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MIGRANTS IN COUNTRIES IN CRISIS INITIATIVE

Issue Brief

Responding to Human Trafficking and Exploitation in Times of Crisis

Reducing the Vulnerabilities of Migrants in Preparedness, Response and Recovery Efforts

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Trafficking in persons is a complex and serious crime. The short- and long-term physical and emotional implications can be debilitating and life altering for the victims. While it is well recognized that trafficking in persons takes place in times of peace, it can equally take place in times of crisis. Migrants are abused, exploited, and lose their lives at the hands of human traffickers in times of armed conflict or natural disaster. This dimension, however, is largely overlooked by governmental and non-governmental actors alike and merits specific attention.

Recent research sheds light on the ways in which trafficking in persons may occur in the context of crises.[i] Failing to consider the risk and potential prevalence of human trafficking in times of crisis has a range of implications for migrants generally and, in particular, for migrant workers. Such oversight detracts from the effectiveness of responses and can exacerbate the impact on and insecurity of victims.

Given migrants' unique needs and circumstances during conflicts and natural disasters, evidence shows that migrants may be particularly vulnerable to trafficking. Recent findings support this hypothesis,[ii] although further research is needed in this area.

In this context, counter-trafficking efforts should be seen as a form of immediate and life-saving assistance in crisis situations, and as a matter of life and livelihood for victims of human trafficking, regardless of their citizenship or migration status. Accordingly, stakeholders should consider counter-trafficking measures at the same level of priority as other responses implemented to assist and protect crisis-affected populations, including migrants.[iii]

This Issue Brief provides an introduction to the topic of trafficking in times of crisis—in the context of conflicts and natural disasters. It discusses frameworks and practices relevant to addressing trafficking in these situations and identifies gaps and challenges. Aspects particular to migrants are highlighted, acknowledging that this is an area that would benefit from dedicated research and analysis; while there is an emerging evidence-base, concerted and enhanced efforts are needed. The suggestions and practices outlined in this Issue Brief seek to illuminate ways to better address the risks of trafficking before, during, and in the aftermath of crises, including for migrants.

> **What is the MICIC Initiative?**
>
> *The Migrants in Countries in Crisis (MICIC) Initiative is a government-led undertaking, co-chaired by the Philippines and the United States. It seeks to improve the ability of States and other stakeholders to respond to the needs of migrants caught in countries experiencing crises, whether as a result of conflict or natural disaster, including by protecting their rights and dignity and alleviating suffering. When countries experience conflicts or natural disasters, migrants may not be accounted for in preparedness and response mechanisms and may need specific support to find safety and rebuild their lives. In mid-2016, the Initiative will launch voluntary, non-binding principles, guidelines, and effective practices that address the roles and responsibilities of States, international organizations, the private sector, civil society, and migrants before, during, and after a crisis. More information about the MICIC Initiative is available at: http://micicinitiative.iom.int/.*
>
> *For queries, please contact: MICICSecretariat@IOM.int.*
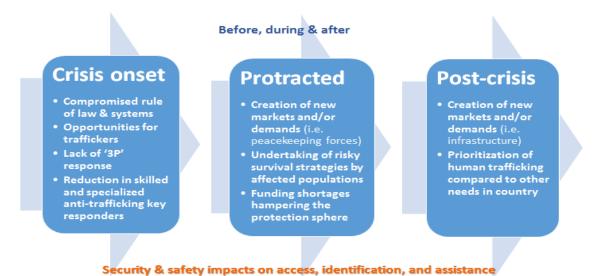
INTRODUCTION AND CONTEXT

Three key elements must be present to constitute human trafficking according to international law: (1) an **act** (recruitment, transportation, transfer, harbouring or receipt of persons); (2) using **means** such as deception, force, coercion and/or threat in order to have control over a person; (3) for the purpose of **exploitation**. Exploitation may take various forms. Some of the most common are sexual exploitation, forced labour, forced begging, organ removal, and slavery and slavery-like practices. These three elements must be connected to define a given situation as a case of trafficking in persons. With respect to children, only elements one and three are required to meet the criminal act of human trafficking although the reality is that many children are also victim to multiple means of control for the purpose of exploitation. Trafficking can take place within the confines of a single country or involve cross-border movement (as distinct from smuggling, which always involves cross-border movement and does not always involve force or coercion).

Crises tend to exacerbate exposure to risks, threats, abuse, and exploitation. In the context of conflicts and natural disasters, the capacity of a country to respond to crime is generally greatly hampered. In the ensuing chaos, and during its aftermath, there is often a weakening in the rule of law, which can create conditions that allow traffickers to act with impunity and for diverse forms of trafficking to flourish. Crisis situations may lead to increased instances of trafficking in persons, in some cases generating forms of trafficking that are specifically induced by the crisis itself.[iv] Human trafficking may become a means through which armed groups recruit fighters and a workforce, finance activities, or provide sexual services -- in some cases targeting nationals but in other instances deliberately targeting migrants. In Iraq and Libya, for example, reports have emerged that the Islamic State of Iraq and the Levant (ISIL) is holding migrant workers in situations of debt bondage, and using them for forced labour, sexual exploitation and as human shields in conflict.[v]

