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纳入妇女人权和性别公平观

贩卖人口，特别是妇女和儿童行为的受害者人权问题
特别报告员西格马·胡达的报告

增 编 * * *

对黎巴嫩的访问

(2005年2月7日至16日)

* 本文件的内容提要以所有正式语文分发。报告本身附于内容提要之后，仅以原文分发。

** 本文件迟交是为了列入最新资料。

内容提要

黎巴嫩是移徙帮佣工人的过境国与目的地国，这些移徙帮佣工人当中有许多人是被贩去受人剥削当佣工的。黎巴嫩也是被用来从事色情业的外国妇女的目的地国和过境国。此外，还存在向黎巴嫩贩运儿童和在黎巴嫩境内贩运儿童的问题。

黎巴嫩政府邀请特别报告员访问黎巴嫩，表明其有解决这一问题的意愿；特别报告员对能够按自己的要求充分地、与所有主管单位进行接触并进入所有设施表示赞赏。虽然取得了一些进展，但黎巴嫩政府从整体上讲仍未履行其在贩运人口方面所承担的国际义务。黎巴嫩政府对本国自武装冲突结束以来所面临的大规模移民没有进行适当组织和管理。此外，劳动、执法和社会援助等部门没有切实处理贩运人口的案件，议会在进行立法改革、争取预防和打击贩运人口行为方面的力度不够。解决歧视、贫困、早婚和缺乏教育及职业培训等贩运人口行为的根源的力度也不够，需要得到加强。

面对仍然存在的挑战，特别报告员呼吁：

- 黎巴嫩政府在以下四大方面采取行动：(a) 促进国家和国际合作；(b) 通过立法改革将一切形式的贩运定为犯罪行为，并加强劳动法框架；(c) 查明、保护和遣回被贩运者；(d) 确保对贩运人口的行为及相关罪行切实提出起诉；
- 始发国最好依照与黎巴嫩签订的关于移民问题的双边协定，提供有效的领事保护；
- 民间社会(包括人权组织)、媒体和工会以及国际社会更加重视移徙工人、从事色情业的外国妇女以及街头儿童的处境。

Annex

**REPORT OF THE SPECIAL RAPPOREUR ON THE HUMAN RIGHTS
ASPECTS OF THE VICTIMS OF TRAFFICKING IN PERSONS,
ESPECIALLY WOMEN AND CHILDREN, SIGMA HUDA, ON HER
MISSION TO LEBANON
(7 TO 16 FEBRUARY 2005)**

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1 - 6	4
II. THE NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK	7 - 21	5
A. Suppression and punishment	8 - 12	5
B. Prevention	13 - 21	6
III. GROUPS VULNERABLE TO TRAFFICKING	22 - 69	8
A. Domestic migrant workers	24 - 50	8
B. Women in the sex industry	51 - 61	14
C. Children	62 - 69	16
IV. CONCLUSIONS AND RECOMMENDATIONS	70 - 105	17

I. INTRODUCTION

1. Since assuming her mandate, the Special Rapporteur has been receiving reports from Lebanon and other countries in the Middle East alleging widespread exploitation of foreign nationals and pointing to the existence of a significant human trafficking problem in the region. Encouraged by steps reportedly taken by the Government of Lebanon to address this issue, she requested an invitation from the Government to conduct a fact-finding mission in the country.
2. The Special Rapporteur first of all wishes to express her thanks to the Government for responding favourably to this request and allowing her to visit Lebanon from 7-16 September 2005. Her mission marked the first official visit of a Special Rapporteur to study the situation in Lebanon since the end of the Lebanese armed conflict and can be regarded as a further step for Lebanon towards reconstituting its open society and establishing a human rights culture. The Government has shown a remarkable degree of openness and cooperation during the course of the Special Rapporteurs visit. She has been granted access to all the State facilities she had requested to visit, including a prison, a juvenile correctional facility and a detention centre. During the course of her mission, she held consultations with Members of Parliament, the Minister of Interior, the Minister of Labour, the Minister of Social Affairs, the Director-General of the Ministry of Justice and the First Lady in her capacity as President of the National Commission for Lebanese Women. Furthermore, she spoke with senior law enforcement officials, government experts, senior diplomats, and United Nations officials. She also met with representatives of the vibrant civil society that distinguishes Lebanon in the region and personally spoke with several victims of trafficking. She wishes to thank everybody for sharing their time and expertise with her.
3. Lebanon is a transit and destination country for large numbers of domestic migrant workers, a considerable number of whom are trafficked into exploitative labour situations. It is also a destination and transit country for foreign women exploited in the sex industry. In addition, there is a problem of child trafficking to and within Lebanon.
4. Despite some progress, the Government on the whole falls short of fulfilling its international obligations with regard to trafficking in persons. Except for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Lebanon has ratified all major human rights conventions.¹ From these Conventions emanates the obligation to act with due diligence to prevent trafficking, to investigate, prosecute and adjudicate traffickers and to assist and protect trafficked persons.² In August 2005, Parliament also took the commendable step of ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as the Protocol to Prevent, Suppress and Punish Trafficking in Persons). This important international instrument further specifies Lebanon's obligations with regard to trafficking in persons and details a number of measures, many of which Lebanon has still to implement.
5. Against this backdrop, the Special Rapporteur is pleased to note that the highest levels of Government now appear to have recognized human trafficking as a problem requiring immediate attention. The Ministries of Labour, the Interior and Justice are all involved in important reform

projects, which could decisively improve the situation once the reforms are adopted and properly implemented. There is also great interest in the Ministry of Social Affairs to become involved in protecting and assisting trafficked persons.

6. While the Special Rapporteur has not shied away from strong words where strong words were due, her report should be understood as constructive criticism meant to provide a guiding framework to the Government and civil society on how to better prevent and combat trafficking and protect trafficked persons. It is a first assessment from a human rights perspective, but cannot replace technical cooperation and expert advice on specific issues relating to labour, law enforcement, children and migration, which the Government should continue to seek from specialized international agencies.

II. THE NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORK

7. The Government's commitment to address the trafficking situation has yet to translate into the necessary legal and institutional reforms.

A. Suppression and punishment

8. Lebanon has to reform its criminal law to criminalize all forms of trafficking, while ensuring sure that the victims are not criminalized and their human rights and dignity are upheld. Currently, Lebanese law criminalizes only certain component acts of trafficking and specific types of trafficking for sexual purposes. The Penal Code makes it an offence punishable by hard labour to deprive other persons of their personal freedom through abduction or other means. Forcing a woman, through misrepresentation, violence, threats, abuse of power or duress, into acts of prostitution, enticement for purposes of immoral acts for a profit, living off the proceeds of another person's prostitution and procuring minors for purposes of prostitution are also criminalized acts.

