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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав,
включая право на развитие**

Доклад Специального докладчика по вопросу о торговле людьми, особенно женщинами и детьми, Джой Нгози Эзейло

Добавление

Миссия в Объединенные Арабские Эмираты*

Резюме

Специальный докладчик по вопросу о торговле людьми, особенно женщинами и детьми, 11–17 апреля 2012 года посетила по приглашению правительства Объединенные Арабские Эмираты. В настоящем докладе Специальный докладчик признает приверженность страны делу борьбы с торговлей людьми и ее успехи в этой борьбе, а также обращает особое внимание на недостатки в законодательстве и правоприменительной практике, в частности в том, что касается отсутствия признания торговли людьми для целей трудовой эксплуатации. Она приветствует предложенные поправки к федеральному законодательству о торговле людьми, а также разработку проекта нового закона, касающегося домашних работников, и представляет ряд рекомендаций правительству, в частности касающихся активизации деятельности по формированию потенциала для соответствующих государственных должностных лиц, укрепления защиты труда применительно ко всем работникам, включая домашних работников-мигрантов, а также создания новых возможностей безопасной трудовой миграции.

* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на языке представления и на арабском языке.

Annex

[Arabic and English only]

Report of the Special Rapporteur on trafficking in persons, Joy Ngozi Ezeilo, on her mission to the United Arab Emirates

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I. Introduction and methodology

1. The Special Rapporteur on trafficking in persons, especially women and children, conducted an official visit to the United Arab Emirates from 11 to 17 April 2012, at the invitation of the Government.
2. During her mission, she visited Abu Dhabi, Dubai and Sharjah, where she met with officials from the Ministries of Foreign Affairs, Labour, Interior, Justice, and Social Affairs, judicial and police departments, public prosecutors, as well as representatives of the National Committee to Combat Human Trafficking, Supreme Council for Family Affairs and Emirates Human Rights Association. She visited labour camps and shelters for trafficked women and children, where she met with victims trafficked for labour and sexual exploitation.
3. The Special Rapporteur thanks the Government for its invitation and collaboration in facilitating meetings with officials from the various ministries and departments. She appreciates the openness with which the Emirati authorities discussed issues relating to trafficking in persons. Finally, she expresses her gratitude to civil society representatives for their valuable inputs.

II. Main findings

A. Migration trend in the United Arab Emirates

4. The expansion of the oil industry in the last four decades in the United Arab Emirates brought with it rapid economic growth which, at the same time, resulted in a heavy reliance on foreign expertise and labour. With cities like Abu Dhabi and Dubai having huge commercial potentials, the United Arab Emirates developed into a destination and transit country for trafficking in persons (“trafficking”). People from all over the world, including unskilled, low- and semi-skilled workers, come to work in the United Arab Emirates. The country now has a small indigenous population, with foreign labour making up 90 per cent of its working population. Indeed, in five years, the population of the Emirates doubled from 4.1 million in 2005 to 8.2 million in 2010, with 950,000 nationals and 7.3 million foreigners¹, mostly employed in labour intensive sectors, such as the construction industry, and in other service sectors as taxi drivers, security guards, restaurant workers, cleaners, lower-end hotel employees and domestic workers. Migrant workers account for over 170 different nationalities and are governed by the sponsorship system known as *kafala*.
5. The *kafala* regulates the entry, recruitment, employment and residency of migrant workers in the United Arab Emirates; they must have a national sponsor and are only allowed to work for the employer who sponsored them.² A migrant worker’s work and residence permits are therefore tied to his/her sponsor. Under this system, migrant workers wishing to change jobs, with limited exceptions for certain categories of skilled workers, must have at least two years’ continuous service with their employer and their contract

¹ United Arab Emirates, National Bureau of Statistics, available at

<http://www.uaestatistics.gov.ae/ReportPDF/Population%20Estimates%202006%20-%202010.pdf>.

² Executive Regulation of Federal Law No. 6 of 1973 concerning the entry and residence of foreigners, art. 67.

must be terminated by mutual consent.³ If these two preconditions are not met, migrant workers wishing to change employers before the expiry of their contract will automatically be subject to an employment ban ranging from six to 12 months, even when they have the consent or a certificate of non-objection from their employer/sponsor.⁴ Migrant workers are thus compelled to stay with their sponsors for at least two years, irrespective of working conditions, and imperatively need the sponsor's consent before being able to change jobs. Otherwise, they are considered to be "absconding," and will be deported and subject to a 12-month ban;⁵ sponsors failing to report "absconding" workers are subject to heavy fines.

6. In all cases, when a foreign worker leaves his/her employer/sponsor, it is common practice for the sponsor to request the Ministry of Labour to cancel the worker's labour card; the worker is then required to leave the Emirates within 30 days or he/she will be fined.⁶ Furthermore, despite it being illegal, confiscation of workers' passports by their sponsors is widespread and even condoned by the Government, since employers wishing to report absconding workers must produce the worker's original passport or departure/entry certificate. The employer/sponsor must take the worker's passport or cancelled labour card to the Ministry of Interior to request that his/her visa be cancelled as well.⁷ The worker's passport is then endorsed with a six-month ban from entering the Emirates for employment, and his/her name is included in the administrative list of individuals prohibited from entering the United Arab Emirates;⁸ action will also be taken for his/her deportation. Therefore, despite the fact that confiscation of passports, which violates the right to freedom of movement, is prohibited under international law, ruled unlawful by the Dubai Court of Cassation since 2001⁹ and the bylaw issued by the Ministry of Interior in 2002, the *kafala* system encourages the undesirable motivation for employers to confiscate passports.

7. The restrictive laws of the *kafala* enhance the degree of control exercised by employers over unskilled, low- and semi-skilled workers, who, especially in the light of the costs associated with travelling in and out of the United Arab Emirates upon losing jobs, are bound to stay in their sponsors' employment for the duration of the contract irrespective of the working conditions. This places the workers in a vulnerable situation and often exposes them to unsafe work environments, abuse (physical and/or psychological) and exploitation, poor working/living conditions, withholding of travel documents, withholding or non-payment of wages and excessive working hours. The *kafala* further contributes to creating a lucrative opportunity for criminal involvement in the foreign worker market, and increases their vulnerability to trafficking. For instance, since migrant workers cannot work in the United Arab Emirates unless they have a sponsor, they are often recruited by unscrupulous brokers or recruitment agencies who lure them to the United Arab Emirates with false promises of well-paid employment opportunities and good working conditions in exchange for huge recruitment fees and charges.

³ Ministerial decree No. 1186 (2010).

⁴ Labour Law, Federal Law No. 8 of 1980, art. 128.

⁵ Ibid.

⁶ Executive Regulation of Federal Law No. 6 of 1973 concerning the entry and residence of foreigners, arts. 59, 76 and 78.

