translation, US Department of State

The law stipulates high penalties for offences, particularly when related to vulnerable persons. It also foresees the possibility for granting a temporary residence permit to victims during the period of time required for the investigation procedures. Regarding the provision of assistance and protection to victims of trafficking, the law stipulates the responsibility of the Minister of Justice to enter into agreements with specialised institutions or associations so that they may offer assistance and protection to the victims. Through confiscation of perpetrators assets and deposition of these assets in a special fund within the Ministry of Social Affairs, Article 586.10 foresees provision of assistance to victims of trafficking.

Victim-centred approach

Although the new law contains important provisions in regard to criminalisation of trafficking in human beings, still important aspects ensuring the victim-centred approach are missing. These shortcomings can be overcome by introducing bylaws, standard operating procedures and other related regulations that will further detail the provisions of the law and align the Lebanese anti-trafficking legislation with international standards. Mechanisms that provide protection and support for victims of trafficking are needed. The legislation should be further aligned with the Palermo Protocol to include provisions to address protection needs of victims, especially in relation to return to their countries of origin.

In order to ensure non-prosecution of the victims the law must not inquire the responsibility by the victim to prove his/her innocence as this will refrain victims from seeking help from the authorities, when they risk or fear being arrested and detained. An important measure to support victim recovery is the possibility of granting a reflection period. The duration of the reflection period shall be further determined within the law.

The legal framework needs to clearly state that it is the State's obligation to ensure that a person is provided with assistance and support, as soon as there is a "reasonable-grounds indication" for believing that a person might have been subjected to trafficking. Furthermore, the provision of assistance and protection should not be made conditional on the victim's willingness to cooperate in the criminal investigation.

Consent of the victim for all the actions taken in regard to his/her identification, assistance and protection is important to be obtained and based on informed decision.

The principle of non-refoulement should be guaranteed to all victims which will prohibit the authorities from returning a person to a territory where there is a risk that his or her life or freedom would be threatened and the person would be subjected to persecution.

Cooperative framework

The mapping of the institutional framework in Lebanon shows that much effort has been exerted in the fight against trafficking in Lebanon by the relevant actors, yet there is a need of a more structure-oriented anti-trafficking response. Governmental and non-governmental organisations have been particularly active over the last few years in awareness-raising activities, prevention measures, and provision of assistance to various vulnerable groups. There is, however, still a significant gap in the realms of identification and referral mechanisms for potentially trafficked persons. The identification and referral of trafficked persons is done on an ad hoc basis between national institutions and civil society organisations. It is to some extent facilitated through Caritas as this is the association appointed by the government to run a shelter for trafficked persons. Though many other civil society organisations also provide assistance to trafficked persons, there is a need for strengthening the overall coordination. The SOPs will allow for better coordination among the relevant actors in the identification and referral system, and thus their official endorsement is of utmost importance.

Moreover, the establishment of a national referral mechanism will contribute towards an effective national assistance and protection system. Civil society organisations and international organisations working on anti-trafficking initiatives are engaged in regular, though informal, coordination and update meetings, and play a major role in providing services to protect and assist potential victims of trafficking and exploitation. In regard to this role, there is a need for more active involvement of the state actors at all levels of the anti-trafficking response.

Institutional and legal strengthening

Decree no. 12 which was endorsed in July 2012 is expected to formalise the cooperation between state and non-state actors in providing assistance and protection to trafficked persons. In this way, the state will ensure that all trafficked persons have access to adequate resources and receive treatment, assistance and support, safety and protection, compensation as well as normalisation of their immigration status. Safe houses are available to accommodate victims during periods of investigation and/or prosecution, providing psychological, social and legal counselling to trafficked persons, however, this possibility is not offered to all victims taking into consideration that there are no shelters in Lebanon to accommodate male victims of trafficking. Furthermore, there are no compensation schemes or funds which exist for victims of exploitation and/or trafficking, and generally, most cases are dealt with through administrative settlements.

Enable capacity building

There are presently no specialised law enforcement officials or prosecutorial departments specific to the issue of trafficking in human beings. Therefore, the actors require immediate support in capacity building and trainings focused on the anti-trafficking law in order to enable them to effectively investigate and prosecute trafficking cases and to ensure legal redress to trafficked persons. Moreover, as stated by several actors, capacity building is necessary for judges to ensure proper prosecution, as some remain unaware of the new anti-trafficking legislation.

THB is a hidden crime and therefore, it is often difficult to detect trafficking cases. Training law enforcement officials working at border crossing points would enable them to assist in the detection of trafficking cases. Similarly, a situation exists where persons already in Lebanon are exposed to various forms of trafficking. Specialised trainings should be conducted for law enforcement officials, such as the internal security forces, social workers, judges and prosecutors. Also there is a high turnover rate among these professionals. Institutionalised and regular trainings are of vital importance in order to overcome the issue of staff rotations, thus consider including these issues in the curricula of officers.