9. The investigation of criminal acts is generally the responsibility of the Internal Security Department of the Ministry of Interior. In cases involving foreign nationals the Ministry of Interior's General Security Department, which is in charge of controlling foreigners, also assumes a role in the investigation and there is an overlap of competences. The jurisdiction to prosecute lies with the Prosecutor-General, who forms part of the Ministry of Justice. There is no special anti-trafficking unit composed of officials from all relevant parts of the law enforcement apparatus, and the different law enforcement agencies, the judiciary and civil society do not systematically share information. Moreover, no organized attempt seems to have been made to compile information on human trafficking networks and their modes of operation.

10. Neither the Ministry of Justice nor the Ministry of Interior were able to provide the Special Rapporteur with comprehensive statistics on investigations, prosecutions and convictions in cases involving trafficking-related offences. No information was provided either on prosecutions and convictions of buyers of prostitution. However, the General Security Department informed her that assault and ill-treatment of women in the sex industry and domestic migrant workers have led to arrests and prosecutions in many cases. The Internal Security Department recorded six cases involving the sale of children for the period of January 2002-November 2005.

11. The level of training of law enforcement officials with regard to human trafficking appears to be inadequate. Even senior officials in the Ministries of the Interior and Justice seemed to lack a clear understanding of the concept of human trafficking, failing to distinguish it from the cross-border smuggling of migrants, which occurs with the migrant's consent and does not aim at exploitation. Consequently, there was also a lack of awareness that persons can be trafficked despite having valid visas and that there can be internal trafficking of persons within one and the same country.

12. Considering these shortcomings, it is a very positive step that the Ministry of Justice and the Ministry of Interior have embarked on a technical cooperation project with the United Nations Office on Drugs and Crime (UNODC) and United Nations Children's Fund (UNICEF). Assessing both the trafficking situation and the adequacy of existing legislation on trafficking, the project aims at improving Lebanon's capacity to draft and implement legislation in accordance with its obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons. The project also seeks to increase the law enforcement agencies capacity to investigate and prosecute in cases of trafficking, improve the level of training and encourage enhanced cooperation between the judiciary, the law enforcement agencies and civil society.

B. Prevention

13. The Protocol to Prevent, Suppress and Punish Trafficking in Persons requires Lebanon to establish comprehensive policies, programmes and other measures to prevent and combat trafficking in persons and to protect trafficked persons from being re-victimized. This includes measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking.

Awareness-raising

14. Lebanon has introduced some measures to raise awareness. The General Security Department and the Ministry of Labour have created complaints offices, where migrants can report abuse and exploitation. The General Security Department has also issued a circular to recruitment agencies instructing them to promptly report any complaints about abuse or harassment from domestic migrant workers. The Ministry of Justice has produced a pocket-size brochure in English and Arabic, which informs incoming migrants that forced labour, sexual exploitation, and all forms of deprivation of liberty and violence are criminalized. It also provides telephone numbers of the police, the Red Cross and the Caritas Migrant Hotline.

Labour law framework

15. A comprehensive and properly implemented labour law framework that follows international standards is a key instrument in limiting the demand for trafficked persons, since it discourages the use of forced labour, child labour and other forms of exploitation. Therefore, the Special Rapporteur welcomes the fact that Lebanon has ratified International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999, and also brought its laws on child employment closer to compliance with the international standards set out by the Convention on the Rights of the Child and ILO Convention No. 138 concerning Minimum Age for Admission to Employment, 1973. Lebanese law sets the minimum age of employment at 14. Children

under the age of 18 are prohibited from working more than six hours a day and from working at night. Children under the age of 17 may not perform any work jeopardizing their health, safety or morals.

16. The Special Rapporteur is very concerned, however, that certain groups of migrants who are particularly vulnerable to trafficking and exploitation are excluded from the protection of the labour law. Even though the relationship between an employer and his domestic worker is undoubtedly a labour relationship characterized by an unequal distribution of power between the contracting parties, domestic workers are specifically excluded from the protection of the country's Labour Code of 1946. As a result, they do not benefit from its detailed regulations on maximum working hours, a weekly day off, annual leave, etc. During his meeting with the Special Rapporteur, the Minister of Labour acknowledged this problem and informed her about his plans to initiate legislative reform. Such a reform would be a very important achievement. The Special Rapporteur is therefore encouraged to note that the Ministry, in collaboration with the United Nations, hosted a workshop in November 2005, in which measures to protect domestic workers under the labour law were discussed. The Ministry of Labour also informed her that Ministerial Decision 3572/1980 grants domestic workers access to the labour courts, which are specialized and less expensive. In practice, however, work-related disputes involving domestic workers appear to be handled by the ordinary civil courts.

17. The Labour Code of 1946 is also interpreted as not applying to women in the regulated sector of the sex industry, even though the women have concluded employment contracts as "nightclub dancers", "models" or "masseuses" and are given working visas as "artists".

18. Instead, both domestic migrant workers and women in the sex industry are subject to separate legal regimes, which are laid down in two booklets issued by the General Security Department entitled "Housemaids: rights and obligations" and "Females working at nightclubs, un-medical massage [sic] and modelling: rights and obligations". Some of the norms contained in these booklets are extracted from the Decree No. 17561 Regulating the Work of Foreigners of 1964. Many others appear to be no more than administrative directives which were issued by the former Director-General of General Security but never formally promulgated. It is positive to note that the directives clarify that physical and emotional abuse and sexual advances against the woman's will are prohibited and that the victim can complain in person or by telephone. The Ministry of Interior informed the Special Rapporteur that persons who violate these directives can be blacklisted and prohibited from employing migrant women as domestic workers or nightclub dancers.

19. However, other sections of the directives are deeply problematic. Some are obvious violations of applicable international norms. Domestic migrant workers and women in the sex industry are prohibited, for example, from getting married during their stay in Lebanon and could be deported if they do.³ There are also directives that in effect facilitate trafficking and exploitation, as will be discussed below.

20. The Special Rapporteur was surprised to learn that senior government officials outside the Ministry of Interior, including parliamentarians, were often unaware of the existence of these directives. In security affairs, the executive branch seems to operate with a worrying lack of parliamentary, judicial or other supervision, which can be partially attributed to a lack of

effective human rights monitoring mechanisms within the structure of Government. Parliament has established a human rights committee but it does not have the resources to effectively monitor executive conduct and norm-setting. Within its limited mandate, the Higher Council for Childhood, administered by the Ministry of Social Affairs, has some monitoring functions. Lebanon still lacks an independent national human rights commission that could fulfil a comprehensive monitoring mandate.