Trafficking can be motivated by a demand for cheap, illicit, and exploitative services by other actors -- such as peacekeepers and humanitarian actors who may seek sexual services in times of crisis. During the Balkan crisis in the late 1990s and early 2000s, the demand for sexual services by international peacekeeping forces and humanitarian actors led to the international trafficking of women and girls.[vi] With respect to natural disasters, traffickers may gain easier access to populations vulnerable to exploitation. Concern regarding human trafficking during natural disasters first appeared on the international community's agenda after the devastating tsunami in South Asia in late 2004. In the immediate aftermath, authorities intercepted groups of children being transported by non-relatives to parts of Indonesia for the alleged purpose of receiving education.[vii]

Yet the risks of human trafficking are neither static nor linked to only one phase of a crisis. As the below table highlights, there are myriad ways in which risks of human trafficking may be created or exacerbated, before, during, and following a crisis.

Chart 1: Risk Factors for Human Trafficking in Crisis Settings (© IOM, 2015)[viii]

Before, during & after

Crisis onset
- Compromised rule of law & systems
- Opportunities for traffickers
- Lack of '3P' response
- Reduction in skilled and specialized anti-trafficking key responders

Protracted
- Creation of new markets and/or demands (i.e. peacekeeping forces)
- Undertaking of risky survival strategies by affected populations
- Funding shortages hampering the protection sphere

Post-crisis
- Creation of new markets and/or demands (i.e. infrastructure)
- Prioritization of human trafficking compared to other needs in country

Security & safety impacts on access, identification, and assistance

Documents and materials produced by the [MICIC Initiative](#) aptly articulate specific vulnerabilities and challenges migrants face in the context of conflicts and natural disasters. The Initiative highlights that the extent to which the rights and dignity of migrants are protected prior to a crisis influences migrants' resilience during crisis and in post-crisis situations. When migrants are not included in crisis preparedness plans and responses; are unaware of or unable to access humanitarian assistance, support, and safe havens due to language and other barriers; do not have networks and support systems to help and provide for them; have their travel documents confiscated by their employers and/or, do not enjoy freedom of movement; are in an irregular status or in exploitative and abusive arrangements; are subject to abusive practices; or lack access to identity, residence, and travel documents, and are essentially left to fend for themselves, their predicament may heighten their risk of exposure to human trafficking. An example of this is the *kafala* (sponsorship) system, regulating the relationship between employers and migrant workers in several countries in West Asia, whereby foreign workers must be sponsored by a local citizen or company and their immigration status is legally bound to the sponsor for their contract period. The *kafala* system has been identified as "a major barrier to people in distress seeking or receiving help, as workers face possible arrest or deportation if they try to complain or leave their employer. Several key categories of particularly vulnerable migrant workers—those in domestic work and agriculture—remain outside of labour protection systems. Prevalence of passport-withholding practices, combined with high certainty of arrest or detention for leaving an employer, make it very difficult for people to leave even the most abusive situations"[ix]. Consider, for example, the complexity of replacing the identity documents of a migrant worker to facilitate quick and safe evacuation where the traffickers have withheld his or her passport and the respective consular services have been forced to relocate to another country as a consequence of insecurity in the country of exploitation -- as was the case in Libya in 2011 and most recently, since the re-emergence of conflict in 2014.   While not technically within the scope of the MICIC Initiative, in some of the most deceptive and coercive cases, trafficked migrants are completely unaware that they are going to work in a country in crisis.[x]

A further complicating situation occurs when trafficked migrants return from a crisis affected country to a home country in a situation of crisis, such as the case of Nepalese victims of trafficking returning from Libya or Yemen to Nepal in the latter half of 2015, as their home country continued to recover from the earthquake. This practice may result in a failure to identify trafficking and refer trafficked migrants for appropriate assistance. Where both the country of exploitation and the migrant's home country are facing situations of armed conflict (at the time of drafting this paper, an example of this would be trafficked Yemenis in Libya or Syria), temporary relocation and assistance options may need to be considered. Opportunities for sustainable reintegration require specific, tailored interventions to avoid the risks of re-trafficking[xi]. Trafficking has the potential to flourish as criminal networks take advantage of limited national resources and capacity to respond to the chaos induced by crises. At the same time, similar to what has been noted within crisis-affected populations, migrants may resort to risky survival strategies that expose them to increased risks of exploitation.[xii] A case in point comes from Egypt, Jordan and Lebanon, where the current economic and political instability, coupled with decreasing employment opportunities in neighbouring countries, force migrants to engage in poorly paid and often exploitative employment.[xiii] The resources at national level to support this population are extremely limited and migrants are faced with the difficult choice between searching for already limited employment opportunities in Egypt, or risk the journey to Europe by boat.[xiv]

A number of recent studies indicate that notwithstanding their immigration status, asylum-seekers, refugees, stateless persons, ethnic minorities, migrant workers, and other non-citizen/non-nationals are often amongst the most vulnerable populations exposed to human trafficking in times of crisis.[xv] Particularly at-risk locations can be transit or collective holding points for irregular migrants, informal places of employment, displacement and refugee camps, informal settlements, and within communities which host migrants, asylum-seekers or refugees. In some cases, trafficking in persons may also have strong racial or gender dimensions, with certain ethnic groups or girls and women targeted for sexual exploitation and slavery.[xvi]   In other instances, unaccompanied and separated children are at heightened risk of national as well as international human trafficking, both as individuals and as groups. [xvii]