Enhance cross-border cooperation

Bearing in mind that Lebanon is mostly country of destination for trafficked persons and the majority of human trafficking cases are trans-border, it is of utmost importance that not only national but also cross-border cooperation is in place in order to ensure a comprehensive anti-trafficking response. A need exists to build collaboration between Lebanon and the countries of origin. There is also a lack of bilateral agreements between Lebanon and countries of origin to regulate cooperation on transnational trafficking cases and on broader migration issues.

Interrelated issues

In Lebanon, like in many other countries, trafficking in human beings is closely connected to other migration-related issues such as regular and irregular migration, labour market regulations, the kafala (sponsorship) system, and protection and support structures for migrant workers. Therefore, the anti-trafficking response needs to be a part of a broader response mechanism that will ensure coordination between the actions taken by the authorities involved in anti-trafficking activities and those responsible for tackling broader migration issues. The legislation such as the Labour code, provisions regulating the work of foreigners, administrative directives have a direct impact on the efficiency of the anti-trafficking response. In this regard, significant changes shall be made to the existing migration legal framework in order to prevent trafficking in human beings and to comply with the international standards.

The National Action Plan

A comprehensive institutional response requires adequate planning. Therefore, the draft national strategy and national action plan developed at the beginning of 2013 should be formally adopted in order for the state and non-state actors to be able to implement the strategic objectives and specific activities with an aim to improve the anti-trafficking response in Lebanon. Funding should be provided to support the NAP and other anti-trafficking related efforts, both from international sources and state budget.

Raise public awareness

Awareness raising through various media campaigns is needed as a preventative measure. Of particular importance, campaigns should also be translated to allow migrant domestic workers from different nationalities to benefit from the messages disseminated. Awareness raising campaigns should also focus on strategies for child victims of trafficking to cover the different forms of exploitation they are subjected to. Awareness of other forms of trafficking (such as forced marriages and organ trafficking) should also be highlighted;

Action Oriented Recommendations

In order to further improve the anti-trafficking response in Lebanon, the following suggestions outline the most important action oriented recommendations to be considered when shaping the future anti-trafficking effort:

At policy level:

- Adopt the draft National Anti-trafficking Strategy and National Action Plan (NAP) to structure the anti-trafficking response;
- Provide funding to support the NAP and anti-trafficking related measures;
- Formally endorse the draft Standard Operating Procedures (SOPs) for Identification and Referral of Trafficked Persons in Lebanon to ensure that victims are promptly identified and referred to assistance and supportive services;
- Establish a National Referral Mechanism (NRM) as a co-operative framework through which state actors fulfil their obligations to protect trafficked persons;
- Formally introduce the amendments of the Standard Employment Contract to prevent the vulnerability of migrant domestic workers;
- Consider revising the kafala system and introduce amendments to the Labour Law extending legal protections to migrant domestic workers and bylaws to better implement the new legislation;
- Create a unified information management system for the collection of data on human trafficking. The system will allow sharing between law enforcement agencies, the judiciary and civil society;
- Law Number 164 focuses on prosecution of criminal acts related to human trafficking. Provisions for protection and support for victims of trafficking are needed to enhance the law's effectiveness;
- Strengthen transnational cooperation on referral of trafficked persons between Lebanon and countries of origin to enable effective return of trafficked persons;
- Improve international law enforcement cooperation between Lebanon and other countries to more vigorously prosecute traffickers. This should be achieved by establishing MoUs and bilateral agreements on: exchange of information, extradition of offenders and victim evidence collection;

At Operational Level:

- Ensure full implementation of anti-trafficking Law No. 164. Design and conduct trainings to empower relevant actors and enable them to implement the legislation;
- Establish a specialised anti-trafficking unit comprising officials from relevant law enforcement agencies;
- Provide support for research to identify all forms of trafficking and to assess the extent of the problem in the country.
- Enhance victim identification by developing identification criteria to support the implementation of Law Number 164;
- Apply a child-sensitive approach to cater for child victims of trafficking. Special protection and assistance measures are needed, irrespective of their legal status both as victims and as children, in accordance with their unique rights and needs;
- Provide further assistance to children living and working on the streets such as the establishment of outreach support mechanisms;
- Capacity building and training on the new anti-trafficking legislation for judges and magistrates is critical. Moreover, there is a need to build the capacity of judges in techniques on how to treat victims of trafficking/ witnesses with respect and dignity;
- Establish training programs for governmental and non-governmental actors in victim identification according to standard operating procedures;
- Train all law enforcement officials working at border crossing points in order to assist in the detection of trafficking cases at borders.
- Provide training and implement a system of inland and border controls in the vulnerable/ affected sectors to increase identification of potential victims of trafficking;
- Support public awareness of the multitude of trafficking issues through various media campaigns;
- Increase the knowledge of relevant actors on the types of vulnerable groups and introduce and implement legal consequence to discourage the demand that fosters all forms of exploitation of persons;
- Monitor the working conditions of migrant domestic workers to ensure respect of their human rights.
- Official interpreters and legal assistance providers are of utmost importance and need to be trained in matters pertaining to trafficking in human beings during investigation and prosecution procedures.
- The Ministry of Labour shall maintain a list of employers and agencies that have committed violations, with harsher penalties imposed on these persons.