Discrimination as a root cause of demand

21. Discrimination must be regarded as one of the root causes of demand for trafficking. Many of the Special Rapporteur's interlocutors, including senior government officials, acknowledged that discriminatory attitudes on the basis of race, colour and ethnicity continue to be held by significant parts of Lebanese society. Unfortunately, the Government largely fails to publicly acknowledge and decisively address this problem. The Special Rapporteur is convinced that widely held attitudes of racial and ethnic discrimination, which intersect with persistent patterns of gender discrimination, enhance demand for exploitation and trafficking since they make it socially more acceptable to exploit women from Africa, Asia or the poorest parts of Europe.

III. GROUPS VULNERABLE TO TRAFFICKING

22. In the course of her mission, the Special Rapporteur found that a large number of persons, mainly women, are trafficked to and exploited in Lebanon. They can be found among women who planned to temporarily migrate to Lebanon and make a living as domestic workers. Many of the foreign women involved in the sex industry have also been trafficked and forced into prostitution. In addition, foreign and local children from socially marginalized backgrounds are at risk of being trafficked and exploited.

23. Unfortunately, the true extent of the trafficking situation remains unknown to much of Lebanese society, since the victims remain invisible. They are often physically invisible because they suffer in places that remain hidden from the public eye such as private homes or hotel rooms. Moreover, they are typically also socially invisible because they tend to be foreign nationals or are otherwise considered to be persons of low social status.

A. Domestic migrant workers

24. Since the early 1990s, large numbers of migrant women have come to Lebanon to serve as domestic workers in private households. For a majority of Lebanese middle-class families the foreign housemaid, who typically lives with the family, has become an indispensable part of the household. Since many domestic migrants have an irregular visa status, there are no reliable statistics on the overall number of domestic migrant workers currently present in Lebanon. Non-governmental organizations (NGOs) estimate that the total number of domestic migrant workers in Lebanon varies between 120,000 and 200,000 domestic migrant workers serving an overall population of 4 million. By far the largest group of domestic workers are Sri Lankan women (80,000-120,000), followed by Filipinas (20,000-25,000) and Ethiopians (20,000-30,000). Others come from countries such as India, Madagascar, Bangladesh, Viet Nam, Indonesia, Nepal, Burundi, Ghana, Nigeria and Senegal.

25. In the absence of an official migration programme, private employment agencies that cooperate with partner agencies in the sending countries have organized this influx. The agencies recruit the women in the sending countries and place them with individual employers. The agencies will charge the employer a fee of US\$ 1,000 to US\$ 1,500, which includes the domestic worker's airfare. Usually, the domestic workers will also pay a recruitment fee of around US\$ 200 to the agency.

26. The individual employer also has to "sponsor" his prospective employee's entry visa, which means that he has to agree to employ her, provide her with health insurance and assume responsibility for her annual visa fee of 300,000 Lebanese pounds. In addition, the employer must guarantee that the worker will leave the country at the end of the contract, an undertaking secured by a bond of US\$ 1,000. The sponsor's name will be stamped in the passport and recorded in a computerized database.

27. According to administrative directives of the General Security Department, domestic migrant workers are not allowed to change employers during their stay, unless their employer initiates the change within the first three months of employment. The General Security Department justifies the rule with the need to prevent another employer from unfairly benefiting from the initial employer's investment in bringing the worker to Lebanon. This system also prevents employment agencies from obtaining visas using fictitious employers. No consideration seems to have been given to an alternative system, which would allow the worker to freely change employers (with advance notice to the initial employer), while recognizing a separate obligation between employers that would require the new employer to reimburse the initial employer for costs the latter incurred in bringing the worker to Lebanon.

Manifestations of trafficking and exploitation

28. Employment in Lebanon provides an important chance for the migrant women and their families abroad, to whom they remit a large part of their monthly earnings of US\$ 100-300. However, this chance comes at a considerable risk since the Government fails to exercise due diligence in protecting migrant domestic workers from exploitation and abuse. Under the current system of migration policies and procedures it will depend almost entirely on the goodwill and benevolence of the employer whether a migrant domestic worker is treated with decency or not.

29. Many families - the majority, it is to be hoped - respect the dignity and human rights of their employees. Some employees even come to be treated as if they were members of their employer's family. Therefore, it would be wrong to stigmatize all domestic migrant workers as victims of exploitation. However, on the other end of a broad spectrum of increasingly bad labour conditions, there are domestic migrant workers who must be regarded as trafficked persons. Having been deceived about the employment conditions at the time of recruitment, these domestic migrant workers find themselves in a situation of economic exploitation upon arrival in Lebanon. It will depend on the circumstances of each case who is committing the trafficking. In some instances, it may be the exploitative employer who uses the employment agency as an unwitting tool of deception in order to recruit his victim. However, the employment agent himself can be considered a trafficker if he knows or turns a blind eye to the fact that the employer is recruiting the worker for the purpose of exploitation, but is deceiving the worker about this intention.⁴

30. This deception is facilitated by a system of multiple contracts. The major sending countries require the prospective worker and the employer, represented by the recruitment agency, to conclude a standardized employment contract before the worker leaves for Lebanon. Once she arrives in Lebanon, however, the Lebanese authorities require her to sign a second contract in front of a notary public before issuing her a work permit. Usually, the second contract is markedly disadvantageous compared with the standardized contract signed in the country of origin. It will not detail conditions of employment but only stipulate the duration of employment and the monthly salary, which is often considerably lower than that agreed upon in the first contract. Filipina domestic migrant workers, for instance, generally sign a contract in the Philippines guaranteeing a monthly salary of US\$ 200, but the contract signed in Lebanon will usually only promise a monthly salary of US\$ 125. It is this second contract that is considered valid and binding by the Lebanese authorities - even though it was concluded in a situation characterized by deception and duress.

31. The second contract is drafted entirely in Arabic making it easy to deceive the domestic migrant worker into signing it. Moreover, even if a domestic worker did understand the contents of the new contract, she would not be in position to refuse to sign the second contract and walk away, because her employer will already be in possession of her passport when she is made to sign the contract. As soon as a domestic migrant worker disembarks her plane, General Security Department officials take away her passport. Rather than giving it back to her, they will give it to her employers who will usually confiscate it for the entire duration of her stay to control her and protect their "investment" of US\$ 1,000-2,000 for the agency charge and the airfare. Without her passport, she is liable to arrest, criminal conviction as an undocumented migrant, followed by deportation. Despite repeated criticism from international human rights monitoring bodies,⁵ the practice of confiscating passports is ongoing.

