

CCRM/INSAN statement during the 5th Thematic Session in Vienna
5 September 2017 – Panel 3: Appropriate identification, protection and
assistance to migrants and trafficking victims.

Trafficking in the MENA region is widespread and it greatly compromises the human rights of migrants in the region.

Migrant workers falling under the sponsorship system suffer from a multitude of rights abuses, in some cases amounting to modern day slavery.

Children on the move (whether refugee children or children of migrants) fall victim to number of trafficking situations including labor and sex trafficking. In particular, forced child marriages and child sex trafficking is a phenomena on the rise, especially after the war in Syria that resulted in the displacement of a large number of refugees into the neighboring countries (namely Lebanon, Jordan and Turkey).

As organizations working with migrants on the ground in the MENA region, we want to stress that we can not address identification, protection and assistance to trafficked individuals without addressing the structural causes that puts people in compromised situations and makes them vulnerable to trafficking.

In the MENA region, the absence of a legal framework protecting migrant workers and their families is among that primary reasons why migrant workers are extremely vulnerable to trafficking situations.

Migrant workers specially women migrant domestic workers are among the most vulnerable as their work is inside households and behind closed doors. As a result of the lack of a protective legal framework and the practices associated with the sponsorship system, including limits on the ability to change employers without the employers' prior consent in the middle east often times find themselves stuck in an abusive employment relationship, where employers confiscate the workers' papers, withhold their wages and force them to work overtime for no pay or force them to do work which was not agreed upon, without any vacation or days off.

Legal redress for victims of trafficking especially labor trafficking is extremely difficult. Despite that the majority of MENA countries have passed legislation combatting human trafficking, these laws have overwhelmingly focused on prosecuting perpetrators rather than protecting victims. Although migrants are entitled to report trafficking, if the trafficker is the employer, migrants can lose their legal status in the country and are automatically arrested and deported. Furthermore, when migrants are deemed as needing protection, protection facilities, including shelters are poorly equipped or function as unofficial detention centers.

To the Arab states present here today, a number of recommendations can ensure that migrants are less vulnerable to trafficking in our region, and these include:

- 1) ensuring that migrant workers are allowed to change employers without employer's consent, especially in exploitative employment situations without burdening migrant workers the proof of the exploitation.
- 2) Guaranteeing that migrant workers fall under national labor laws that are in line with international human rights standards.
- 3) Not to criminalize migrants for administrative breaches and putting in place firewalls that would ensure that undocumented migrants can complain against violations without facing deportation or arrest.
- 4) Shifting the focus from increasing the number of persecutions to ensure victim protection; this includes providing decent shelter and ensuring that migrants have the right to work and legally reside in the country as the proceedings are ongoing and after they are concluded.
- 5) Ensuring that shelters are for protection purposes only and that migrants enjoy freedom of movement and that shelters do not serve as detention proxies for governments.

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