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ANNEX 1: Questionnaire

Supporting Framework

- What is your institution's role and mandate in combating trafficking in persons?

Please elaborate:

- What activities is your institution conducting in the field of anti-trafficking?

Please elaborate:

- Do you co-operate with other national/international anti-trafficking actors?

☐ Yes

If yes, please elaborate with whom and in what way:

☐ No

If no, please elaborate on why not:

- Is the co-operation bound by any agreement (i.e. Memorandum of Understanding MoU or similar)?

☐ Yes

If yes, please elaborate:

☐ No

- Is the anti-trafficking response presently co-ordinated at the national level (i.e. clear division of roles and responsibilities of different actors in providing protection and/or assistance to trafficked persons and for referring them to appropriate services)?

☐ Yes

If yes, please elaborate:

☐ No

If no, please elaborate on the present situation/informal co-ordination:

- Is civil society, NGOs and International Organisations part of the national anti-trafficking response?

☐ Yes

If yes, please elaborate on the participation:

☐ No

If no, please elaborate why not:

- How is the interministerial National Steering Committee to Combat Trafficking in Human Beings structured? Who is the leading agency? How often do they meet?

☐ Yes

Please elaborate:

☐ No

- Is your institution part of the inter-ministerial National Steering Committee to combat Trafficking in Human Beings?

☐ Yes

If yes, please elaborate on your participation:

☐ No

If no, please elaborate on why not:

- Are there other regular anti-trafficking meetings your institution is attending?

☐ Yes

Please elaborate:

☐ No

- Do you perceive Lebanon to be principally (please provide data (if available indicating the sources)):

☐ A) A country of origin of trafficked persons

☐ B) A destination country to which people are trafficked and exploited

☐ C) A country through which trafficked persons transit

If yes, please indicate key countries:

- How many victims of trafficking and for what purpose were identified in 2008, 2009 and 2010?

2008	2009	2010
Forced labour	Forced labour	Forced labour
Domestic servitude	Domestic servitude	Domestic servitude
Sexual exploitation	Sexual exploitation	Sexual exploitation
Begging	Begging	Begging
Petty crime	Petty crime	Petty crime
Dealing in organs	Dealing in organs	Dealing in organs

- Who is affected by the different forms of exploitation and to what extent (please provide data (if available indicating the sources))?

- ☐ Women
Please elaborate on the form of exploitation and indicate numbers if available:
- ☐ Men
Please elaborate on the form of exploitation and indicate numbers if available:
- ☐ Children
Please elaborate on the form of exploitation and indicate numbers if available:

- Do you have specific recommendations to address needs and gaps in the supporting framework?

Please elaborate:

Prevention

- How is the standard unified contract for domestic workers structured?

Please elaborate:

- Is the standard unified contract for domestic workers bound by any specific criteria?
Are there any gaps?

Please elaborate:

- Do bilateral agreements exist with specific countries for the recruitment of domestic workers?

☐ Yes

Please elaborate on which countries:

☐ No

- Are legal migrant labourers bound to one particular employer?

☐ Yes

Please elaborate on the conditions:

☐ No

- What is the role of private employment agencies?

Please elaborate:

- Are there any gaps in the artist visa program?

☐ Yes

If yes, please elaborate:

☐ No

- Are there information campaigns on the possibility to receive assistance and support for trafficked persons?

☐ Yes

If yes, please elaborate:

☐ No

- Is the related information available/accessible to the target groups?

☐ Yes

Please elaborate:

☐ No

- Is a child protection system in place?

Please elaborate:

- Has your institution been involved in any prevention campaign/awareness raising campaign (with regard to child protection)?

☐ Yes

If yes, please elaborate:

☐ No

- What are the forms of child trafficking in Lebanon? Are there any statistics on the incidence/ number of cases?

Please elaborate:

- What types of internal trafficking are there in Lebanon? Are there any statistics on the incidence/ number of cases?

Please elaborate:

- Is your institution involved in programmes that tackle the demand side of trafficking?

☐ Yes

If yes, please elaborate who the programmes target (i.e. men and the demand for sexual services, demand for forced labour, domestic work, servitude, begging, sexual services provided by male persons, etc.):

☐ No

- How is gender based violence countered (i.e. domestic violence, rape, sexual assault, molestation, sexual abuse of girls and boys)?