32. Once the second contract is signed and the working visa granted, the domestic migrant worker is completely dependent on her sponsor and hence vulnerable to exploitation, because the validity of her visa depends on her continued employment.⁶ It is not uncommon for domestic migrant workers to work 15-17 hours a day, seven days a week.⁷ According to an unpublished Caritas Migrant Center survey of 2005, which is based on 400 anonymous telephone interviews, one third of all employers considered their domestic workers to be on call 24 hours a day. Some workers do not receive any annual leave. Many workers are also not given enough to eat or are given substandard food. According to a 2000 study based on interviews with 70 Sri Lankan domestic workers, one third of interviewees reported not having enough to eat.⁸

33. Employers often try to recover part of their initial investment in the agency fee and the airfare by refusing to pay the salary for the first three to four months of the contract (even though the worker will usually also have paid an agency fee). Some employers even deceive or force their workers into working without salary for longer periods of time. Radha from Sri Lanka,⁹ for instance, was told by her employer that she should not waste money on the transfer fees for sending money home every month. Instead, the employer promised to pay out a lump sum at the end of the contract. For two years she worked without a salary. At the end of her contract, her employer tried to force her to sign wage receipts for the entire period. When she refused, the employer called the police and accused her of stealing US\$ 3,000. In court she was neither provided with a legal representation nor an interpreter, although she spoke little Arabic, and was sentenced to one year of imprisonment. Her complaint against the employer was not pursued.

34. Employers frequently uphold such exploitative practices by systematically restricting their workers' freedom of movement and isolating them from access to other people. Domestic workers are often prohibited from leaving the house without permission, not given access to house keys or locked in the house altogether. These restrictions of their freedom of movement are officially condoned. Administrative directives of the General Security Department stipulate that a domestic migrant worker must not leave the house without the employer's permission unless the employment contract provides otherwise. There are also many cases in which domestic migrant workers are denied access to basic means of communication such as telephone or mail.

35. Some employers also resort to physical or systematic emotional violence to break the worker's resistance. According to the above-mentioned Caritas Migrant Center survey, 31 per cent of all employers admitted to beating their domestic workers if they do not follow instructions. Particularly in the first months, the "Madame" of the house, who is usually responsible for most of the physical abuse,¹⁰ will often "train" her new employee by way of harsh punishments. Alem from Ethiopia, for instance, was severely beaten on the neck with the heel of a shoe, because she failed to learn Arabic quickly enough. Over the course of several months of abuse she developed harmful fatty cysts in her neck which even four operations failed to remove.

36. Extreme cases also involve sexual exploitation; the Special Rapporteur has personally met some of the victims. Rosa from the Philippines, for instance, was forced by the 22-year-old son and the 25-year-old daughter of her employer to take off her clothes. They pushed a fork into her vagina and then forced her to drink from the toilet bowl. Sharmila from Sri Lanka was repeatedly gang-raped by her employer and his son. When she became pregnant, she was forced to have a clandestine abortion. After the abortion, the men continued to sexually abuse her until she escaped.

Lack of State protection

37. The Ministry of Labour informed the Special Rapporteur that the right to privacy would not allow the authorities to periodically visit and inspect households employing domestic workers. Instead, the Ministry of Labour delegates this responsibility to the employment agencies which are required to report cases of exploitation and abuse, and the Ministry sends inspectors only if it obtains information of that nature. It is obvious that a monitoring system requiring private agencies to police their own clients cannot be effective. Moreover, employment agencies are often implicated in the exploitation and abuse of domestic migrant workers, acting as enforcers on behalf of their clients. Some of the worst cases of physical abuse are committed by recruitment agency staff members who take it upon themselves to resolve conflicts between their clients and workers by beating or threatening the worker.

38. While there are no periodic inspections of households, a domestic migrant worker has the right to lodge a complaint with the Ministry of Labour or the General Security Department. This is unlikely to be successful, though, because her legal and factual situation is extremely weak. Since domestic migrant workers are excluded from the detailed protective provisions of the 1946 Labour Code, the authorities will evaluate her complaint in the light of the vague terms of the Lebanese employment contract. Most officials will heavily favour the employer in the process. Physical abuse, for instance, is often considered an acceptable form of disciplinary

action as long as a certain degree of intensity is not exceeded. Even in more severe cases officials will often broker some form of settlement and ensure that the victim leaves the country, if necessary by way of deportation, before a criminal trial can ensue.

39. The Government has been taking some initial steps to curb abuse by employment agencies. According to a 2003 decree of the Ministry of Labour, all employment agencies have to obtain a licence from the Ministry. In principle, the licence could be revoked if an agency fails to respect a set of norms (including a prohibition of physical abuse) laid down in the decree. In practice, however, the decree is inadequately enforced and only a few agencies have had their licences temporarily suspended as a result of violations.

40. With the help of lawyers provided through the legal aid programme of the Lebanese Bar Association or through non-governmental organizations, some domestic migrant workers do manage to bring an action in the ordinary civil courts. While court actions for non-payment of wages sometimes succeed, a civil court has yet to pass a judgement recognizing a forced labour situation.

41. With regard to criminal action, the situation is similarly bleak. Apart from a few notable exceptions, attempts to prosecute employers on charges such as deprivation of liberty or fraudulently withholding wages regularly fail to result in convictions. Even cases of sexual exploitation often result in impunity for the perpetrator. None of the cases of sexual exploitation brought to the Special Rapporteur's attention has resulted in the prosecution, let alone the conviction, of the perpetrators.

Alternative protection mechanisms

42. The lack of protection by the State authorities has also led to the development of alternative protection mechanisms. Many migrant workers turn to their home countries' embassy or consulate (provided there is one) and ask for consular protection. Sri Lanka, the Philippines and Ethiopia have established comprehensive protection programmes that go beyond mere protests through diplomatic channels. They systematically document cases of abuse or exploitation and raise them with the authorities, the agencies or directly with individual employers. The Philippines and Ethiopia have also introduced an ingenious system to secure payment of wages. If a domestic migrant worker does not receive her salary (evidenced by the lack of a signed receipt of payment), the employment agency which recruited the domestic migrant worker is held liable.

43. While all these efforts are laudable, they fall short of what could be achieved if there were bilateral or multilateral agreements between Lebanon and the major sending countries on issues such as standardized and mutually recognized employment contracts, effective monitoring mechanisms for transnationally operating employment agencies, and the safe repatriation of trafficked persons.

44. Although there seems to be an increasing interest in the situation of migrant workers, human rights NGOs in Lebanon as well as the trade union movement have so far largely failed to focus on the issue. There are, however, a number of faith-based organizations which provide crucial social and legal assistance to migrants. Several organizations work under the umbrella

of the Pastoral Committee of Asian-African Migrants (PCAAM), which was formally established in 1997. The Afro-Asian Migrant Centre (AAMC), for instance, helps domestic migrant workers to break out of the isolation they often find themselves in by providing a telephone hotline, radio programmes in the migrants' mother tongues and personal visits to workers and their employers. Franciscans International also has a migrant protection programme.