⁷ Ibid., art. 53.

⁸ Ibid., art. 96A.

⁹ In 2001, the Court held that "it is not permitted for an employer to confiscate the passport of an employee and prevent him from his natural right to travel and move, whatever the nature of the relationship that ties them together. Confiscating a passport from his owner is nothing but a method of the many methods that prohibit an employee from travel and this is ruled by the text of Article 329 of the civil procedure law that raises the cases in which preventing travel is permitted, and the condition that the order must be issued by a judge in accordance with the formal and practical procedures as defined by law" (Dubai Court of Cassation, Case No. 268 (2001), October 27, 2001).

8. In this context, the Special Rapporteur notes that the absence of opportunities for safe migration, particularly for low-skilled labour, coupled with inadequate and ineffective regulations regarding recruitment of foreign workers, and the absence of mechanisms to protect the human rights of migrants are the main factors contributing to trafficking in the United Arab Emirates.

B. Forms and manifestations of trafficking in persons

9. The United Arab Emirates faces significant challenges as a destination country, but to a lesser extent as a transit country. As a destination country, the United Arab Emirates receives trafficked persons from all regions of the world; however, the majority of the victims come from Africa, Asia, Eastern Europe and the Middle East. In fewer cases, victims, especially children, have reportedly been trafficked to a third country, transiting through the Emirates.

10. The Special Rapporteur observed the following forms of trafficking as particularly prevalent in the United Arab Emirates:

1. Trafficking for sexual exploitation

11. While prostitution is illegal in the United Arab Emirates, sex workers constitute the invisible workforce catering for the continuing demand for sexual services, not only by nationals and tourists, but also by the large population of male migrant workers, who often leave their wives and families in their home countries. Consequently, trafficking in women and girls for sexual exploitation has become rampant in the Emirates, with victims coming from Africa, Eastern Europe, South Asia and Latin America. They are misled into believing that they will be employed as salespersons, domestic workers, hotel receptionists or waitresses by the traffickers, who usually take advantage of their vulnerable and disadvantaged situations. Traffickers arrange for their travel to the United Arab Emirates through other persons, who in many cases use shell companies registered in the Emirates to process travel documents, visas and entry permits. Once in the United Arab Emirates, the victims' passports are either taken or forcefully confiscated, they are locked in apartments and villas and must either repay the alleged costs for arranging their visa and travel, claimed to be as high as US\$5,000 to \$9,000, or prostitute themselves in order to pay off the debt. If they refuse, they are beaten up, often sexually abused and threatened that if they run away or go to the police they would risk imprisonment before being deported for being in the country illegally and/or engaging in illegal trade. They are watched and accompanied at all times and forced to provide sexual services to clients without receiving any part of the money collected by the traffickers or handlers, which is claimed to be repayment of their "debt". Under such circumstances, only few victims manage to escape or contact the police.

12. The Special Rapporteur met with several trafficking victims, aged between 14 and 32 years, who had been trafficked from a number of countries. All had been deceived by promises of jobs in the United Arab Emirates, and forced into prostitution instead. One victim explained that she was contacted by her husband's friend in Pakistan and promised a job in a school bus; another met her trafficker in Georgia through a website advertising jobs in a beauty salon; while a third victim, a university graduate from Colombia, responded to a job offer online, and was even interviewed through Skype by her trafficker.

13. The Special Rapporteur also received information about how traffickers were targeting more vulnerable individuals, such as persons with disabilities, and forcing them into prostitution. One such victim was a young deaf and mute girl; another was only five years old –her traffickers intended to bring her up in an environment where she would mix with older girls who were forced into prostitution themselves, so she would become accustomed to such life. While most of the victims were women and girls, there were two

cases reported in 2011 of sexual exploitation of two Pakistani men, aged 24 and 36 years, and four boys, aged between 11 and 16 years from China.

2. Trafficking for labour exploitation

14. Trafficking of men and women for labour exploitation is widespread in the United Arab Emirates, but particularly in the construction and lower-level service sectors, where workers fall easy prey to traffickers who often exact huge recruitment fees from them. Although it is legally prohibited for a licensed agent to charge a worker a commission before, or even after, recruitment,¹⁰ this practice is widespread. Migrants from countries like Bangladesh, India, Pakistan and Sri Lanka are often recruited by agents, who charge fees as high as US\$3,000 to \$4,000, promising to secure work permits and employment in the United Arab Emirates. The workers often take out loans at high interest rates in their home countries to pay the recruitment fees, or if they are unable to pay up front, they agree to have the fee deducted from their wages. In most cases, the workers are assured that they will benefit from good wages and good working/living conditions. However, once in the Emirates they are made to sign contracts in Arabic or English, which often they do not understand, with conditions that do not reflect what they had been initially promised. Indeed they are made to work under poor conditions for long hours, their regular and overtime wages, days off and other benefits are significantly reduced, and they are cramped in labour camps with other co-workers in poor living and sanitary conditions. As they are either already crippled by debts in their home country or indebted to recruitment agencies, they inevitably fall into situations of debt bondage and find themselves compelled to accept whatever terms and conditions are imposed on them. They are further restrained by the *kafala* and the associated deportation risks should they want to quit their job and search for a better one.

15. The Special Rapporteur spoke to a number of migrant workers living in labour camps on the outskirts of Dubai, who confirmed the above. All reported that their employers had confiscated their passports and that they were paid less than what they had been promised, nor did they receive an overtime rate. Some stated that initially their wages had been withheld for months, and in many cases there were delays in the payment of their wages; however, they acknowledged that since the establishment of the electronic payment system, this practice had recently been abandoned by employers. Many shared overcrowded rooms with other co-workers.

16. Illegal practices, such as charging recruitment fees, substituting contracts and confiscating the passports of foreign workers, continue on a large scale in the United Arab Emirates, not only in the construction industry, but throughout the whole services sector. For instance, one driver, who had been working in the United Arab Emirates for over 20 years, said that his employer still held his passport and in order to get it back, he would have to hand over his labour card. Two ladies working in a beauty salon also reported that their passports had been retained by their employer, and that they and other colleagues were made to work long hours without even being paid overtime. All stated that they preferred not to complain about their working conditions for fear of losing their jobs and being deported.

17. The Special Rapporteur acknowledged the United Arab Emirates' progress, specifically with regard to bilateral labour agreements with several countries, new labour regulations aimed at curtailing abusive recruiting agents who entrap foreign workers with illegal recruiting fees and false contracts, and through the wage protection system. However, she considers it unfortunate that the United Arab Emirates' discourse throughout views foreign migrant workers, who represent approximately

¹⁰ Labour Law, Federal Law No. 8 of 1980, art. 18.