Based on recent studies, some of the crisis-affected populations that may be most vulnerable to the risks of trafficking in the context of crises include:[xviii]

- Unaccompanied and separated children, including those on the move prior to, during, and following a crisis;
- Single-headed households, particularly those headed by women;
- Women and boy victims of domestic violence;
- Victims of transnational trafficking and victims vulnerable to re-trafficking;
- Refugees and asylum seekers;

- Stateless Persons;
- Migrants/non-nationals of the country in crisis;
- Ethnic, racial, religious, social, and gender minorities;
- Victims of discrimination; and
- Other non-nationals in a position of vulnerability due to factors including gender, sex, age, regular/irregular status, social, economic and political factors.[xix]

FRAMEWORKS AND APPROACHES

Entering into force in 2003, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),* supplementing *the United Nations Convention against Transnational Organized Crime* is the core international legal framework in this area. It frames obligations in terms of prevention, protection, prosecution, and partnerships. The Protocol has been ratified by more than 100 States, and signed by more than 150.[xx] While it does not explicitly refer to crisis situations, it does contemplate that victims of human trafficking may be foreign (migrants), making specific provision for such populations in Article 7 on the "Status of victims of trafficking in persons in receiving States". This Article explicitly obligates States Parties to "consider adopting legislative and other appropriate measures [to] permit victims … to remain [on] territory, temporarily or permanently, in appropriate cases" and in this regard to "give appropriate consideration to humanitarian and compassionate factors."

Implementation of this framework through national laws, programs, and other interventions has not been without challenges, however, with the number of victims remaining disproportionately high compared with a low number of prosecutions. Many States still do not have anti-trafficking legislation or other measures to reduce vulnerability to trafficking, to address the needs of populations at risk, or to protect victims. Where legislation does exist, often it is not enforced. This is particularly the case in crisis situations as we have seen in the examples from Iraq mentioned above. Moreover, trafficking in persons is a crime that is not always identified and investigated properly, particularly in crisis situations when resources are scarce and the environment is challenging. This in turn leads to limited documentation and evidence of the incidence of the crime against victims, including migrants.

Reflecting the growing interest in these issues and gaps in protection, the United Nations Special Rapporteur on Trafficking in Human Beings, especially Women and Children, Dr. Maria Grazia Giammarinaro, made the issue of trafficking in persons in times of crisis, especially armed conflict and natural disasters, a priority in her agenda.[xxi] The Special Rapporteur has indicated that trafficking crimes are largely overlooked in crisis situations by both governmental and non-governmental actors, who do not typically consider human trafficking to be a direct consequence of crises, which hampers responses in terms of documentation, reporting, identification, and assistance to the victims, and also in subsequent criminal investigations and prosecutions.[xxii] While the Special Rapporteur has not directly discussed migrant victims, she has noted the importance of better understanding the risks of trafficking in crisis situations to assist States and other actors to identify, protect, and assist victims and those at risk.[xxiii]

At the State level, each year the United States Department of State publishes a report on Trafficking in Persons (TIP), which examines the nature and scope of the crime, government efforts to confront, address, and eliminate it, and places each country onto one of three tiers based on the extent of the government's efforts to comply with the minimum standards in the U.S. Trafficking Victims Protection Act. In analysing the actions of over 185 States across the globe in 2015, countries experiencing conflicts and natural disasters are encompassed within the report. The report stresses the existence of trafficking in persons in countries affected by a crisis, for example in the Central African Republic, Syria and Iraq. The report specifically indicates that crisis increases the vulnerability to trafficking in crisis-affected populations. Some examples indicate the existence of crisis-induced forms of trafficking although the report specifies that more research is needed to confirm whether trafficking increases during crisis.[xxiv] The report acknowledges that "migrants and internally displaced persons fleeing situations of conflict, abuse, and crisis are particularly vulnerable to human trafficking—whether at home, in transit, or upon reaching their destination" and encourages "international efforts to prevent human trafficking among affected populations."[xxv]

In addition, IOM and UNHCR have issued internal guidance on developing Standard Operating Procedures (SOPs) to facilitate the protection of trafficked persons in need of international refugee protection.[xxvi] This document articulates a framework to ensure that the available expertise and capacities of each agency are effectively

employed to better address human trafficking, including the possible implications for refugees and the protection of vulnerable migrants. This tool has been in use since 2009 and is currently being revised. It has proven instrumental in allowing a rapid response to particularly vulnerable victims of trafficking and exploitation in need of urgent support, protection, and resettlement, the majority of whom were migrants (see text box below for some recent examples).

IOM and UNHCR have recently resettled to Europe a victim of Eastern African origin trafficked in Central Africa. Victims of Asian origin trafficked in Western Africa initially rescued by IOM have been assisted to apply for asylum with UNHCR. In addition, IOM and UNHCR's anti-trafficking response in the MENA region, in particular, continues to be informed by the tool. In Jordan, for example, IOM and UNHCR have worked together to respond to trafficking risks posed to Syrian refugees, migrants and host communities in the Mafraq locality, which is where the Za'atari refugee camp is located; in North Africa, IOM and UNHCR are currently working to adapt the rapid response screening and referral mechanism outlined in the SOPs to address the vulnerability of migrants rescued at sea. Those found to be in need of asylum are reviewed for refugee status determination by UNHCR.