Please elaborate:

Support & Protection of Victims & Victim-witnesses

- Which agency is responsible for the formal identification of trafficked persons?

Please elaborate:

- How does the identification process work (please indicate if formal or informal)? Which agencies are involved in the identification process of trafficked persons?

Please elaborate:

- How does the identification process work (please indicate if formal or informal)? Which agencies are involved in the identification process of trafficked persons?

Please elaborate:

- Does the agency/agencies responsible for identification use a list of indicators (i.e. signs that an individual adult or child is under the control of traffickers or has been trafficked¹⁰⁰)

☐ Yes

☐ No

If yes, please elaborate what these indicators are:

- Can/are diplomatic missions of the countries of origin involved in the identification/first questioning of trafficked persons (i.e. their country nationals¹⁰¹)?

☐ Yes

Please elaborate:

☐ No

¹⁰⁰ P. 493

¹⁰¹ According to Vienna Convention on Consular Relations, diplomatic missions may be informed when a country national is arrested or committed to prison. In this context diplomatic missions may consider potential role in preliminary identification of VoTs.

- Is there identification of trafficked persons in detention centers?

☐ Yes

If yes, please elaborate on what procedures are undertaken during and after identification (pro-active approach?):

☐ No

- Are there minimum assistance standards (i.e. interpretation, medical, psycho-social, legal, therapeutical, educational, vocational training, social inclusion/job replacement) that must be provided to each trafficked person?

Please list the minimum standards that are provided:

- What type of shelters for trafficked persons are there in Lebanon (e.g. for national and foreign victims, child victims, short term or long term, gender, etc.)?

Please elaborate:

- What type of assistance does your organisation provide to trafficked persons?

Please elaborate:

- Which is the standard duration of the different assistance programs of trafficked persons?

Please elaborate:

- Is there a multidisciplinary approach towards protecting trafficked persons?

Please elaborate:

- Is there any outreach work that has been directed to supporting/protecting trafficked persons? What kind of outreach work is conducted? Who are the actors involved in this?

Please elaborate:

- Is the return of trafficked persons organised with due regard for their rights, safety and dignity and for the status of any legal proceedings related to the fact that the person is a victim?

Please elaborate:

- Is there a preference given to voluntary return?

Please elaborate:

- What kind of integration programs/social inclusion exist?

Please elaborate:

- Has the unified contract (the amendment to Lebanon's Labour Code) provided more protection for trafficked persons?

Please elaborate:

- Have any of these policies/procedures harmed these workers?

Please elaborate:

- Is there an active identification of trafficked persons among 'out-of-status' workers?

Please elaborate:

- Are foreign trafficked persons entitled to a residence permit?

If yes, please elaborate on when and for how long:

- Is the residence permit linked to the willingness of the trafficked person?

☐ To provide intelligence/information to the police

☐ To testify as a witness

Please elaborate:

- Do trafficked persons have access to social welfare?

☐ Yes If yes, what are the conditions?

☐ No

- Do trafficked persons receive a work permit?

☐ Yes If yes, what are the conditions?

☐ No

- Do you have specific recommendations to address needs and gaps for protection and assistance?

Please elaborate:

Investigation & Prosecution of Trafficking

- Which forms of trafficking and exploitation are currently criminalized under the criminal code?

Please elaborate:

- How does the new law on Trafficking in Human Beings differ from the old one?

Please elaborate:

- Is there a police and prosecutorial department specialised for trafficking in human beings cases?

☐ Yes

Please elaborate:

☐ No

- Please describe how investigation of offences on human trafficking is conducted (pro-active or reactive investigation)?

Please elaborate:

- Number of court cases and convictions on human trafficking (in 2008, 2009 and 2010)?

2008	2009	2010
No. of court cases:	No. of court cases:	No. of court cases:
No. of convictions:	No. of convictions:	No. of convictions:

Please elaborate:

- Number of court cases and convictions regarding related offences, such as facilitation of illegal immigration (in 2008, 2009 and 2010)?

2008	2009	2010
No. of court cases:	No. of court cases:	No. of court cases:
No. of convictions:	No. of convictions:	No. of convictions:

Please elaborate:

- Have there been any convictions for crimes of internal trafficking in the past year? If so, for which forms of internal trafficking?

Please elaborate:

- What kind of legal protections are provided to foreign trafficked persons?

Please elaborate:

- What are the most common complications faced during proceedings that hinder prosecution?

Please elaborate:

- How are employment agencies that facilitate exploitation sanctioned? And how many have been sanctioned in the last year?

Please elaborate:

- Does compensation schemes/funds for victims exist (specifically with regard to labour exploitation)?

☐ Yes

Please elaborate:

☐ No

- Do you have specific recommendations to address needs and gaps for prosecution?

Please elaborate:

Details of the person coordinating the answers to the questionnaire:

Institution:

Name:

Title:

Telephone number:

Email:

THANK YOU VERY MUCH FOR YOUR CO-OPERATION!