90 per cent of its labour force, as merely temporary contractual workers and disregards such pervasive practices which amount to trafficking. Emirati authorities unequivocally stated that “labour issues should not be linked to human trafficking and should be treated separately.”¹¹

3. Domestic workers

18. There are around 750,000 domestic workers in the United Arab Emirates,¹² mostly from Bangladesh, Ethiopia, India, Indonesia, Philippines and Sri Lanka. They are in a more vulnerable position than other migrant workers as the protection laid out in the Labour Law does not extend to “domestic servants working in private residences and the like.”¹³ They fall instead under the aegis of the Ministry of Interior with only a standard unified contract, so that their fate depends entirely on the contractual relationship binding them to their sponsors. They have no legal guarantees and are confined to the homes of their employers/sponsors. Their situation remains unknown to the outside world and goes unreported unless they manage to escape or commit suicide in despair. Many domestic workers who have escaped report that they were returned to their abusive employers; subjected to verbal, physical or sexual abuse; compelled to surrender their passport to their sponsors; often not paid their wages at all; deprived of food; made to work round the clock without rest; not given breaks, holidays or social security; and locked in their employer’s home.

19. The majority of domestic workers come to the United Arab Emirates through recruiting agencies, which often are unlicensed agents or unscrupulous brokers who recruit migrant domestic workers clandestinely despite bans in some of the sending countries. The Special Rapporteur was informed of cases of female domestic workers who, through illegal agents, bypass the mandatory clearance in their home countries and cross borders, sometimes travelling to neighbouring countries, before arriving in the United Arab Emirates to work as domestic workers without an employment contract. Illegal agents also thrive by taking advantage of the fact that administrative procedures for the legal recruitment of domestic workers are perceived to be expensive and complicated by many individual employers, which therefore provides the perverse incentive for them to contract the services of illegal agents.

20. The same *modus operandi* is used so that migrant domestic workers are charged huge recruitment fees and promised good working and living conditions, but when they actually start working they are often given less or no wages at all and are exploited and mistreated. The Special Rapporteur received information of migrant women who are college graduates and trained professionals recruited with offers of high salaries as nurses, nannies or private tutors, and who find themselves working as domestic workers. Reportedly, domestic workers are sometimes pooled together by their employers’ relatives and made to work in the evenings as waitresses and to provide catering services for social functions. The employers purportedly flout the law by using their domestic workers instead of other workers who have comparatively more rights and protection under the Labour Law. The Special Rapporteur received information on the case of a Filipina woman recruited as a tutor and then forced to work as housemaid and cook in addition to tutoring two boys. She was subjected to mistreatment and sexual gestures of one of the boys finally made her go back to the agency that had recruited her. The agency reportedly locked her up with 29 other girls in a small room for two months. It seems that such agencies lock up the

¹¹ United Arab Emirates, National Committee to Combat Human Trafficking (NCCHT), Annual report 2011-2012, p. 22.

¹² Ministry of Interior, 2007 statistics.

¹³ Labour Law, Federal Law No. 8 of 1980, art. 3.

migrant workers in overcrowded rooms and very poor conditions so as to break their will and compel them to accept their fate and do what they are told.

4. Child trafficking

21. The Special Rapporteur noted with great concern that there were several cases involving the trafficking of children in the United Arab Emirates. In some cases, children from countries such as China, Egypt, Iraq, Pakistan, Syria and Uzbekistan are given or sold to intermediaries by their own parents or stepparents, then brought to the Emirates and exploited in various ways, including physical or sexual abuse. Often, children are made to do household chores at the intermediary's place or forced to beg in the transit country, and when brought to the Emirates, exploited for commercial sex. Traffickers usually pretend to be the biological parents of the child victims and/or falsify their age.

22. The Special Rapporteur was also informed that several cases registered from 2007 to 2011 involved non-Emirati children trafficked for the purpose of forced begging at market places or petrol stations. She further learnt of a case where the father of an 11-year-old child of Cameroonian nationality went back to Cameroon to find money to pay back the debt he owed his employer. In order to be able to travel, the father had to leave the child's passport with his employer in exchange for his own passport and also left the child behind in the United Arab Emirates. It is not clear whether the child was used as bond for his father's debt, however, this case illustrates how the precarious situation of migrant workers further increases their and their family's vulnerabilities to trafficking.

23. The Special Rapporteur recognized the huge efforts made by the United Arab Emirates since 2005, in partnership with UNICEF, to repatriate child camel jockeys to their home countries in Asia and Africa and to eradicate trafficking of children for camel jockeying. She was pleased to learn that organizers of races now use remote-controlled robots to ride camels. However, according to some international non-governmental organizations (NGOs) and news media,¹⁴ until recently, some camel racers were still using child jockeys despite the prohibition. Emirati authorities assured her that this was not the case. The Special Rapporteur nevertheless reminds the United Arab Emirates to remain vigilant and ensure enforcement of the ban on child jockeys in camel races.

5. Other forms of trafficking in persons

24. The Special Rapporteur noted that trafficking for "enslavement" is also emerging in the United Arab Emirates. She was informed that in 2011, Emirati authorities had identified three cases in which the victims, from Nepal and Indonesia, aged 25, 32 and 34 years, had been trafficked for "enslavement." Their traffickers were arrested and prosecuted.

C. Legislative, policy and institutional framework

1. Legislative framework

25. The United Arab Emirates is party to the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Trafficking Protocol") and other key international human rights instruments, including the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. It has also ratified

¹⁴ BBC News online, 3 March 2010, UAE still using child jockeys for camel races, available at http://news.bbc.co.uk/2/hi/middle_east/8548295.stm.

several International Labour Organization (ILO) conventions, including Nos. 29 and 105 on forced labour and No. 100 on equal remuneration.

26. Regrettably, the United Arab Emirates has not ratified certain important human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Economic, Social and Cultural Rights. Though the United Arab Emirates has signed ILO Convention No. 189 concerning decent work for domestic workers, it has not yet ratified it nor the fundamental conventions Nos. 87 and 98 on workers' right to organize. The United Arab Emirates is also not party to the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness nor the 1951 Slavery Convention.

27. It is worth mentioning that before acceding to the Trafficking Protocol in 2009, the United Arab Emirates had established a domestic legal framework to combat trafficking through Federal Law 51 (2006), article 1 of which defines human trafficking as:

“recruiting, transporting, transferring, harbouring or receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another for the purpose of exploitation.”¹⁵

28. It further defines exploitation as including “all forms of sexual exploitation, engaging others in prostitution, servitude, forced labour, enslavement, quasi-slavery practices, or detachment of organs.” Article 2 of the law provides for a minimum sentence of five years' imprisonment or life imprisonment under aggravated circumstances, for example when the victim is a female, child or disabled person. Corporate entities are subject to fines ranging from 100,000 Dh to one million Dh (approximately US\$27,225 to \$272,247) and traffickers' assets used in the commission of the crime shall be confiscated.