A young girl stands near the devastation of the central Philippine city of Tacloban. © IOM/Conrad Navidad 2013

PRACTICES

The United Nations Special Rapporteur on Trafficking in Human Beings, especially Women and Children has started a study on trafficking in persons in crisis.[xxvii] In her recent Report to the UN General Assembly, the Special Rapporteur insists states apply due diligence towards preventing trafficking, as well as protecting victims against abuses, punishing the responsible criminals and ensuring remedies for victims before, during and after crisis settings.[xxviii]

IOM's Migration Crisis Operational Framework (MCOF), adopted in November 2012, identifies the range of approaches and activities to be mobilized prior to, during, and following a migration crisis, including addressing risks of people affected by crises being subjected to human trafficking. For example, assessing the depth of the trafficking problem at the outset of a crisis using different data collection methods to identify the most vulnerable cases and to provide protection and assistance to migrant victims of trafficking. IOM is mainstreaming measures to address trafficking in persons in its crisis interventions in Syria, Iraq, Yemen, and Libya. These mechanisms are still being developed and field tested by IOM to strengthen its efforts specifically to address trafficking and exploitation in times of crisis, including trafficking of migrants.

Yemen Crisis (2015):

IOM Djibouti, serving as operational hub and safe haven for migrants fleeing Yemen, worked with local and international actors to identify appropriate solutions for victims of trafficking, including unaccompanied and separated children, as well as those at risk of trafficking who were caught in the conflict in Yemen and arrived in Djibouti through their own means. Through a network of consular authorities, national social services, and international and national NGOs, family tracing and reunification efforts were launched in countries of origin (primarily Ethiopia). A number of unaccompanied and separated children as well as some adult victims of trafficking were also assisted in Ethiopia through rehabilitation and reintegration into communities of origin. This example demonstrates that even if action cannot be safely carried out in the country in crisis (Yemen), protective measures can be provided by a range of stakeholders in countries of transit (Djibouti) and of origin (Ethiopia).

Libya Crisis (2013–2014):[xxix]

In collaboration with national civil society organizations and consulates, IOM Libya rescued a number of Kenyan female migrant workers who were caught in the conflict in different Libyan cities and had been subjected to trafficking and physically abused by their employers. IOM offered these migrant workers a comprehensive assistance package, which included medical and psychological support, and reunited them with their families, in Somalia and Kenya.

Syria (2011 to date):

With the onset of the crisis in Syria, a number of States requested that IOM support the evacuation of their nationals, many of whom were migrant domestic workers. Following their evacuation, IOM worked with the national authorities in these States to ensure vulnerability screenings and onward referral to assistance. Many migrant workers recounted situations of extreme abuse. This example highlights the importance of undertaking vulnerability screenings post-evacuation, once migrants are in their country of origin or another safe country, to determine, among other needs, whether they are victims of trafficking. At the same time, a number of migrant workers who were trafficked remain in immigration detention in Syria. It is critical that migrants held for immigration violations be considered for release at the onset of a crisis to enable them to return to their country of origin before the situation becomes even more critical.

Iraq Post-crisis (2012):

As the country started to stabilise, IOM was made aware of a number of groups of migrant workers in particularly exploitative working conditions. In one case, IOM worked with national and international protection actors and consular authorities in Iraq and Ukraine to ensure the safe return and reintegration of a group of trafficked Ukrainian construction workers who were held against their will, deceived, had their passports retained, and subjected to multiple human rights abuses, including forced labour. IOM also supported authorities to respond to a case of migrant women trafficked for sexual exploitation in Iraq.[xxx] This example highlights the need to monitor demand for cheap labour in the aftermath of crises, when countries and businesses start to rebuild.

Beyond these practices that demonstrate direct forms of assistance and protection to migrants who are at risk of or are victims of trafficking in the context of crises, a number of actors are also undertaking targeted research to better understand the problem, gather evidence, and fill knowledge gaps on human trafficking in times of crisis.[xxxi]

SUGGESTIONS AND GOOD PRACTICES

Human trafficking in times of crises cuts across national borders. It demands collective action by multiple stakeholders: by States of origin, transit, and destination; by civil society; the private sector; international organizations; academia; and by humanitarian and development actors, amongst many others.

First and foremost, stakeholders must better understand human trafficking in times of crisis, including human trafficking of migrants in the context of conflicts and natural disasters, to effectively address the problem. Relevant actors involved in addressing crises and trafficking must acknowledge from the outset that trafficking in persons can take place in the context of crises. Often, trafficking is not a side effect, but a direct consequence of crises or exacerbated by crises, best prevented and addressed proactively.