45. Since 2004, the Caritas Migrant Center and the International Catholic Migration Commission have been operating a safe house for migrant domestic workers who have suffered severe abuse or exploitation. This safe house, which was visited by the Special Rapporteur, is an exemplary institution. However, it only has the capacity to cater for about 12 women, which is far too little for an entire country. While it is positive to note that the Ministry of Interior has formally approved this initiative, the Ministry also requires that the women protected in the safe house leave Lebanon within two months. This time limit effectively denies the women their right to testify against the perpetrators of their abuse because it takes in practice far longer for court hearings to be convened, let alone concluded.

Situation of runaway workers

46. There are cases in which domestic migrant workers run away from their employers without giving notice, in order to find other employment; other domestic migrant workers run away because they have abusive or exploitative employers and cannot rely on effective labour protection. Running away may alleviate the problem of an exploited or abused worker initially. However, a runaway domestic worker is in a precarious situation since her visa is tied to the continued sponsorship of her employer. If a domestic migrant worker absconds, her employer has to report her immediately to the authorities, in order to withdraw his sponsorship and avoid being held responsible for the cost of her deportation. She is then considered a migrant of irregular status. If apprehended, these domestic workers will in many cases be prosecuted for illegal presence in Lebanon and sentenced to one to three months of imprisonment because the authorities often fail to take their abuse or exploitation into account.

47. Sometimes abusive and exploitative employers also raise unfounded allegations of theft against runaway workers to protect themselves from sanctions in case the worker herself lodges a complaint. Sumedha from Sri Lanka is a paradigmatic case. When she arrived in Lebanon, her employers took away her passport and confined her to the house. Over the course of three months she was severely beaten and not paid. When she ran away, her employers approached the authorities and accused her of theft. Despite speaking no Arabic, she was given neither an interpreter nor legal representation in court. The court convicted her for theft and illegal presence in Lebanon.

48. After serving their sentences, the women are transferred to the General Security Department's Detention Centre in Adlieh, where they often have to wait several months until an NGO or fellow nationals have raised money to pay for their deportation. Several of the Special Rapporteur's interlocutors assured her that the Detention Centre, which was opened in 2001, marks a progress from the previous facility located in Furn El Chebbak. This may be the case. Having inspected the Detention Centre, however, the Special Rapporteur came to the conclusion that detainees, some of whom are trafficked persons and therefore of concern to the Special Rapporteur's mandate, are not treated with respect for the inherent dignity of the human person.

49. The Detention Centre is located underground beneath a highway bridge. The detainees, all of whom have either served their sentence or were never convicted, do not have access to natural light or fresh air. Detainees do not leave the underground facility for the entire course of their stay. Most of the cells, which are located in a row in the hall facing the guards and measure approximately 28 square metres, are overcrowded. In the first two cells alone, the Special Rapporteur counted 52 and 47 women, respectively. Women are kept in separate cells from men, but there are no female prison guards to supervise and attend to the women. Both men and women are often beaten for minor reasons.

50. The disciplinary section of the Detention Centre consists of six cells, approximately 80 by 80 by 200 centimetres in size, closed by a metal door with a small opening that can be shut. Prison officials informed the Special Rapporteur that unruly inmates are locked into these dark cells for several hours. On the ceiling in front of the dark cells are three pulleys, which are used to punish detainees. Using the pulleys and a rope, detainees are lifted off the ground with their hands tied behind their backs. Several guards will simultaneously abuse the detainee - who is suspended in mid-air and hence completely defenceless - by kicking him with heavy boots and beating him with fists and truncheons.

B. Women in the sex industry

51. Until the beginning of the internal armed conflict, prostitution was legalized in certain designated areas. Today, the legal and factual situation is rather ambivalent. According to the Penal Code it is prohibited to practise or enable *secret* prostitution, which is punishable by imprisonment between one month and one year. The law enforcement agencies generally interpret this provision as a prohibition of all forms of sexual relations in exchange for money.

Women in the regulated sector

52. At the same time, the existence of a commercial sex industry procuring and offering foreign women for prostitution is officially tolerated and regulated. In Beirut and its vicinity, especially in the Maameltein area of Jounieh, there are a number of so-called “super nightclubs” where affluent Lebanese and tourists, especially from the Gulf region, come to choose foreign women for purposes of prostitution. Typically, a client will arrange to meet the woman of his choice the next day and pay between US\$ 50 and US\$ 200 to have sexual relations with her.

53. The super-nightclub industry is regulated and monitored by the General Security Department on the basis of administrative directives. Coming from the poorest parts of Eastern Europe, especially from Ukraine, the Russian Federation, Belarus and the Republic of Moldavia, the women enter Lebanon on visas for “artists” issued by a special section of the General Security Department. Officials are fully aware that these “artists” will engage in prostitution. This is evidenced by the fact that the women are required to periodically test for HIV/AIDS and sexually transmitted diseases.

54. An artist visa is valid for only 6 months and can be renewed only after the woman has spent at least 12 months outside the country. As a result, the women regularly rotate between Lebanon and other countries in the eastern Mediterranean region. According to the General Security Department, around 5,000 of these artist visas are issued every year, meaning that at any given point there are approximately 2,500 “artists” in the country.

55. The Special Rapporteur is concerned that a considerable number of the women are trafficked persons who were deceived about the type or exact conditions of their involvement in the sex industry, when they were recruited in their country of origin. Many have been made to believe, for instance, that they would be expected to perform striptease dances but not that they would be expected to have sexual relations with customers. The visa system designating the women as “artists” facilitates the deception. To add to the deceptive picture, the women conclude employment contracts as “nightclub dancers” or “models” with the so-called “impresarios”, who operate the nightclubs. These contracts are signed at the General Security Department when the women arrive in Lebanon and General Security officials will formally brief the women that they must not engage in prostitution.

56. Typically recruited with the promise of lucrative earnings, women are often kept in the sex industry through a system of debt bondage, which can be described as a vicious circle of exploitation. Many women do not receive any share of their income until the impresario has recovered his actual or supposed costs of recruitment and transfer. Impresarios often also charge the women with exaggerated costs for accommodation, food, clothing, etc. As a result, the women are faced with considerable amounts of debt, which they have to “work off”. After six months, the women are rotated to a nightclub owner in another country and the debt game starts again. During their stay, impresarios will frequently limit the women’s freedom of movement and restrict their social contacts.