29. The Special Rapporteur notes that the law does not provide for a trafficked person's consent to an intended exploitation when traffickers use one of the means described in article 1, nor does it consider the offence of trafficking of children complete in the absence of any such means. Another shortcoming is that the law does not provide for important protection and remedial measures, including the rights of trafficked persons to receive assistance, seek compensation for damages, and temporarily regularize their legal status.

30. However, the Special Rapporteur was informed that in 2010, the National Committee to Combat Human Trafficking (NCCHT) completed its study on the possibility of amending Federal Law 51 to make it consistent with the Trafficking Protocol, and particularly to provide for protection and repatriation of victims. At the time of reporting, the proposed amendments were before the Federal National Council for adoption.

31. In addition to Federal Law 51, Federal Law 3 (1987) constituting the Penal Code punishes offences that may amount to trafficking. In particular, article 364 provides for a maximum sentence of 10 years' imprisonment for anyone who “entices a male or female into committing debauchery or prostitution by coercion, threat or trickery,” but a minimum sentence of 10 years' imprisonment if the victim is under 18 years or was detained “against his will by coercion, threat or trickery, with the intention of forcing him to commit any act of lewdness or prostitution.” Article 368 further prohibits prostitution per se by stipulating that any person who “habitually practices debauchery or prostitution shall be punished by term imprisonment.” However, there is no exemption in this or any other law to protect

¹⁵ English translation of the Arabic text by the NCCHT, available at <http://www.dfwac.ae/e-newsletter/Federal%20Law%2051.pdf>.

trafficked persons who have been forced into prostitution against being found guilty of “habitually practicing” prostitution.

32. Moreover, Federal Law 8 (1980) governs the relationship between workers and their employers in the United Arab Emirates. It sets out minimum labour protection standards, including working hours, paid leave and overtime pay and prohibits the recruitment of children under the age of 15 years¹⁶ as well as imposes certain safeguards where a child over 15 years of age is hired.¹⁷ However, the law does not provide for a minimum wage nor does it apply to certain informal sectors, such as agriculture and domestic work, in which trafficked persons are often exploited.¹⁸

33. In 2010, the United Arab Emirates also adopted a ministerial decision on implementing its Federal Law 15 (1993) regulating the transfer and transplant of human organs in order to prohibit the trafficking in human organs.¹⁹

34. The Special Rapporteur notes that, at the time of reporting, the United Arab Emirates did not have a child protection law, only inadequate provisions scattered in its Penal Code, and in family and labour laws relating to the protection of children. She recalls the importance of legislation establishing minimum standards for the treatment of children, prohibiting exploitative acts, such as those often committed in the process of trafficking, and in particular guaranteeing that welfare assistance is available to children in need. She notes, however, that in 2005, the Government promulgated Federal Law 15 (2005) regulating participation in camel racing and prohibiting the employment of children under 18 years for such races.

35. Lastly, Federal Law 2 (2006) on cybercrimes prohibits any person from creating a website on the Internet aiming at or contributing to human trafficking (art. 17) and criminalizes any person who incites another into prostitution (art. 13).

2. Policy framework

36. The United Arab Emirates has made combating trafficking one of the priorities on its national agenda since 2006 and devised a four-pillar strategy focusing on four target areas: legislation, enforcement, victim support and bilateral agreements and international partnerships. While this four-pillar strategy is commendable, further development into a coherent national policy with a clearly articulated plan of action for implementation and monitoring compliance in all the emirates is still lacking.

3. Institutional framework

37. The National Committee to Combat Human Trafficking (NCCHT) was established in 2007 to coordinate efforts and implement plans aimed at combating trafficking among various ministries and departments. It is headed by the Minister of State for Foreign Affairs and Federal National Council Affairs and its members include representatives from the ministries of Interior, Foreign Affairs, Labour, Health and Social Affairs, and State Security, as well as public prosecutors, law enforcement officers and representatives of civil society organizations. It is also tasked with revising the anti-trafficking legislation and raising public awareness about trafficking.

38. A number of government departments and units deal with protection against trafficking. For example, the Ministry of Interior has an Anti-Human Trafficking Committee, a Federal Human Trafficking Section and units specialized in combating

¹⁶ Labour Law, Federal Law No. 8 of 1980, art. 20.

¹⁷ Ibid., arts. 21-26.

¹⁸ Ibid., art. 3.

¹⁹ Ministerial decision No. 566 of 2010, art. 9.

trafficking. It also has a Human Rights Department, which includes female public prosecutors, legal researchers, social workers and psychological advisers specialized in trafficking cases. This department is tasked with preparing plans and policies to combat trafficking, conducting studies on methodologies used by traffickers and providing training to officials. In 2011, the Ministry also created a new administrative focal agency which coordinates joint programmes relating to anti-human trafficking activities.

39. Additionally, there is a Human Trafficking Crimes Control Centre in Dubai, which is a subsidiary body of the Dubai Police. It conducts studies and research into trafficking offences and works in cooperation with other local and regional units in combating such crimes. It also coordinates with international organizations and bodies in countries of origin, provides support to victims and organizes meetings and training courses. The Centre has a section which receives complaints from workers, including through a hotline, related to offences of trafficking, and monitors their general working and living conditions through inspection of labour camps.

40. As a member of the Virtual Global Taskforce, the Ministry of Interior formed a Higher Committee for the Protection of Children in 2010, which established a Child Protection Centre in 2011. The Committee also monitors child exploitation on the Internet, controls abuse through public networks and raises awareness about child abuse.

41. In 2009, the Ministry of Labour created a section in its inspection department to combat trafficking and monitor the activities of recruitment agencies. This department also conducts awareness-raising programmes and training for workers and employers. The Ministry further established the electronic Wage Protection System, which requires employers with 100 or more employees to pay wages through banks, money transfer companies or similar service providers. Additionally, the Ministry also operates a toll-free hotline in 14 languages and an online service called “My Salary” for workers to report cases of unpaid salaries and illegal deductions. Labour dispute departments within the Ministry receive and investigate complaints from workers and attempt to settle disputes within a period of two weeks, failing which they are referred to Labour Courts.

42. The Ministry of Labour has also created labour care units, which are operational in a number of areas in several emirates. These units receive complaints from and raise awareness of workers about their rights and conduct visits to labour sites and employers in order to curb practices of forced labour.

43. The Special Rapporteur commends the creation of all these sections and units within the different ministries. However, she found it difficult to evaluate how and to what level of effectiveness and efficiency all the structures work in practice, as there are no procedures or systems in place to properly monitor how the Emirates’ various anti-trafficking mechanisms are performing and their accountability.