Second, States, international organizations, civil society, and other relevant actors should view responses to human trafficking and related abuses in times of crisis as a life-saving protection activity. Evidence-based and innovative practices should become an integral part of responses. In this respect, several measures could usefully be taken to:

- Better integrate counter-trafficking efforts, including identifying and assisting migrants, in crisis-preparedness, emergency response, and recovery.
- Build the capacity of humanitarian workers to better identify and address trafficking victims, including migrants, in the context of crises.
- Raise awareness among migrants of the potential risks of human trafficking as well as ensuring informed decision making around safe migration and mobility within and from a host country.
- Improve referral mechanisms and access to justice for victims, which should extend as well top the period and location post-evacuation from the country in crisis.
- Ensure anti-trafficking interventions in times of crisis have a specific, supplementary coordination and funding mechanism which also takes into account the specific needs of trafficked migrants (as well as nationals).
- Where a crisis may prevent immediate prosecution, ensure that all human rights abuses related to human trafficking are correctly documented so that thorough investigations can be held at the first possible opportunity.
- Challenge negative public perceptions about migrant workers and amplify recognition of migrants' humanity and contributions to countries' economic and social development.

Third, strengthening counter-trafficking efforts in the context of crises requires strong commitments from donors and recipient communities. Donors should help bridge humanitarian and development approaches as they relate to trafficking in the context of crises, including in relation to migrants. Donors and affected communities should recognize and address existing trafficking patterns and the heightened risks and vulnerabilities during crises.

Finally, and more specifically, States should consider the following before, during, and post-crises, to better address trafficking of migrants in the context of crises:

Before a crisis:
- Ensure State Parties to the Palermo Protocol appropriately implement Article 7, and consider measures that permit migrant victims of trafficking to remain in the country temporarily or permanently.
- Address problems in the treatment of foreign labour.
- Give trafficking in persons priority attention in times of crisis, and encourage the international community, donors and local actors to do the same.
- Adopt legal reforms to address the most vulnerable workers (e.g. prohibit withholding passports of migrant workers).
- Put in place systems to identify trafficked persons among migrant worker populations, including in detention.
- Ensure that appropriate and effective referral mechanisms are in place for victims of trafficking who have or may have a valid claim to asylum or to other forms of international protection. Such measures must ensure full compliance with the principle of non-*refoulement*.
- Take steps to avoid the further traumatisation of trafficking victims in the criminal justice process or in immigration enforcement.
- Develop diplomatic and consular contingency plans for the issuance of identity documents where the migrant cannot be reached directly due to a crisis yet needs urgent assistance and evacuation.
- Support baseline studies to understand the main trends and risk factors at national and local levels, including in times of crisis, and to identify at-risk populations, including migrants.
- Implement national counter-trafficking laws, policies, and programs in accordance with the Palermo Protocol. These mechanisms should also address the protection and assistance of migrants.
- Integrate counter-trafficking measures, including in relation to migrants, into emergency preparedness and contingency plans.
- Strengthen intergovernmental dialogue on counter-trafficking in crisis situations, exchange good practices, and discuss challenges related to migrant victims in countries in crisis.

During a crisis:
- Adapt and use national anti-trafficking referral mechanisms in times of crisis. Define the roles and responsibilities of relevant actors to ensure effective assistance to and protection of victims of trafficking, including migrants.
- Ensure interventions are tailored to, and accommodate the diverse needs of, different categories of victims of trafficking (i.e. children, vulnerable women, refugees and asylum-seekers, stateless persons), including through appropriate referral mechanisms.
- Incorporate within humanitarian responses trafficking prevention and protection for at-risk populations, including migrants. For example, create a dedicated space to address trafficking victims within the Cluster System[xxxii] or ensure equitable and appropriate distribution of relief items.
- Promote prevention of sexual exploitation and abuse during crisis response, including by peacekeepers and national and international humanitarian workers.
- Identify and secure safe places for victims of trafficking, including migrant victims, throughout (and following) a crisis.
- Do not punish victims for crimes they are forced to commit as part of their trafficking.
- Ensure monitoring and reporting of trafficking-related human rights abuses.

After a crisis:
- Prosecute traffickers, including those who commit the crime against migrants in the context of crises.
- Undertake efforts to better understand the risks inherent to, and the ways in which trafficking may take place in, post-crisis settings.
- Analyse and evaluate counter-trafficking actions at all phases, including in relation to migrants, to determine and integrate lessons learned into disaster planning and to implement appropriate actions in the context of future crises.

GOOD PRACTICES TO PROTECT MIGRANT WORKERS BY STATES IN THE MENA REGION:[xxxiii]

New research has just pointed out the relevant efforts of some countries in the MENA region aimed at strengthening the capacity of their relevant governmental institutions, law enforcement officers, the judiciary and other actors on counter-trafficking, victims' needs and vulnerabilities with the particular focus on migrant workers.[xxxiv] For example, Jordan, Lebanon and Saudi Arabia have recently amended their current laws prohibiting the practice of migrant workers' documents retention. For now however, the practice is known to still take place.[xxxv] Moreover, Jordan, Lebanon, Egypt, Iraq and to some extent Saudi Arabia have taken steps to strength the capacity of law enforcement specifically on victims' identification, with a focus on migrants, through a number of training sessions and workshops delivered by international and national organisations.[xxxvi] On labour laws amendments for the benefit of migrant workers, in 2009 and 2011, Jordan issued two new regulations specifically regarding the employment of domestic workers, which are an important recognition of the right to freedom of movement of domestic employees.[xxxvii] In 2013, the Government of Saudi Arabia adopted a new Decision on Domestic Workers[xxxviii] aimed at regulating the relationship between domestic workers and their employees. All the above mentioned countries have established hotlines where victims and migrants can call for support.[xxxix] Clearly, more needs to be done to build on these efforts, but these constitute encouraging beginnings.