57. In some cases, physical and sexual abuse is used to force a woman to prostitute herself. More subtle, but no less effective forms of coercion are more commonly employed. Some women are threatened, for instance, that their families at home will be informed about their involvement in the sex industry.

58. In trying to reconcile the formal prohibition and strong public disapproval of prostitution on the one hand with the demands of a large and lucrative market for prostitution on the other, the directives of the General Security Department facilitate these forms of sexual exploitation to some extent. One of these directives states that “the Night Club Dancer has the full right to accompany a customer voluntarily, but not for prostitution purposes”. On the basis of this rule, the nightclub owner can cloak himself in a suit of quasi-legality since he can easily claim not to have known whether the woman prostituted herself after she accompanied the customer. Conversely, the woman faces arrest and immediate deportation if she is caught prostituting herself. As a result, women, who were forced into prostitution and are therefore traumatized and intimidated, are frequently deported before they are in a position to raise a complaint. The situation of a victim of trafficking is particularly miserable if she has contracted HIV/AIDS or other sexually transmitted diseases as a result of sexual exploitation, as the General Security Department directives stipulate that infected or sick persons will be deported within 48 hours.

59. In an attempt to shield the regulated sex industry from public opprobrium, the General Security Department also tries to reduce the women’s public visibility and limit their contacts with the general population. It would seem that the rule limiting the women’s stay to six months serves mainly this purpose. Furthermore, the women are only allowed to reside in hotels authorized by General Security and must not leave the hotel between 5 a.m. and 1 p.m. If they are sick, they may only absent themselves from work if a physician accredited by the General Security Department diagnoses them as unfit. These rules play into the hands of exploitative impresarios who rely on strategies of isolation to subdue their victims.

The unregulated sector

60. In addition to the regulated sector, there is an unregulated sector of the sex industry. Almost all of the women involved are migrants with an irregular status. Many of the women have fled persecution, war and/or extreme poverty, coming from countries such as Sudan and, increasingly since 2003, also from Iraq.¹¹ Many others are former domestic migrant workers who had run away from their employers and could not find a new employer who was prepared to employ them without a valid visa. Since women in the unregulated sector have to fear prosecution for illegal presence in Lebanon and prostitution, they are effectively deprived of any State protection and are extremely vulnerable to exploitation at the hands of local or foreign men under whose “protection” they usually engage in prostitution.

61. The women cannot simply leave the sex industry and go home, either since they have to pay an administrative fine for every year they have been in Lebanon without a visa before they may leave the country. Over the course of the years, some women with an irregular visa status have accumulated administrative fines of several thousands dollars. The overall extent of the problem of these “stranded” women became visible after the tsunami of December 2004, when the Lebanese authorities took the commendable step of waiving administrative fines for Sri Lankan migrants with an irregular status. According to the Sri Lankan Embassy, almost 5,000 persons, mainly women, repatriated to Sri Lanka.

C. Children

62. Since the 1970s, child labour has substantially declined in Lebanon but remains a problem in low-income families that often use all family members for income generation. Official figures for 2000 estimated that 1.8 per cent of all children aged 10-14 worked.¹² For northern Lebanon, which has particularly high poverty levels, the respective figure was 3.3 per cent. Owing to their early entry into the labour market, the children generally have a low educational status.

Child begging

63. Street children and other children from socio-economically marginalized backgrounds are also exploited as beggars by organized groups of adult handlers who take a large share of the children’s income. In organized operations, the children are picked up every day from their own neighbourhoods and driven to the city centre. Having been moved out of a zone of relative protection into an area where they are more vulnerable to being exploited by their handlers or third persons, they must be considered to be internally trafficked children.

64. The Government has yet to develop a comprehensive strategy on how to resolve the problem of child begging. In ad hoc operations, police sometimes arrest begging children but then find that there are hardly any institutions to rehabilitate these children and give them educational or vocational training. Non-governmental initiatives have alleviated the problem, but their capacity and resources are limited.

Sexual exploitation

65. Official statistics indicate very low levels of sexual abuse and exploitation of children. In 2002, only 97 cases were recorded in all of Lebanon.¹³ The actual number is very likely to be far higher, however, since strong social and cultural taboos and a fear of ostracism prevent victims and witnesses from reporting cases of sexual abuse and exploitation, particularly if they occur within the family.

66. Child prostitution is one form of child sexual exploitation that occurs in Lebanon, but it is hard to quantify the problem. The non-governmental organization Dar el Amal, which has had a programme to rehabilitate prostitutes and protect girls at risk since 1969, has analysed 450 cases of women involved in prostitution, including 157 girls. The survey found that most girls had experienced extreme poverty, early marriage and sexual abuse prior to becoming involved in prostitution.

67. In some cases, family members, including stepmothers or second wives in polygamous marriages, induce or force girls to prostitute themselves. Zein and Ghada, two sisters aged 15 and 16, for instance, were forced by their own mother to endure men touching their private parts, while the men had sexual intercourse with adult prostitutes. Several non-governmental sources have also suggested that organized criminal groups are involved in procuring children for sexual exploitation by affluent clients in Beirut and Tripoli. The Special Rapporteur is particularly concerned about reports that Iraqi and Syrian girls as young as 12 years old are increasingly being trafficked to Lebanon, where they are forced to prostitute themselves.

Early and forced marriage

68. No unified personal status law exists in Lebanon and each Lebanese citizen is subject to the laws and courts pertaining to his or her religious community with regard to the regulation of personal status. Marriage ceremonies are therefore conducted by religious authorities. Some local religious authorities do not pay due regard to minimum age requirements stipulated even in their own religious law. As a result, child or early marriages remain a problem, particularly in northern Lebanon.

69. In some cases, these early marriages can be preceded by an act of transnational trafficking. In an ill-conceived attempt to preserve the family links to their home country, some families in the Lebanese diaspora deceive their daughters into travelling to their Lebanese home village, where they are forced into a marriage with a local man. The Australian embassy has documented 12 such cases involving Australian girls of Lebanese descent. Seven victims were younger than 16 years old. Other countries with a Lebanese diaspora are said to be confronted with the same problem.