ANNEX 2: Summary of Recommendations

Article	Current Text	Proposed Amendment
586-8	<p>If evidence shows that the victim was forced into committing illegal acts or violating residence or work regulations then they shall not incur penalties.</p> <p>The examining magistrate or the judge handling the case file may render a verdict allowing the victim to stay in Lebanon during the period of the investigation.</p>	<p>Victims of Trafficking shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination or for their involvement in other unlawful activities to the extent that such involvement in these activities is a direct consequence of their situation as a victim of trafficking.</p> <p>Upon the request of the victim, the examining magistrate or the judge handling the case file shall render a verdict issuing a temporary residence permit to the victim for the duration of the entire relevant legal proceedings.</p>
586-1, paragraph 3	The recruitment, transfer, transportation, receipt, holding or harbouring of a victim for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in the first paragraph of this article	The recruitment, transfer, transportation, receipt, holding or harbouring of a victim under the age 18 years for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in the first paragraph of this article.
524 / 525	<p>Article 524</p> <p>Anyone who, yielding to the desires of third parties, seduces, recruits or deports a person with his/her consent shall be sentenced to a minimum of one year's imprisonment and fined a minimum of 200,000 Lebanese pounds.</p>	<p>Article 524</p> <p>Remove from Penal Code</p>

524 / 525	<p>Article 525</p> <p>Anyone who holds a person against their will in a brothel to reimburse a debt shall be sentenced to imprisonment of two months to two years and fined 50,000 to 500,000 Lebanese pounds</p>	<p>Article 525</p> <p>Remove from Penal Code</p>
N/A	(Add as an additional article)	<ol style="list-style-type: none"> 1. All actions undertaken in relation to victims and witnesses under 18 years of age shall be based on the principles set out in the Convention on the Rights of the Child, in particular the principle that the best interests of the concerned party must be a primary consideration in all actions involving the concerned party and the principle that the concerned party's view must be considered and taken into account in all matters affecting him or her. 2. If the victim is an unaccompanied person under 18 years of age the judge or magistrate examining the case shall task the relevant authorities to take all necessary steps to establish his or her identity and to locate his or her family

Source: Joint Recommendations on the Draft Law on the Punishment of Trafficking in Persons on 20 July 2011

ANNEX 3:

“Conditions For Engaging Housemaids – Rights & Obligations”

The Rights of the Housemaid:

1. The work contract must stipulate the following:
 - The period of employment.
 - The monthly salary that the employer is committed to Paying regularly
 - The conditions of breaking the contract and sharing of liabilities between the two parties in case of a dispute, and holding the responsible party liable to pay the expenses that resulted in the breaking of the contract
2. A health insurance contract
3. When necessary, the housemaid can contact her embassy or employment agency (in case she is exposed to any moral or physical pressure or sexual harassment)
In this case the embassies and the employment agencies should notify the General Directorate of the General Security immediately by contacting the security room or the external relations office.
4. Permission to call her relatives on a monthly basis (at least once) at her own expense or at the employer's expense (depending on the agreement between them).
5. Respecting her right to practice religious beliefs and rites or to express national and patriotic feelings.
6. Signing a “work contract” between the housemaid and her employer after fully understanding all its contents.
7. Getting periodic weekly holidays in accordance with the clauses of the contract.
8. The housemaid has the right to make a complaint (administrative at the General Security or judicial) if any of the contract clauses are breached, including complaints about mistreatment or harassment of any type.

The Obligations of the Housemaid:

1. Respect Lebanese laws and regulations.
2. Respect the members of the family whom she is working for.
3. Be committed to the nature of her work as a housemaid and protect the contents of the house she is working in and not expose family secrets.

4. Adapt to the family and its ways of living.
5. Not leaving her employer's house and without their prior approval or in accordance to the "work contract".
6. Signing the wage slip after collecting her salary as receipt.
7. Not to work outside her employer's house or in another domain other than that of a maid.
8. Not to get married (to a Lebanese or a foreigner) during her stay in Lebanon.

The Rights of the Employer:

The employer has the right to void the work contract if the housemaid:

1. Breaches the applicable laws.
2. Absconds from her workplace.
3. At any time, on condition that he fulfills all the obligations mentioned in the contract, in addition to the travel obligations.

The Obligations of the Employer:

The employer is obliged to provide:

1. All the travelling costs (to/from) Lebanon in any situation.
2. Fees for the administration of the contract, the entrance visa, the work and residence permits.
3. A suitable place to stay in, food, medical care, and medication.
4. In case of the housemaid's death, the costs of returning her body, her belongings and salaries.

ANNEX 4:

“Female Workers In Some Sectors & Occupations - Rights & Obligations”

Rights and Obligations of the:

- Night Club Dancers.
- Models.
- Masseuse.
- Barmaids.