Specific recommendations to states, such as the ones below, should be taken into account to reduce the vulnerability of migrants, and especially of migrant workers:

- The periodic issuance of amnesty periods for migrant workers which can in turn avoid protracted immigration detention or the irregular status of the migrant worker further complicating an emergency response;
- The criminalisation of the withholding of identify documents of a migrant worker and actual respect of laws on this issue;
- Ongoing reforms to the sponsorship systems for migrant workers in a number of countries across the Gulf and Middle East ensuing that migrants are able to freely leave the country when necessary.

TERMS AND CONCEPTS

Trafficking of persons shall mean: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat, use of force or other means of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the receiving or giving of payment… to a person having control over another person, for the purpose of exploitation." (Article 3 of the UN Protocol to Prevent, Suppress & Punish Trafficking in Persons, Especially Women & Children, Supplementing the UN Convention Against Transnational Organized Crime).

Exploitation: Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime).

Unaccompanied and separated children: "Unaccompanied children" (also called unaccompanied minors) are children, as defined in article 1 of the Convention on the Rights of the Child, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. "Separated children" are children, as defined in article 1 of the Convention on the Rights of the Child, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members (UNICEF).

AUTHORS

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ENDNOTES

i See for example the following publications: IOM (July 2015) Addressing Human Trafficking and Exploitation in Times of Crisis. Briefing Document, http://ow.ly/PfG6F (accessed on 4.12.2015); IOM (December 2015) Addressing Human Trafficking and Exploitation in Times of Crisis. Full research report; IOM and Walk Free Foundation (December 2015), The Other Migrant Crisis: Protecting Migrant Workers against Exploitation in the Middle East and North Africa. Policy research paper.

ii IOM and Walk Free Foundation (2015; cited above, p. 10-11),) found that: "There is a strong statistical link between high levels of instability within a country and an increase in that population's vulnerability to modern slavery. In cases of armed conflict, there is often a corresponding weakening of the rule of law, providing fertile ground for traffickers to profit with impunity. The demand on the State to respond to other humanitarian emergencies, coupled with few human-trafficking specific services or organizations in these countries, means that protection of vulnerable migrants and support for victims of human trafficking in times of crisis is limited. While concerted efforts by some labour-sending countries to evacuate their citizens from Syrian Arab Republic at the outbreak of the crisis has protected some, many thousands more migrants workers, particularly irregular migrants who were unregistered and working illegally, are stranded across the region in precarious and potentially life-threatening positions". Moreover, talking about the crisis in Yemen and migrants caught in that crisis, "[…] while some have risked the boat trip across the Gulf of Aden to Ethiopia and Somaliland, others remain internally displaced, or risk illegally crossing the border into neighbouring Saudi Arabia. Prior to the outbreak of conflict, Yemenis were vulnerable to sex trafficking, forced begging and forced labour in Saudi Arabia. While the conflict has redirected attention away from these vulnerable groups, it is highly likely these activities are continuing or indeed worsening in the current conflict."

iii During a recent online poll of humanitarian responders, an overwhelming majority of participants (96 per cent) stated that preventing and combating trafficking and exploitation of persons in crisis situations should be a priority objective in humanitarian action. Yet, three-quarters of responders also noted that at present, not enough is known about trafficking of persons in crisis situations effectively to implement responses. See Live online consultation: Trafficking in persons in times of crisis. Summary report of the online consultation event organized on 18 June 2015 by PHAP in collaboration with IOM and Caritas in support of the World Humanitarian Summit, https://phap.org/WHS-18Jun2015.

iv Lungarotti, L., Craggs, S. & A. Tillinac (2015) Human trafficking in crises: a neglected protection concern. Humanitarian Exchange n. 65, November 2015, Special feature: The crisis in Iraq, pp. 7-9, ODI, http://odihpn.org/magazine/human-trafficking-in-crises-a-neglected-protection-concern/ (accessed on 4.12.2015). In Libya, since 2011, the erosion of the rule of law has created a state of impunity through which militia and armed groups have taken control of trafficking activities of labour migrants, asylum seekers and refugees. For more information, see IOM (2015) and IOM (forthcoming) cited in note 1.

v The presence of Opposition Armed Groups (OAG) in Iraq since 2013 has led to repeated cases of abduction of women and girls belonging to ethnic minorities. It is believed that between 3,500 and 7,000 women and girls were abducted for sexual exploitation (most of them having been subject to rape and sexual assault) in both Iraq and Syria. Moreover, as documented by OHCHR in Iraq, According to a number of sources (unverified), OAG have been reported to forcibly recruit children as young as 13 to serve as fighters. OAG have also been reported to have established a system for the systematic collection and selling of human organs from fighters, captives and hostages. See 'Addressing Human trafficking and Exploitation in Times of Crisis, full research report, forthcoming, October 2015, and Addressing Human trafficking and Exploitation in Times of Crisis, IOM Briefing Document, IOM, July 2015, http://ow.ly/PfG6F;

vi The abuse of a position of power and responsibility by the concerned humanitarian actors was so significant that the UN Department for Peace Keeping Operations (DPKO) issued in 2004 the *Human Trafficking and United Nations Peacekeeping: DPKO Policy Paper*, New York, UN. A worrying development relates to the trafficking of Filipino migrant women in Erbil for the purpose of sexual exploitation- see for example, http://globalnation.inquirer.net/130591/10-trafficked-filipinas-rescued-in-iraqi-kurdistan. While it is too soon to link this to an increased demand for sexual services by emergency responders, it is certainly an indicator to be monitored.