D. Identification of trafficked persons

44. Police and immigration officials have the primary responsibility for identifying trafficked persons in collaboration with other ministries and agencies. The Special Rapporteur is concerned that trafficked persons may often be misidentified as irregular migrants and consequently, arrested, detained and summarily deported. Official figures show that only 51 persons were identified in 2011 as having been trafficked. Moreover, figures from the Dubai Police also illustrate that support was provided to only 39 victims in 2011. Construing the scale of the problem in the United Arab Emirates, these numbers clearly represent a very small fraction of the total number of victims.

45. Along with measures aimed at tightening control at checkpoints and conducting training sessions for its officials, the Ministry of Interior published a human trafficking

guidance, comprising, inter alia, key procedures for interaction between trafficking victims and competent authorities, guidance for investigators, as well as key indicators for trafficking crimes. However, despite these efforts to train law enforcement officials, the Special Rapporteur noted that police and immigration officers in the United Arab Emirates might still be lacking the capacity to apply the law and operational procedures, which therefore hampers proper identification of trafficked persons. It is also not clear whether all the procedures and guidance in place are being consistently and systematically used by law enforcement and other government officials. She further received no evidence that effective identification procedures in immigration detention centres exist, and if they do exist, whether they are followed.

46. She received allegations of cases where the police reportedly arrested and summarily deported women and girls directly from streets, restaurants, bars, discothèques and hotels on a daily basis, without any identification process or proper assessment as to whether they were trafficked persons or whether their return would be safe. It is further alleged that no interpreters are provided to them, that they are detained in difficult conditions, with sometimes up to 60 persons cramped in one room, before being deported within 24 to 36 hours. Given such serious allegations on the detention conditions of migrants, the Special Rapporteur regrets that her request to visit a detention centre for migrants could not be accommodated by the United Arab Emirates.

47. It is further reported that many victims arrested by the police are unable to request transfer to a shelter since, generally, shelters take in victims only after their identification as such by the police. The Special Rapporteur recalls that in her interviews with victims in shelters, several, including those who had managed to run away from their traffickers and who had directly contacted the police, reported that they had been kept in detention centres for investigation before being brought to the shelter. Moreover, the criteria used by the police to identify victims are said to be unclear and, in the case where a victim runs away from traffickers but does not go to the police immediately, it is reported that the police will not identify him/her as a trafficking victim.

48. Furthermore, trafficking in the United Arab Emirates is still viewed primarily as a problem concerning women and children, and essentially related to commercial sex exploitation. This is clearly reflected in the statistics provided by Emirati authorities, which suggest that the majority of persons identified by law enforcement officers were women and girls trafficked for sexual exploitation. In 2011, 49 persons trafficked for sexual exploitation were identified, however, only six were male victims. No case was registered for labour exploitation or forced labour per se and this may be owing to the Emirates' policy of delinking trafficking and labour migration.

49. The Special Rapporteur observed that the general failure to identify persons trafficked for labour exploitation may also be partly due to labour inspectors not being well equipped to identify such victims. The meeting with representatives from the Ministry of Labour revealed that although the Ministry's inspection department has an anti-human trafficking section, only very few of the 420 labour inspectors have received training on trafficking. No information was provided on the exact number of labour inspectors specialized to work on cases involving trafficking for labour exploitation. It was further admitted that with only 420 inspectors and around 240,000 companies, the Ministry faced challenges in conducting labour inspections in a comprehensive manner, and inspections were therefore carried out randomly or upon receiving complaints. There is also a clearly averred unwillingness by the Ministry to intervene in situations of trafficking for labour exploitation.

50. Moreover, there is an apparent lack of appropriate infrastructures and services designed to facilitate identification of persons trafficked for labour exploitation. For instance, labour care units are situated only on sites where 300,000 or more workers reside.

Likewise, while the hotline operated by the Ministry is definitely a positive step, it functions only from Saturday to Thursday, when workers normally work. Additionally, despite the hotline being designed to take reports on, inter alia, issues related to trafficking, as well as salary and accommodation disputes, the 1,541 complaints registered in 2011 related solely to unpaid salaries or illegal deductions from wages that have nothing to do with trafficking. This hotline and/or “My Salary” have not been utilized to report potential or actual cases of trafficking.

E. Protection, recovery and reintegration of trafficked persons

51. The Special Rapporteur observes that there is no specific provision in the domestic legal framework to protect trafficked persons from further harm and to assist them in achieving full recovery. Reliance is placed on general provisions of the Criminal Procedure Law to protect victims and witnesses in trafficking cases. She was informed that in 2010, NCCHT issued regulatory procedures to protect trafficked persons during the criminal investigation stage and in the shelters. It also issued ethical standards for the media with regard to interviewing trafficked persons in order to respect their privacy and protect their identity.

1. Non-criminalization of trafficked persons

52. Neither Federal Law 51 nor the Penal Code contains any provision exempting trafficked persons from being prosecuted for offences relating to irregular entry and stay in the United Arab Emirates, giving false information, forging or using forged travel documents, and engaging in prostitution or in employment without a work permit. The Special Rapporteur was informed that it is only on a case-to-case basis that immigration authorities, based on reports and recommendations from shelters, decide on exonerating victims for offences related to their status in the Emirates. Furthermore, the majority of trafficked persons are, in reality, regularly misidentified as irregular migrants or criminals, and arrested and summarily deported.

2. Support to trafficked persons in recovery and reintegration

53. Four shelters, managed by charitable and social networks, provide high-standard facilities and care for victims of trafficking. Three are run by Ewa’a in Abu Dhabi, Sharjah and Ras Al-Khaimah, and accommodate only women and girls trafficked for sexual exploitation, while the fourth is run by the Dubai Foundation for Women and Children (DFWC) in Dubai, and caters for women and children victims of violence. Victims are usually referred to these shelters by various sources, including law enforcement officials, embassies and places of worship. The Special Rapporteur visited the Ewa’a shelters in Abu Dhabi and Sharjah and the DFWC shelter in Dubai. There is no shelter specifically designated for adult males trafficked for either sexual or labour exploitation.

54. The Ewa’a shelter in Abu Dhabi can take in 60 trafficked persons at a time, while the two other Ewa’a shelters in Sharjah and Ras Al-Khaimah can accommodate 35 victims each. As at the time of the Special Rapporteur’s visit, the Abu Dhabi shelter had received 126 victims in total since 2008, while the two more recently established shelters in Ras Al-Khaimah (2010) and Sharjah (2011) had accommodated 22 and 18 victims, respectively, from Africa, Asia, Eastern Europe, the Gulf Region and the Middle East. Furthermore, all the victims in the shelters, except for seven girls in 2011, were adult women. The victims are provided with accommodation, meals, medical care, psychological and legal assistance as well vocational training. Ewa’a shelters also operate a 24-hour hotline in six languages; the hotline received information on 15 trafficking cases in 2011, and six as at March 2012.