IV. CONCLUSIONS AND RECOMMENDATIONS

70. **Lebanon has a significant problem of trafficking in persons that affects in particular foreign women recruited as domestic workers and foreign women in the sex industry. The trafficking of Lebanese and foreign children into street begging and sexual exploitation is a quantitatively smaller, but no less serious problem.**

71. **Despite some progress, the Government has until now not done enough to prevent trafficking, to investigate, prosecute and punish traffickers and to assist and protect trafficked persons. The Government has failed to adequately organize and regulate the large-scale migration which Lebanon has experienced since the end of the armed conflict. In addition, the labour law enforcement and social assistance authorities do not effectively respond to cases of trafficking and Parliament has not been sufficiently involved in promulgating legislative reform with a view to preventing and combating trafficking in persons. Efforts to address root causes of trafficking such as discrimination, poverty, early marriage and lack of education and vocational training are insufficient and need to be enhanced.**

72. **The good news is that Lebanon is moving in the right direction, evidenced also by the fact that the Government was remarkably open during the course of the Special Rapporteur's visit. After not acknowledging the existence of a trafficking problem for many years, the Government - led by a newly elected Parliament and Cabinet - now seems to be willing to address the problem. The first steps taken are very positive, but they are only first steps.**

73. **How much progress will eventually be achieved will ultimately depend on the Lebanese people. To build a truly democratic society they have to recognize that all human beings in Lebanon - whether Lebanese or foreigner, man or woman, housemaid or employer, prostitute or impresario - have equal rights and deserve equal protection.**

74. **The Special Rapporteur would like to give a number of recommendations to the Government, civil society, the sending countries and the international community in order to support their efforts to combat trafficking and protect its victims.**

Recommendations to the Government

National and international cooperation

75. **The Government, in close cooperation with civil society and the international community, should develop a comprehensive national strategy on trafficking to bring Lebanon into compliance with its international obligations with regard to trafficking. The strategy should be embedded into a national action plan on human rights and take into account the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking.**

76. **A national task force comprising officials from all relevant parts of Government (including labour, law enforcement and social assistance) and representatives of civil society should be set up to ensure that Lebanon implements and fulfils its international obligations with regard to trafficking in persons.**

77. **The Government should conclude bilateral or multilateral agreements with countries sending large numbers of migrant workers on the standardization and mutual recognition of employment contracts, the monitoring of employment agencies, safe repatriation and successful social reintegration of trafficked persons and other areas requiring cooperation between the sending countries and Lebanon. The bilateral**

agreements should also stipulate that consular officers have at least monthly access to all migrant workers, including detained persons, and immediate access if complaints are received.

78. The Government should sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and relevant International Labour Organization (ILO) Conventions on migrant workers.

Legislative reform

79. Lawmakers should become more involved in preventing and combating trafficking by initiating and realizing legislative reform. The Parliamentary Committees on Foreign Affairs and Human Rights should take responsibility in monitoring and ensuring that the international obligations Lebanon has assumed by acceding to international treaties such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons are effectively implemented into domestic law. Programmes to inform and educate Members of Parliament about these international obligations are also welcome.

80. The adequacy of the legislative framework on migration should be reviewed in light of the large-scale migration to Lebanon. A modification of the sponsorship system should be considered to allow migrant workers to freely change their employers.

81. The Penal Code should be amended so as to criminalize all forms of trafficking as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons. In addition, legislation should explicitly prohibit and separately criminalize the confiscation of passports and other identity documents by private persons.

82. The protection of the 1946 Labour Code should be extended to domestic workers. For the implementation of this reform, expert advice and technical cooperation should be sought from the ILO.

83. Legislation should be passed and implemented establishing a national human rights commission that complies with the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles). It should be allocated sufficient resources to effectively monitor the conduct of Government and undertake public-awareness-raising and education programmes. These programmes should place particular emphasis on discrimination on the basis of race, colour, ethnicity and gender and other root causes of trafficking.

84. Legislation should also strengthen the mandates of the Parliamentary Human Rights Committee and the Higher Council for Childhood. Sufficient resources should be allocated to these institutions as well.

Prevention and non-criminal sanctions

85. The Ministry of Labour should interview and inspect the households of all persons wishing to hire a domestic migrant worker. Persons who are not capable of offering adequate living conditions to a domestic worker with regard to accommodation, food and treatment should not be allowed to sponsor an entry visa.

86. **Until bilateral agreements on standardized and mutually recognized contracts are concluded with all major sending countries, the Ministry of Labour and the General Security Department should approve only those contracts that are simultaneously drawn up in Arabic and a language the migrant worker can read and understand. Contracts should set out detailed employment conditions with regard to the type of work, hours of work, weekly leave, annual leave and living conditions.**

87. **Ministry of Labour officials should also periodically inspect households employing migrant workers. Violations of applicable norms should result in administrative sanctions. In cases involving criminal conduct, the employer should be prohibited from sponsoring visas for a certain period of time and the case should be referred to the law enforcement authorities. The Ministry should also systematically monitor the compliance of employment agencies with the requirements stipulated by Ministry of Labour Decision 1/5 and all other applicable laws. The licences of agencies involved in the abuse or exploitation of migrant workers should be revoked and the perpetrators referred to the law enforcement authorities.**

88. **Women holding employment contract as nightclub dancers, models, etc. should receive the same degree of protection from the labour authorities that is extended to all other groups of persons covered by the 1946 Labour Code. Ministry of Labour officials should monitor compliance with the Labour Code, including through the periodic inspection of adult clubs and other places where these women are present.**

89. **General Security directives and any other norms limiting the freedom of movement of women holding artist or domestic worker visas should be abolished.**

90. **Police methods for dealing with children living or working in the streets, children in conflict with the law and children who are victims of crime should be modernized through greater focus on proactive outreach work, confidence-building measures and cooperation with social services. Social services should reach out and assist children living and working in the streets and other high-risk groups; professionals coming into contact with children living or working in the streets should be sensitized to child protection, as should the general population.**

Identification, protection and safe repatriation of trafficked persons

91. **Trafficked persons have to be identified as such. When migrants in a seemingly irregular visa situation are apprehended, the circumstances of each individual case have to be determined. The identification of victims should not be left to the discretion of individual General Security officers; rather, specific identification guidelines and procedures should be developed and followed. Potential victims of trafficking and exploitation, including women that have contracted HIV/Aids or other sexually transmitted diseases, must not be immediately deported but given adequate legal, medical and social assistance, including access to interpretation in a language they understand.**

92. **All persons detained in immigration detention centres must be treated with humanity and with respect for the inherent dignity of the human person. Representatives**

of non-governmental organizations and officials outside the Ministry of Interior should be given periodic access to the detention centres to verify compliance with applicable international standards. The detention centre in Adlieh should be relocated to a more suitable and healthy location.

93. Trafficked persons that have been identified should be granted the right to stay in Lebanon until they have a chance to give evidence in the criminal trial against their traffickers and until it is established that repatriation would not present a major security risk to the trafficked person or her family.