vii. For more information on this example. see IOM (December 2015, cited above).

viii Under the Pre-Crisis phase box, "3 P" refers to the "3P paradigm" – prevention, protection, and prosecution.

ix IOM and Walk Free Foundation (December 2015, cited above, p. 27).

x In some instances, migrants were correctly informed of the country they were to work in – and later be exploited in - but were unaware that the country was in a state of crisis. In other instances, recruiters promised and migrants accepted to work in a country different to the final country of exploitation. During a recent meeting of Regional Consultative Processes (RCPs) held in Cairo, for example, one governmental participant reflected upon how there have been some instances where Asian migrants have accepted work in the Gulf yet were actually trafficked into forced labour in Iraq or Afghanistan (Cairo, October, 2015). See also IOM and Walk Free Foundation (December 2015, cited above).

xi An IOM study found that where trafficked persons do access assistance and reintegration programmes there is an increased risk of re-trafficking. See A. Jobe (2008), *The Causes and Consequences of Re-Trafficking: Evidence from the IOM Human Trafficking Database*, Geneva: IOM

xii Please see IOM (Dec. 2015) Addressing Human Trafficking and Exploitation in Times of Crisis', p.3.

xiii For example, the increased pressure on labour markets in the region outside of Syria as a result of the massive influx of refugees, have led to a decrease in wages in the informal sector and the development of exploitive practices – long working hours, low salaries coupled with slavery-like and coercive measures. For further details, please see IOM (December 2015, cited above). More precisely, as reported in IOM and Walk Free Foundation (December 2015, pages 10-11), interviews with government and non-governmental organization (NGO) participants show that: "the mass influx of refugees has had a trifold effect: (a) increased competition for low-paying jobs and employment in the informal economy; (b) increased incidences of all forms of modern slavery, such as child labour, forced begging and forced early marriage; and (c) reduced capacity of State actors to respond to trafficking cases because already scarce resources are laid out on the emergency provision of services to refugees instead of supporting migrant workers. With millions of migrant workers already in highly vulnerable situations prior to the crisis, the massive influx of refugees creates additional competition for already limited opportunities. The prospect of further deterioration of already exploitative working conditions seems likely."

xiv IOM and Walk Free Foundation (2015, cited above), p. 11.

xv See for example the following publications: Secour Catholique and CARITAS France (June 2015) Trafficking in Human Beings in Conflict and Post-Conflict Situations, Progress Report, http://bit.ly/1QopX59 (accessed on 4.12.2015); ICMPD (forthcoming, December 2015) Assessment of the Impact of the Syrian War and Refugee Crisis on Trafficking in Persons (AIS-TIP); IOM (July 2015, cited above).

xvi A case of a targeted ethnic group is that of the Yazidi minorities abducted by ISIL in Iraq. The discrimination against the Yazidi in Iraq precedes the crisis. However, during the crisis, the Yazidi have been systematically targeted by rebel fighters: their women as sexual slaves, being sold on their weekly slave market, and their boys forcibly recruited as fighters to provide blood to injured fighters, to be used a human shields, etc. For more information on this example see IOM (December 2015, cited above). It must be noted that the dimension of discrimination applies to all crisis-affected populations, be they nationals/citizens or migrants. A case concerning migrants is that of Libya, where sub-Saharan African migrants are considered at particular risk of exploitation due to xenophobia and perceived tribal allegiances. In Yemen, migrants caught up in the conflict have been deliberately held, tortured, extorted and subjected to slavery and slavery-like practices for the financial profit of their exploiters; this is similar to what was witnessed in Egypt's Sinai until 2014. For more information on this example please see Van Reisen M. and C. Rijken (2015) "Sinai Trafficking: Origin and Definition of a New Form of Human Trafficking." Social Inclusion, Vol. 3, Issue 1, Pages 113-124, http://www.cogitatiopress.com/ojs/index.php/socialinclusion/article/download/180/pdf_20 (accessed on 4.12.2015).

xvii Recent environmental crises have raised alarm over the international human trafficking of children for sexual exploitation and other forms of abuse; similarly, armed conflict in Libya and other crises have revealed evidence of the trafficking of children for forced labour (domestic work in particular).

xviii Women and girls are considered most vulnerable to trafficking, but are not the only ones targeted. Men and boys are also victims of human trafficking and exploitation, mainly related to labour exploitation, forced recruitment and deceptive smuggling practices for irregular migration. Besides gender-based discrimination, other forms of discrimination have also been pointed out as aggravating factors in the rise of trafficking occurrences. For further details, please see the following publications: IOM (December 2015, cited above); Secour Catholique and CARITAS France (June 2015, cited above); ICMPD (forthcoming, December 2015, cited above).