55. DFWC, established in 2007, runs the shelter in Dubai for women and children victims of domestic violence, child abuse and trafficking. In 2011, it accommodated 23 persons trafficked for sexual exploitation, aged between 10 and 37 years old, of whom four were boys, and provided assistance to two victims outside the shelter. The shelter provides victims with non-residential and residential services, including meals, medical care, case management, psychological support, counselling, legal, consular and immigration assistance, learning and empowerment opportunities and vocational training. It also operates a 24-hour hotline whereby its staff members receive information and determine the kind of services needed and the level of urgency in each case.

56. The Special Rapporteur was pleased to learn that two victims had received services while residing outside the DFWC shelter and that Ewa'a shelters were also considering assisting victims in finding jobs in the United Arab Emirates. Furthermore, she noted that trafficked victims resided at the shelters for periods ranging from two to 12 months. However, much more needs to be done to ensure that victims residing at the shelters enjoy freedom of movement and their rights to earn an income and live a decent life. While some of the victims she met were interested in staying in the Emirates should they be given the opportunity to find a decent job, the majority expressed their desperate eagerness to be repatriated to their home countries as soon as possible. This pattern illustrates that in the absence of opportunities to earn a living while staying at shelters for their protection and recovery, victims urgently wanted to leave the country. In this regard, she notes that Federal Law 51 regrettably does not contain any provision giving trafficked persons the right to temporarily stay and work in the United Arab Emirates.

57. Additionally, while the shelters are doing their utmost with available resources, mainly comprising individual donations, the level of psychosocial, training and recovery support provided to victims requires further strengthening. For instance, although trafficked victims received by the shelters come from at least 20 different countries in different regions of the world, with different languages and dialects, on-site interpreters were not always available to assist them on a daily basis. The Special Rapporteur further noted that the shelters did not have enough medical officers, social workers and psychologists. In addition, while, in general, victims are provided with vocational training in crafts traditionally associated with women, such as weaving and embroidery, this may not correspond to their ambitions and talents, which may be the reason for the reported disinterest of some victims.

58. Moreover, victims are made to appear speedily before the court and to testify at the very beginning of trials before being repatriated. While the Special Rapporteur values the fact that the authorities attempt to avoid protracted delays and to deal with the investigation and prosecution of trafficking cases swiftly, she also stresses the importance of granting trafficked victims a reflection period. Such reflection period will allow them to recover and enable them to make a free and informed decision on their options, including whether they want to cooperate with authorities in the investigation and prosecution of their traffickers.

59. Beside the four civil society-run shelters, the Social Support Department of the Abu Dhabi Police operates social support centres in Abu Dhabi, Al Ain and Sharjah, which mainly assist victims of domestic violence and provide them with shelter. The centres provide victims, especially women and children, with psychological and social support, and where alleged trafficking cases are under investigation by the police, trafficked persons are reportedly kept in these centres before being transferred to Ewa'a shelters upon being identified as victims.

60. Lastly, the Human Rights Care Department of the Dubai Police provides legal and financial support to trafficked women and children residing at the DFWC shelter. It also launched the "You are not alone" programme which supports victims who opt to stay outside the shelter.

F. Investigation, prosecution and punishment

61. The police usually carry out a preliminary investigation in trafficking cases and have the obligation to inform the public prosecution of any such case within 20 hours. Thereafter, prosecutors take on the investigation, evaluate the case and decide whether to refer it to court. Federal Law 51 contains no specific provision for the protection of trafficked persons as witnesses at either the pretrial, trial or post-trial stages. However, the Special Rapporteur was informed that special measures were usually taken by the prosecution to avoid confrontation between victims and their perpetrators, such as interrogating victims in special rooms or recording their statements with video cameras at shelters, or by police officers wearing plain clothes.

62. Recently, there has been a number of successful prosecutions in the United Arab Emirates for trafficking offences, mainly for the purpose of sexual exploitation. In 2011, 44 trafficking cases were registered by the police, and the prosecution referred 37 of these to court, involving 111 alleged perpetrators. Nineteen cases resulted in convictions; three in acquittals and 15 were still pending before the courts. Punishment in those cases ranged from two months' to life imprisonment. The Special Rapporteur notes that the number of cases registered and prosecuted, though positive, is clearly low compared to the scale of trafficking. She further notes that although Federal Law 51 provides for the confiscation of assets of persons found guilty of trafficking, to date no such confiscation has ever been ordered by the courts. The low prosecution rate is due to a combination of factors, including the absence of structures encouraging effective witness cooperation in trafficking cases. Indeed, in the absence of any provision for witness protection or compensation, the majority of trafficked persons are afraid to come forward and report their cases to authorities. Furthermore, the fear of being arrested for illegal stay in the country, or, for those who are sexually exploited, for engaging in prostitution deter them from going to the police.

63. Another factor contributing to the low prosecution rate relates to the fact that although several prosecutors have attended a number of training sessions on trafficking, they have not necessarily been trained and/or adequately sensitized on identifying and prosecuting trafficking cases involving persons trafficked for labour exploitation. This is further demonstrated by the nature of the cases prosecuted in 2011, in which all, but two cases linked to "enslavement," involved sexual exploitation. In this regard, the Attorney General's Office in Abu Dhabi conceded that in the absence of clear precedents to guide them on the interpretation of the concept of "forced labour" under Federal Law 51, prosecutors and even judges were facing challenges in applying this concept. The same factors also impede effective investigation of trafficking cases by the police, as, based on the cases registered, it seems that there is a general tendency for the police to only arrest offenders in trafficking cases involving prostitution, and not labour exploitation. The police and prosecution rely primarily on the Ministry of Labour to handle those cases.

64. The Special Rapporteur heard allegations of corruption at lower levels of law enforcement, which, if verified, undeniably impedes the effective identification of trafficked persons and the successful prosecution of offenders. She was informed of cases in which police and immigration officers at lower levels were either implicated in trafficking or turned a blind eye to the situations of trafficked persons.

G. Redress for victims

65. Besides the general provisions in criminal and civil laws, there is no specific mechanism for trafficked persons to seek compensation, such as a statutory compensatory scheme that does not require criminal or civil prosecution. The Special Rapporteur was informed that prosecutors could seek compensation on behalf of victims in criminal proceedings and that, since June 2011, a Legal Aid Office in the Abu Dhabi Judicial Department provided all eligible persons, including trafficking victims, with the necessary support and legal assistance. However, to-date there has been no case in which trafficked persons have claimed or received compensation. This may be partly owing to prosecutors themselves not being familiar with the procedures for seeking compensation in trafficking cases, so that the very few trafficked persons identified are not consistently informed of their rights to claim compensation and to legal aid.