A. The Night Club Dancers

Their Rights:

Upon arrival to Lebanon, the Night club dancer signs an “employment contract” with the Night Club owner for a period of one month, which consists of the following:

- Her salary and place of work
- Identifying the party (Night Club Owner or Night Club Dancer) who will cover the air ticket and laboratory expenses.
- The duration of the contract is set for one month and is subject to renewal for up to 6 months as long as it is agreed upon by both parties.
- The foreign Night Club Dancer can break her employment contract with her first employer and work in another Night Club. This right of transfer is valid only once during her stay in Lebanon.
- The Night Club Dancer receives her salary on a monthly basis and in cash.
- The Night Club Dancer has the full right to be in the voluntary company of a customer except for prostitution purposes.

Their Rights:

The Night Club Dancer is obliged to abide by the following:

- Conform to the applicable Lebanese laws and regulations, respect general rules and moral ethics and restrain from committing acts of prostitution or any action deemed to cause a disturbance or annoyance to the hotel or neighbouring residents.

- Respect of working hours set, starting from 10:00 p.m. till 05:00 a.m.
- Remain at the Hotel where she is staying, from 05:00 am till 01:00 pm.
- Perform artistic shows and stay in the company of the night club customers. Night Club Dancers who do not perform artistic shows on a daily basis without a legitimate excuse, will have their residence permits cancelled.
- To be committed to the employment contract signed between her and the Night Club owner.
- If the Night Club Dancer wishes to return to her country, she must give advance notice to the Night Club owner, at least one week prior to the expiry date of her employment contract, enabling him to finalise the required formalities with the General Security and to prepare monetary clearance and air ticket. It is forbidden for the Night Club Dancer who worked previously in Lebanon to return for employment purposes unless she remained outside Lebanon for an equal period of time compared to the period she spent while working as a Night Club Dancer during her last stay in Lebanon.

Night Club Dancer's Holidays:

- The Night Club Dancer is allowed daily to leave the hotel where she is staying from 01:00 p.m. till 07:00 p.m.
- The Night Club Dancer has the right to take one day off per week as agreed upon with the Night Club owner.
- The Night Club Dancer is not allowed to be absent or late for work due to health reasons unless a medical report is provided by the General Security certified Doctor, who diagnoses and prescribes the required time for rest.

Prohibitions:

- It is prohibited for minor Night Club Dancers to work in Lebanon unless they have the approval of their Parents or Guardians and providing they are part of an artistic group. They are strictly forbidden to be in the company of the Night Club customers.
- Foreign female who has worked as a Night Club Dancer in Lebanon is not permitted to enter Lebanon for tourism or for employment purposes in any other field except 12 months after having ceased her artistic activity in Lebanon.
- It is forbidden for Night Club Dancers to reside in hotels other than those authorized by the General Directorate of the General Security.
- During her stay in Lebanon, the Night Club Dancer is prohibited from marrying a Lebanese national and in cases where she marries a Lebanese national abroad, her entry to Lebanon will be denied unless she arrives a year after the marriage and upon prior approval of the General Directorate of the General Security.

- The Night Club Dancer is not allowed to engage in any paid employment other than that at the Night Club.
- The duration of the Night Club Dancer employment must not exceed 6 months without interruption. Furthermore, her return to take up employment is not allowed unless she spends the equivalent period of time as the one spent at work before her departure.
- It is prohibited for the Night Club Dancer to accompany customers to hotels and chalets.
- The General Directorate of the General Security holds the sole right to cancel the Night Club Dancer's residence permit upon her request; if it is proven that she had been subjected to abusive practices.
- It is prohibited to employ the Night Club Dancer in a temporary manner regardless of its nature and period, outside her main place of employment, without prior approval of the General Security and upon the request of her employer.
- It is forbidden for the foreign female who has worked as a Night Club Dancer and was allowed to re-enter Lebanon for marriage or any other purpose (is she arrives a year after her last departure as Night Club Dancer and upon approval of the General Security), to work again as Night Club Dancer or Model.

B. MODELS:

This category includes females who perform modelling in tourism establishments except Night Clubs. Their entry to Lebanon requires a contract and a prior approval by the General Security regardless of their nationalities.

Model's Rights:

Upon her entry to Lebanon, the model signs an employment contract with her employer, which consists of the following:

- Her monthly salary
- Her residence address
- The location where the presentation of modelling shows will take place.
- Identifying the party (the employer or the model) who will cover the air ticket, taxes, and laboratory tests expenses.
- The model has the right to go out with her friends in her free time and no one can force her to go out with any person

Model's Obligations:

The model is obliged by the following:

- Undergo laboratory tests and medical examination if her work period exceeds 30 days.
- Conform to the applicable Lebanese laws and regulations, respect general rules and moral ethics and restrain from committing acts of prostitution or any action deemed to cause a disturbance or annoyance to neighbouring residents.
- Reside at the address defined in the contract and not elsewhere.
- Commits to presenting modelling shows at the defined locations in the contract and she is not allowed to sign contracts with many agencies before referring to the General Security.
- The model that worked in Lebanon has the right to return back for work, as a Night Club Dancer, after remaining outside Lebanon for an equivalent period of time as the one spent working before her departure.
- To be committed to the employment contract signed between her and the modeling agency.