94. Trafficked persons should not, in any circumstances, be detained or prosecuted for illegal presence in Lebanon or unlawful activities that are a direct consequence of their situation as trafficked persons. Instead, safe and adequate shelter should be provided to all trafficked persons. The provision of such shelter should not be made contingent on the willingness of the victims to give evidence in criminal proceedings. Those victims who decide to cooperate with the prosecution must be given special witness protection so that they do not feel threatened or intimidated. The Ministry of Social Affairs should support existing non-governmental safe house initiatives and, in collaboration with civil society and the international community, create additional capacity. The special needs in terms of shelters and structures for trafficked children should be assessed and measures taken to ensure that children receive the assistance and protection to which they are entitled.

Prosecution

95. All cases of trafficking or exploitation should be thoroughly and effectively investigated by the law enforcement authorities. Senior police officials should issue explicit orders to their staff to conduct thorough unbiased investigations into reports alleging trafficking and exploitation, while bearing in mind their responsibility to ensure the safety and immediate well-being of trafficked persons. Prosecutors and judges should make effective use of the penalties for existing criminal offences in the prosecution and adjudication of cases of trafficking and exploitation until the Penal Code has been amended.

96. The Ministries of Interior and Justice, collaborating with civil society, the judiciary and the international community, should systematically compile statistics on investigations, prosecutions and convictions relating to trafficking in persons. Data on the traffickers' modes of operation and networks should also be systematically gathered and analysed. In this regard, the Ministries should, as a matter of priority, give their attention to their technical cooperation project with UNODC and UNICEF on enhancing measures to combat trafficking.

97. Officers of the Departments of General Security and Internal Security, prosecutors and judges should be given special training on effectively detecting, investigating, prosecuting and adjudicating trafficking in persons. The training should be sensitive to the needs of trafficked persons. Expert advice should be sought for this purpose.

98. Increased efforts should be made to identify and combat all forms of child trafficking, especially for exploitation in begging and child prostitution. Special training on trafficking of children and the protection to which they are entitled under national and

international law, as well as child-focused methods of intervention, detection, identification and assistance should be given to all relevant actors (officials, judges, social workers, NGOs and the media).

Recommendations to the sending countries

99. All countries sending significant numbers of migrants to Lebanon should establish embassies or consulates in Lebanon that are sufficiently staffed and resourced to exercise effective consular protection to nationals.

100. Sending countries should propose and strongly advocate the conclusion of bilateral agreements with the Government of Lebanon.

101. Sending countries should establish pre-departure training programmes that empower prospective migrant workers by educating them about their rights according to international and Lebanese law. Workers should also be informed about means and ways to enforce their rights. Sending countries should encourage migrant workers to become involved in labour unions in addition to forming their own support groups.

Recommendations to civil society, the media and the international community

102. Human rights NGOs should give more attention to the human rights of foreign nationals, especially migrant workers and women in the sex industry. They should address discrimination by the State and society with regard to race, colour, ethnicity, social status and gender as a matter of priority. The union movement should reach out to migrant workers, including domestic migrant workers, and advocate their equal protection in accordance with national and international labour standards.

103. Humanitarian organizations working with migrant workers should adopt a human-rights-based approach and advocate change on the basis of the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking.

104. The media has a key role in raising awareness of the situation of foreign nationals in Lebanon and increasing the visibility of problems faced by foreign domestic workers, women in the sex industry and children from socially marginalized backgrounds. The media should also address social, cultural and religious taboos preventing public discussion of problems related to sexuality and take a strong stand against all forms of discrimination on the basis of gender, race, colour, ethnicity or social status.

105. The international community should devote special attention to the situation of foreign nationals. It should encourage, politically support and fund initiatives to combat trafficking in persons and the various forms of exploitation emanating from it, including exploitative domestic labour, sexual exploitation, forced labour and child labour. Particular emphasis should be placed on the training of officials and efforts to address the root causes of trafficking, including discrimination, early marriage, poverty and lack of access to education and vocational training.

Notes

¹ Lebanon is a State party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

² See also United Nations High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1 (2002)), principle 2.

³ This directive violates article 23 (2) of ICCPR read in conjunction with article 2 (1); article 5 (d) of the International Convention on the Elimination of All Forms of Racial Discrimination; and article 16 of the Universal Declaration on Human Rights.

⁴ Trafficking, as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, requires a “purpose of exploitation”. It is obvious that traffickers themselves do not have to act with an exploitative purpose: when trafficker and exploiter are different persons, the trafficker will typically be indifferent as to whether the exploitation actually takes place or not, as long as he receives his trafficking commission. Therefore, knowledge on the part of the trafficker about exploitation planned by others or even deliberate ignorance to that effect must be considered sufficient.

⁵ See Human Rights Committee, concluding observations: Lebanon (CCPR/C/79/Add.78) (1997), at paragraph 22; Committee on the Elimination of Racial Discrimination, concluding observations: Lebanon (CERD/C/304/Add.49) (1998), at paragraph 15.

⁶ The link between the sponsorship system and exploitation is also evidenced by the fact that migrants working in factories and businesses are generally also incapable of standing up to unfair and illegal labour practices. Despite the fact that they are protected by the Labour Code and have access to the labour courts, they do not dare to raise a complaint out of fear that their employer will withdraw his sponsorship and assure their deportation.

⁷ Cf. Gloria Moreno-Fontes Chammartin, Women Migrant Workers’ Protection in Arab League States, in Simel Esim & Monica Smith (eds.), *Gender and Migration in Arab States: The Case of Domestic Workers* (ILO Regional Office for Arab States: Beirut, 2004) (citing a 2001 survey according to which domestic workers in Lebanon work an average of 102 hours per week).

⁸ Ray Jureidini & Nayla Moukarbel, Female Sri Lankan Domestic Workers in Lebanon: A Case of Contract Slavery? *Journal of Ethnic and Migration Studies*, vol. 30 (4) (July 2004).

⁹ With the exception of one case, which was related to the Special Rapporteur by a credible civil society source, the Special Rapporteur has personally spoken to all the women whose cases are described in this report. For their protection, she has assigned them fictitious names.

¹⁰ The violence perpetrated by the Madame is also linked to the patriarchal order that still characterizes most Lebanese families. The violence serves to reinforce patriarchy, although it does so indirectly, by reinforcing differences between women. See Bridget Anderson, *Doing the Dirty Work: The Global Politics of Domestic Labour* (London: ZedBooks, 2000), at 145.

¹¹ According the Danish Refugee Council and the Pastoral Committee on Afro-Asian Migrants, there are around 20,000 Iraqis and 2,200 Sudanese migrants with an irregular status in Lebanon.

¹² Higher Council for Childhood, *Situation of Children in Lebanon: 1998-2003* (Ministry of Social Affairs: Beirut, 2004), at 186.

¹³ *Id.*, at 209.

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