66. Indeed several victims interviewed by the Special Rapporteur, who had already testified in court and were waiting for their travel documents before being repatriated to their country of origin, queried whether they had a right to any compensation for the harm suffered and the income they generated for their traffickers through forced prostitution. This shows that they had not been informed of their right to compensation. Furthermore, victims often choose not to seek compensation, as this would involve lengthy judicial procedures and they would have to remain in the country without any opportunity to earn a living. On humanitarian grounds, the shelters and charitable institutions provide the victims with nominal amounts ranging from US\$100 to \$300 at the time of repatriation to their home countries. While permanent or temporary residence is another remedy that may be necessary and appropriate in some situations, to date only one trafficked person has been allowed to remain and work in the United Arab Emirates.

H. Repatriation and reintegration

67. When victims of trafficking wish to return to their home countries, the shelters arrange their repatriation in coordination with the Emirates police and NGOs in their home countries. Victims who cannot be repatriated to their countries of origin are resettled in other countries, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and host countries. The Special Rapporteur was pleased to learn that four child victims had been successfully resettled in countries other than their countries of origin. Moreover, while the International Office for Migration does not have a formal return and reintegration programme in the Emirates to assist trafficked persons, it does assist in the safe return and follow-up of victims of trafficking in their home country upon request.

I. Prevention

68. NCCHT, various ministries at federal level and several departments in some emirates have taken a number of initiatives aimed at preventing trafficking, primarily in the form of awareness-raising campaigns and publications. They have also conducted lectures, workshops and training sessions designed for immigration and police officers, public prosecutors and representatives of shelters. Furthermore, an anti-trafficking campaign was launched in 2010 and 2011 at the airports of Abu Dhabi and Al Ain, which included informative posters and the distribution of pamphlets in six languages. The Ministry of Interior introduced human rights-related modules in the curricula of police academies and published a human trafficking guidance and several brochures on the issue. The Ministry further reported that it is using iris and fingerprint recognition at checkpoints in order to

identify wanted persons, as well as face recognition technologies and modern equipment to detect visa or passport frauds and control entry into and exit from the United Arab Emirates. Moreover, the Special Rapporteur was also informed that in order to curb trafficking, the authorities in some emirates have imposed restrictions on women under 30 years old travelling to the Emirates on visitor's visas. While these are important measures that may prevent trafficking to some extent, she underlines the imperative that responses to trafficking should not violate other human rights.

69. The labour care units in several emirates also implemented certain measures to protect and increase awareness of workers' rights. These included conducting lectures to some 83,000 workers in 2011 and distributing information brochures. Additionally, Dubai Police carried out awareness-raising campaigns among workers and employers, and in 2010, it launched the campaign entitled, "Pay the employee his wages before his sweat dries," aimed at encouraging employers to comply with their obligation of timely payment of wages and respecting workers' rights.

70. The Special Rapporteur acknowledges the various efforts made by NCCHT and the relevant ministries. However, she finds that more efforts are needed and campaigns through mass media, such as radio, television and newspapers, should be carried out to raise general public awareness about trafficking, appropriately targeting trafficked persons, those at risk of being trafficked or otherwise exploited, their employers or workplaces.

71. She further underscores the importance of addressing demand in prevention strategies, especially in the context of the United Arab Emirates, where besides the huge demand for commercial sex services, there is also a high demand for cheap and exploitable labour. Adopting a policy that separates trafficking and labour issues and thus deliberately leaving foreign workers, including domestic workers, unprotected contravenes the Emirates' mandatory obligation under article 9, paragraph 5, of the Trafficking Protocol, especially given that lack of enforcement of labour standards in countries of destination and origin creates a major incentive for trafficking in labour. As such, tolerating restrictions on freedom of movement, including confiscation of passports, long hours of work, poor working and living conditions and withholding of wages contribute to expanding the demand for trafficked migrants and creating lucrative opportunities for exploiters, recruiters and brokers.

J. Cooperation and partnership

1. Cooperation with civil society

72. The Special Rapporteur heard concerns from several stakeholders that partnership between the Government and civil society is limited, including in the field of trafficking. She indeed observed that except for the Emirates Human Rights Association, and despite huge efforts made to contact NGOs in the Emirates, she could not find any other registered NGO working on human rights in the country. She further learned that individual human rights defenders were frequently harassed and faced censorship.

2. International, regional and bilateral cooperation

73. The United Arab Emirates has signed 14 international cooperation agreements with Austria, Bahrain, Belarus, Canada, China, France, Germany, India, Italy, Jordan, Kazakhstan, Poland, the Russian Federation and South Africa. It has also concluded a memorandum of understanding (MoU) with Azerbaijan on cooperation on trafficking issues. The Ministry of Interior has also signed MoUs in the field of security, training and capacity-building with the U.S. Department of Homeland Security and the Australian Department of Immigration and Citizenship. While these agreements are certainly

important steps, no information was provided on their contents or on specific plans of action and operational procedures for their effective implementation.

74. The United Arab Emirates has also entered into bilateral labour agreements with several sending countries. A positive example of bilateral cooperation is the 2009 pilot project on management of contractual work cycle and workers' rights carried out with India and the Philippines, two important labour sending countries, and which had reached its second phase. This project established an electronic contract validation system allowing labour ministries in the United Arab Emirates and in the sending countries to monitor workers' contracts. The Emirates also introduced a web-based system accessible to labour authorities in both the Emirates and India in order to centralize the attestation of papers related to labour contracts of Indian workers and to check discrepancies therein.

75. At regional level, the United Arab Emirates is involved in the study on a comprehensive Arab strategy to combat trafficking. It participated in the Regional Consultative Forum against Human Trafficking in view of establishing regional mechanisms for the implementation of the Arab Initiative for building national capacities for combating trafficking. Additionally, it is also part of the 20-member Group of Friends United against Human Trafficking and has signed the Declaration on the Global Efforts to Combat Trafficking in Persons.

III. Conclusions and recommendations

A. Conclusions

76. The United Arab Emirates has demonstrated its serious commitment to combating trafficking through its domestic legal framework and the establishment of NCCHT. However, the Special Rapporteur remains concerned that there is a lack of coherence in the implementation of the policy and legal framework as well as measures adopted to combat trafficking at the national level. In the absence of a national plan of action for combating trafficking and a strategic implementation framework containing clear and measurable indicators for outcome and impact, implementation remains weak and fragmented, varying not only from emirate to emirate but also between different line ministries and different departments within an emirate. Without clear guidelines and uniform standard operating procedures applied systematically in all the concerned ministries and their respective departments in all seven emirates, particularly by front line law enforcement officers, identification of trafficked persons and their protection will continue to suffer.