Prohibitions:

- It's prohibited for minor models to work in Lebanon unless she has her parent's or guardian's approval.
- It's not permitted for the model to enter Lebanon for tourism or for employment purposes in any other field except 12 months after having ceased her modelling activity in Lebanon.
- During her stay in Lebanon, the model is prohibited from marrying a Lebanese national.
- The model is not allowed to engage in any paid employment other than modelling.
- The duration of the model's employment must not exceed 6 months without interruption. Furthermore, her return to take up employment is not allowed unless she spends equivalent period of time as the one spent working before her departure.

C. THE MASSEUSE & THE BARMAID:

The Masseuse:

- This category includes females who work at specialized Massage Clubs, which are licensed by the Ministry of Public Health, or at massage centres of Sports Clubs and Hotels licensed by the authorized Ministry (Ministry of Public Health and Ministry of Tourism) and are officially registered, or the institutions licensed by the Prefect (Mohafez).
- Females, who work at hospitals and medical centres licensed by the Ministry of Public Health, are subject to the general regulations regarding the conditions for foreigners' work in Lebanon.

The Barmaid:

This category includes females who work at bars.

The Rights of the Masseuse & Barmaid:

Upon arrival to Lebanon, the Barmaid or Masseuse signs an "employment contract" with her employer at the Arabs, Foreigners and Special Categories Department, which consists of the following:

- Her monthly salary, place of work, the party that will cover the residence permit and air ticket fees.
- The Barmaid or the Masseuse receives her monthly salary in cash.
- The employer does not have the right to oblige the masseuse or the barmaid to commit acts against moral ethics at the place of work or to force her to go out with customers.

The Obligations of the Masseuse & Barmaid:

- Conform to the applicable Lebanese laws and regulations, respect general rules and moral ethics and restrain from committing acts of prostitution or any action deemed to cause a disturbance or annoyance to neighbouring residents.
- Respect of working hours set.
- To be committed to the employment contract signed between her and her employer.

The Holidays of the Masseuse & Barmaid:

- She has the right to take one day off per week as agreed upon with her employer and after approval of the General Security.
- She is not allowed to be absent or late for work due to health reasons unless a medical report is provided by the General Security certified Doctor, who diagnoses her state and prescribes the required time for rest.

Prohibitions:

- It is prohibited for minor Barmaids and Masseuses to work in Lebanon.
- Foreign female who has worked as Masseuse or Barmaid in Lebanon is not permitted to enter Lebanon for tourism except 12 months after having ceased working as a Barmaid or Masseuse in Lebanon.
- During her stay in Lebanon, the Barmaid and the Masseuse is prohibited from marrying a Lebanese National.
- It is prohibited for the Masseuse and the Barmaid to accompany customers to hotels and chalets.
- The General Director of the General Security holds the sole right to cancel the Barmaid's or the Masseuse's residence permit upon her request, if it is proven that she had been subjected to abusive practices.

ANNEX 5:
“WORK CONTRACT FOR MIGRANT DOMESTIC WORKERS”

Work Contract for Migrant Domestic Workers*

**The Republic of Lebanon
Ministry of Labour**

WORK CONTRACT FOR MIGRANT DOMESTIC WORKERS

Signed between:

The First Party (Employer)	The Second Party (Employee)
Full Name:	Full Name:
Nationality:	Nationality:
Born in:	Passport no:
Having his/her place of residence at:	Date of issue:
Family Status:	Date of expiration:
Location of register:	Born in:
ID, Individual Registration Certificate:	Having his/her place of residence at:
Address:	
Telephone:	

Whereas the First Party wishes to employ a person who enjoys competence, experience and skill to work for him/her in the capacity of a domestic worker.

Whereas the Second Party enjoys the aforementioned characteristics.