xix For example irregular migrants employed as domestic workers, especially women, who often speak very little of the local language and are under paid; men at construction sites, employed in petty trading; unaccompanied migrant children begging on the streets, etc.

xx https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en (accessed on 4.12.2015).

xxi 29th Human Right Council, Session on 16.06.2015 and the joint IOM and Caritas Side Event on 'Trafficking in persons in armed conflicts and disasters', moderated by the Special Rapporteur on Trafficking in Human Beings, especially Women and Children, on the same date.

xxii Speech of the Special Rapporteur on Trafficking in Human Beings, especially Women and Children, at the IOM and Caritas Side Event on 'Trafficking in persons in armed conflicts and disasters', 29th session of the Human Rights Council, Geneva, 16.06.2015.. See also https://www.youtube.com/watch?feature=player_detailpage&v=l5H3KVilo5o (accessed on 4.12.2015).

xxiii Professionals in Humanitarian Assistance and Protection. For more information about this consultation, please see: https://phap.org/WHS-18jun2015 (accessed on 4.12.2015).

xxiv Trafficking in Persons Report, US Department of State 2015: p. 324 (Syria) Multiple sources report ISIL continues to force local Syrian girls and women in ISIL-controlled areas into marriages with its fighters. ISIL has also abducted thousands of Yazidi women and girls from Iraq and forcibly brought them to Syria to sell in human trafficking rings or to provide to fighters where they experience forced marriage, domestic servitude, systematic rape, and sexual violence. (…) 'In December 2014, ISIL publicly released guidelines on how to capture, forcibly hold, and sexually abuse female slaves, including girls. Pro-government forces, armed opposition groups, and ISIL continue to forcibly recruit and use Syrian children as soldiers, human shields, and executioners, as well as in support roles.'

xxv Pg. 380. For more information see http://www.state.gov/j/tip/rls/tiprpt/

xxvi IOM, UNHCR, 2009: Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons, IOM – UNHCR Internal Reference Tool.

xxvii Consultation with the Special Rapporteur at IOM, 2015. 29th Human Rights Council 2015, session on 16.06.2015 and the joint Caritas – IOM side event to the Council, on the same date, which the Special Rapporteur moderated.

xxviii Special Rapporteur Report to the General Assembly, August 2015.

xxix Please see https://www.iom.int/news/how-trafficked-somali-migrant-was-rescued-libya and http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=41_7&products_id=1505

xxx http://globalnation.inquirer.net/130591/10-trafficked-filipinas-rescued-in-iraqi-kurdistan.

xxxi Please see Secour Catholique and CARITAS France (June 2015, cited above).The study specifically looks at trafficking in human beings in conflict and post conflict situations. It indicates that whereas some of the forms of exploitation analyzed are specific to countries caught in conflict, for example child soldiers and organ trafficking to treat wounded fighters, the other identified types of trafficking have many points in common in conflict and post-conflict periods. This study looks are various case studies. However, it does not necessarily highlight issues connected to foreign nationals caught in crisis-affected countries. See also IOM (July 2015, cited above).

xxxii This has been successfully implemented in the Philippines, in the aftermath of super typhoon Haiyan. For more information on this example please see IOM (December 2015, cited above), section on Disasters.

xxxiii IOM and Walk Free Foundation (December 2015, cited above).

xxxiv 'Despite many limitations and challenges, it is recognized that host governments and civil society actors have made progress in the efforts to protect and assist victims of trafficking and exploited migrants'. Countries in the region are showing incredible generosity in hosting and allowing millions of displaced people and refugees to remain. See IOM and Walk Free Foundation (December 2015, cited above, p. iv).

xxxv However, as indicated in IOM and Walk Free Foundation (December 2015, cited above, p. 40) '(in Lebanon) a case in 2014 reveals a judge instructed the employer of an absconding Filipina domestic worker to return her confiscated passport and travel documents.'

xxxvi IOM's "Action to Protect and Assist Vulnerable and Exploited Migrant Workers in the Middle East and North Africa" (PAVE) Project; funded by the European Union and co-funded by the Government of Italy's Ministry of Interior, have been instrumental in leading this action.

xxxvii Regulation (89) of 2009 governing the employment of non-Jordanian domestic workers by the private sector and Regulation (90) of 2009 governing domestic workers, cooks, gardeners and similar categories. Regulation 90 has since been amended on 13 September 2011 to permit employees to leave the house after informing their employer, instead of formerly requiring the employee to obtain the employer's permission prior to leaving the house, as indicated in IOM and Walk Free Foundation (December 2015, cited above, p. 57).

xxxviii Decision No. 310 of 1434 on Domestic Workers as indicated in IOM and Walk Free Foundation (December 2015, cited above, p. 57).

xxxix 'Egypt, Iraq, Jordan, Lebanon and Saudi Arabia have all established hotlines that migrant workers can call to report abuses or emergencies, file complaints, seek guidance and others. However, the level of effectiveness of these hotlines varies greatly across the countries'. See IOM and Walk Free Foundation (December 2015, cited above, p. 44).