77. While the United Arab Emirates has actively engaged in raising awareness on trafficking, it has not effectively addressed the root causes of trafficking, particularly demands for cheap and exploitative labour. Collection of statistical information to determine the prevalence rate, forms, trends and manifestation of trafficking is also incomplete owing to attention being focused almost exclusively on trafficking for sexual exploitation and viewed as affecting only women and girls. Other forms of trafficking have remained invisible and unrecognized by the competent authorities, the general population and the victims themselves. Equal emphasis should be placed on all forms and manifestations of trafficking and exploitation, and the lack of regulations and labour rights should be addressed as one of the key structural factors fostering trafficking of men, women and children in the United Arab Emirates, whether for sexual exploitation or forced labour or domestic servitude or other services.

78. Identification of victims of trafficking generally remains very weak, while that of persons trafficked for labour exploitation is totally lacking. Investigation and prosecution of trafficking cases have also remained low despite the scale of trafficking.

79. Moreover, trafficked persons are not always provided with adequate support in their recovery process. Their right to compensation is not specifically recognized and they are not routinely given adequate information on this and the necessary support to exercise this right, such as legal aid.

80. The Special Rapporteur is also concerned that the Government is not engaging enough with civil society organizations – particularly with those having specialized expertise –, and viewing them as real partners in efforts to combat trafficking.

B. Recommendations

81. Based on her findings, the Special Rapporteur recommends that the United Arab Emirates:

(a) Ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 189 concerning decent work for domestic workers;

(b) Examine the proposed changes in Federal Law 51 in relation to international standards, in consultation with all relevant stakeholders, and speed up the process of adopting the proposed amendments and ensure full compliance with the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

(c) Consult with all relevant stakeholders and examine the new draft law on domestic workers in relation to international standards, especially ILO Convention No. 189 concerning decent work for domestic workers and speed up the process of enacting this law;

(d) Review its labour and migration laws to ensure that the high demand for cheap, low- or semi-skilled foreign labour and the *kafala* system are not used as a channel for traffickers and agents to exploit foreign workers; increase options for safe and legal migration; and respect and protect the rights of migrant workers and their families in order to eliminate their vulnerabilities to all forms of trafficking;

(e) Develop and build capacity for systematic data collection, disaggregated by age and gender, in collaboration with independent research institutions and civil society organizations;

(f) Design, in consultation with all stakeholders, a national strategy to combat trafficking that has specific targets, performance indicators and timelines for implementation by different national government and non-governmental entities;

(g) Strengthen the mandate of the National Committee to Combat Human Trafficking (NCCHT) to make it the central mechanism responsible for monitoring compliance and ensuring consistency, review evaluation and accountability in the implementation of the national strategy;

(h) Allocate sufficient financial and human resources to enable NCCHT to perform its functions, including those related to coordination, effectively and efficiently;

- (i) Systematically consult and involve trafficked persons in designing, monitoring and evaluating policies, measures and activities aimed at combating trafficking and protecting their human rights;
- (j) Review all existing domestic and international memoranda of understanding (MoUs) to ensure compliance with international standards and guarantee that the rights of trafficked persons are protected, respected and enforced;
- (k) Intensify efforts for building the capacity of all relevant public officials including law enforcement and immigration officials, judges, prosecutors, labour inspectors, with special focus on increasing the knowledge and skills of front line officials to identify, protect and assist trafficked persons;
- (l) Strengthen the capacity of the Ministry of Interior's Federal Anti-Human Trafficking Section to undertake high-quality, ethical and effective investigations. The role of each section/unit within the Ministry in investigating trafficking cases should be strengthened and well-defined with a clear and efficient division of labour;
- (m) Strengthen the capacity of prosecutors to effectively prosecute trafficking cases with due attention to the rights of accused persons to a fair trial and the rights of victims and witnesses to protection and support at all stages;
- (n) Further strengthen informal (police-to-police) cooperation with other countries with a view to improving the identification and protection of victims and the apprehension of suspects;
- (o) Prosecute and adequately punish offenders in order to dissuade practices of trafficking-related corruption and complicity by public officials;
- (p) Extend protection under the Labour Law to persons working in sectors known to often employ trafficked persons, such as domestic work;
- (q) Strengthen its efforts to protect migrant workers, including domestic workers, and ensure that trafficking for labour exploitation is increasingly recognized and the countless victims of such trafficking are effectively identified;
- (r) Strengthen the role of labour inspectors in identifying trafficked persons in workplaces, preventing exploitative working conditions and protecting the labour rights of all workers;
- (s) Establish a national hotline dedicated to receiving information on potential trafficking cases and staffed by personnel adequately trained in trafficking issues and speaking languages and dialects commonly spoken by trafficked persons;
- (t) Ensure that victims are not criminalized or penalized, including through detention for status-related offences and other crimes directly resulting from their situations as trafficked persons;
- (u) Establish shelters for male victims of trafficking, including for labour exploitation;
- (v) Ensure that shelters are fully equipped to provide comprehensive and individually tailored assistance to all trafficked persons, including men, by highly qualified personnel trained to work with trafficked persons;
- (w) Provide earmarked funding on a regular basis to shelters, service providers and civil society in order to enhance their capacity to provide trafficked persons with comprehensive support at all times, including the strengthening of the level of psychological support, training, rehabilitation and recovery;

(x) Provide trafficked persons with a reflection period and the choice of remaining in or outside shelters and ensure that they are effectively provided with the necessary support and assistance to seek remedies, such as legal aid and interpretation assistance;

(y) Adopt measures to ensure that victims of trafficking who need international protection are properly identified and referred to the asylum system, when appropriate;

(z) Maintain close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) for the safe return of trafficked victims, with due regard to any need for international protection;

(aa) Consider providing permanent or temporary residence as a form of remedy, where there are risks that trafficked persons may be re-trafficked, face reprisals or subjected to human rights violations upon repatriation;

(bb) Establish a comprehensive national compensation scheme for trafficked persons at the Federal level and effectively apply the already existing provision in the law on confiscation of assets of traffickers and proceeds from trafficking-related crimes, ensuring that such funds are used additionally to compensate victims as well as for victim support and assistance;

(cc) Conduct awareness-raising activities targeted at specific groups at higher risk of being trafficked, as well as employers, recruitment agencies and brokers;

(dd) Uphold the principles of equality and non-discrimination in all matters, including provision of support and assistance to trafficked persons, and ensure that the principle of the best interests of the child, enshrined in the Convention on the Rights of the Child, underlines every policy and individual decision relating to child victims of trafficking;

(ee) Ensure that all international cooperation agreements contain provisions for the protection of victims of trafficking, their right to seek compensation, bilateral cooperation in investigation and prosecution of traffickers, return and reintegration of victims of trafficking and prevention of trafficking;

(ff) Further strengthen partnership with neighbouring countries and source countries in all regions and extend cooperation for exchange of information and mutual legal assistance, as well as support to ensure prevention and awareness-raising, establishment of policies and mechanisms, comparable implementation levels and, where necessary, financial aid to create victim support funds in source countries.