Therefore, both Parties mutually agreed on the following:

- 1) The introduction to this Contract shall be an integral part thereof.
- 2) The First Party agreed that the Second Party works for him/her as a worker in his/her house.
The Second Party consented to the aforesaid capacity in accordance with the terms and conditions stated under the present Contract.
- 3) The First Party shall undertake not to employ the Second Party in any other work or place that is different from the place of residence of the First Party.
- 4) The duration of this Contract shall be defined by one (1) year renewable.
- 5) This Contract shall enter into force as of the date on which it is concluded by both Parties before the Notary Public, including the probationary period of three months.
***As per Unified Contract Decree No. 19/1 dated 31/12/2009.nnex 7**
- 6) The First Party shall pledge to pay to the Second Party by the end of each working month his/her full monthly salary, which is agreed upon in the amount of, without unjustified delay. The salary shall be disbursed in cash directly to the Second Party, in pursuance of a written receipt to be signed by both Parties or in pursuance of a bank transfer with a written receipt to be signed by both Parties as well.
- 7) The Second Party shall pledge to perform his/her work in a serious and sincere manner and to comply with the instructions of the First Party, taking into consideration the work rules, customs and ethics and the privacy of the house.
- 8) The First Party shall pledge to meet the requirements and conditions of decent work and fulfil the Second Party's needs, including food, clothing and accommodations with which his/her dignity and right to privacy are respected.
- 9) The First Party shall pledge to guarantee medical care for the Second Party and to obtain an insurance policy from an insurance company recognised in Lebanon in accordance with the conditions prescribed by the Ministry of Labour.
- 10) The First Party shall pledge to obtain a work permit and authorisation of residence for the Second Party in due form at his/her own and full expense. He/she shall also pledge to renew them as long as the Second Party works for him/her.
- 11) The First Party shall fix the working hours for the Second Party at an average of ten (10) non-consecutive hours a day at most, including at least eight (8) continuous hours of rest at night.

- 12) The First Party shall pledge to grant the Second Party a period of weekly rest of not less than twenty four (24) continuous hours, the conditions of the use of which shall be defined by agreement between both Parties. The Second Party shall also be entitled to benefit from an annual leave of a period of (6) six days. Both Parties shall define its timing and the conditions of its use.
- 13) The First Party shall secure at his/her expense a ticket for the departure of the Second Party and his/her return to his/her country, except in the cases agreed upon in Article (16) of this contract.
- 14) The First Party shall undertake to allow the Second Party to receive telephone calls and correspondence intended to the latter as well as to permit the Second Party to communicate with his/her parents once per month on the expense of the First Party, and otherwise the Second Party shall bear the cost.
- 15) If the Second Party has a sickness other than that derived from his/her services and work related injuries, she or he has the right to a sick leave based on a medical report for half a month with pay and half a month with half pay.
- 16) The First Party shall be entitled to terminate the present Contract in the following cases:
 - A. In case the Second Party commits a deliberate mistake, neglect, assault or threat, or causes any damage to the interests of the First Party or a member of his/her family.
 - B. In case the Second Party has committed an act that is punishable by the Lebanese laws in force in accordance with a court judgement.
 - C. In these cases, the Second Party shall be obliged to leave Lebanon and to pay the price of the return ticket home from her/his own money.
- 17) The Second Party shall be entitled to terminate the Contract with the First Party taking full responsibility in the following cases:
 - A. In case the First Party does not honour the payment of the salary of the Second Party for a period of (3) three consecutive months.
 - B. In case the First Party or a family member of his/hers or any resident in his/her house beats, assaults, sexually abuses or harasses the Second Party, after such has been established through medical reports given by a forensic physician and investigation records provided by the Judicial Police or the Ministry of Labour.
 - C. In case the First Party employs the Second Party under a capacity other than that under which he/she had recruited him/her without his/her consent.


In these cases, the First Party shall be obliged to return the Second Party to his/her country and to pay the price of the travel ticket.

- 18) In the event of a dispute between the Parties of this Contract, it may be lodged to the Ministry of Labour to settle it amicably.
- 19) Upon failure of an amicable settlement of the dispute, the aggrieved Party shall be entitled to seek redress at the competent Lebanese Courts.
- 20) This Contract has been drawn up before the Notary Public in Arabic and signed by both Parties.

First Party

Second Party

For the Notary Public's Use



The assessment is part of the project 'Training to Enhance Lebanese Anti-trafficking Effort (TELAE): Identification, Referral and Policy Responses', implemented by the International Centre for Migration Policy Development (ICMPD) and financially supported by the United States Department of State, Office to Monitor and Combat Trafficking in Persons.

Human trafficking has been recognised as a pressing problem by the national authorities in Lebanon and important steps have been taken to strengthen antitrafficking

efforts. This assessment looks at the situation of trafficking in human beings in Lebanon through an analysis of the existing legal and institutional responses. An attempt has been made to identify the current state of play of the main forms of trafficking present in Lebanon, as well as the challenges related to the identification and referral of trafficked persons. Based on these analyses the document outlines the ambiguity and complexity which surrounds the issue of trafficking in human beings as a crime: a crime that is often hidden and intertwined with other migration related matters.

This assessment should be considered as a tool for those involved in improving the anti-trafficking situation in Lebanon so as to better identify key elements to be included in an effective and comprehensive anti-trafficking response. Moreover, the information provided in the assessment can aid anti-trafficking stakeholders in designing targeted interventions and concrete actions with the intent to fight trafficking in human beings in Lebanon.

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