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TRAFFICKING IN PERSONS REPORT

JUNE 2012







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Dear Reader:

Over the coming months we will celebrate the 150th anniversary of the Emancipation Proclamation, which Abraham Lincoln announced on September 22, 1862 and issued by Executive Order on January 1, 1863. In 1865, as the guns of the Civil War fell silent, the Congress passed and the states ratified as the 13th Amendment to the Constitution President Lincoln's commitment that "neither slavery nor involuntary servitude shall exist in the United States."

Like the United States, countries around the world have enacted laws and adopted international instruments to end slavery as a legal institution and to eliminate it as a criminal practice. The Universal Declaration of Human Rights prohibits slavery and involuntary servitude. More recently, the UN Palermo Protocol has made the abolition of modern-day slavery a part of international law and a policy-making priority. Governments across the globe are united in this struggle.

Yet, despite the adoption of treaties and laws prohibiting slavery, the evidence nevertheless shows that many men, women, and children continue to live in modern-day slavery through the scourge of trafficking in persons.

The anniversary of the Emancipation Proclamation marks not just a moment in our history, but an enduring commitment to freedom that we advocate and defend. Because we have not yet realized a world free from modern slavery, that commitment remains relevant today, and leads us to consider what abolition means in the face of modern-day slavery.

One way is to know on whose behalf we work – the survivors. Earlier this year, I visited a trafficking shelter in Kolkata. The young women and girls there had suffered terrible abuse. But with their own drive and determination and with the help of some remarkable women and men they were getting their lives back on track. I met one girl, about ten years old, who asked if I wanted to see the martial arts she had learned at the shelter. As she performed her routine, I was impressed with the skills she had learned; but more than that, I was moved by the pride in her eyes – her sense of accomplishment and strength.

Trafficking in persons deprives victims of their most basic freedom: to determine their own future. Our work in fulfilling the promise of freedom should be not only the pursuit of justice, but also a restoring of what was taken away. We should aim not only to put an end to this crime, but also to ensure that survivors can move beyond their exploitation and live the lives they choose for themselves.

This Report is a guide for our work. In the past decade, a global community of governments, non-governmental organizations, and countless other institutions and individuals have brought attention to this often-hidden crime. Through the work of many, this Report provides a clear and sobering analysis of the state of modern slavery. It tells us which governments are making progress, which innovations are working best, and how we can strengthen our efforts to bring an end to this crime.

A century and a half after the promise of freedom was fought and won in the United States, freedom remains elusive for millions. We know that this struggle will not truly be won until all those who toil in modern slavery, like those girls in Kolkata, are free to realize their God-given potential.

Sincerely,

A handwritten signature in blue ink that reads "Hillary Rodham Clinton".

Hillary Rodham Clinton
Secretary of State



Dear Reader:

The voices ring through the ages. From the Biblical past through to the modern day, those who have escaped the bondage of slavery have told the stories of what they endured and how they moved forward on the path to freedom.

In the United States, chapters of our history are written in the voices of those who toiled in slavery. Whether through the memoirs of men and women who sought their freedom from a then-legal institution on the Underground Railroad or the impassioned pleas of African Americans and immigrants trapped in sharecropping and peonage in the years after the Civil War, slavery's brutal toll has been given witness time and again by those who suffered and survived.

What do they tell us? How do the voices of the past and present help inform our struggle against modern slavery?

They tell us that victims of this crime are not waiting helplessly for a rescuer, but are willing to take the chance to get out once they know it is possible. They tell us that modern-day slavery's victims are like anyone else—mothers and fathers, sons and daughters, seeking better lives for themselves and their families. Survivors tell us that what they want is the opportunity to move on with their lives.

Our challenge as we face the 150th anniversary of Emancipation is to deliver on that promise; to apply history's lessons to the modern crime.

This year's *Trafficking in Persons Report* focuses on how to make victim protection—part of the 3P Paradigm of prevention, prosecution, and protection—most effective for helping survivors get their lives back on track. In these pages are specific guides and examples of what victim protection looks like when it succeeds, as well as when it fails. But if a single notion should guide the way governments and caregivers come to the aid of victims, it is the goal of restoring what was lost and providing meaningful choices for the path forward. And that requires listening to their experiences and incorporating their perspectives, to make a reality of the concept "nothing about them without them."

This Report tells us that some governments are doing this well, using practices that work and making needed resources available. It also tells us that some governments are treating victims as criminals or ignoring them entirely. Ultimately, it tells us that everyone must do more, and that we do not yet have the solutions that will eradicate this crime once and for all. But every day, with the commitment of governments and civil society, the private sector and concerned individuals, those solutions are increasingly within reach.

The voices of survivors—whether calling from the past or ringing out in a courtroom in 2012—are a sad reminder that the struggle against modern-day slavery is a long fight still not won. They are a reminder that if governments shirk their responsibility to bring traffickers to justice and to help victims on their road to recovery, the intolerable yoke of modern-day slavery will persist. As we strive to deliver on the promise of freedom, let us vow together that survivors' stories will not be forgotten and that their lessons will guide us forward.

Sincerely,

A handwritten signature in dark ink that reads "Luis CdeBaca".

Luis CdeBaca

Ambassador-at-Large to Monitor and
Combat Trafficking in Persons



"I wasn't allowed to go anywhere, they locked us in. They didn't lock us in the house, they locked us in our room. The three of us in a size of room that's not enough for one person ... I guess they rented us out, or landed us, or bought us? I don't understand what happened. They simply executed us physically, mentally and emotionally during that eight months while I was there. I still am afraid, what will happen if they find me, or when they leave jail. I can't go through that terror again, what I gone through while I was with them."

"Todor," labor trafficking survivor, in a statement submitted to sentencing judge

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This Report and subsequent updates are available at www.state.gov/j/tip



"Children, if you are tired, keep going; if you are hungry, keep going; if you want to taste freedom, keep going."

Harriet Tubman, describing how she would lead escaping slaves on the Underground Railroad

THE 2012 TRAFFICKING IN PERSONS (TIP) REPORT

THE PROMISE OF FREEDOM

The United States' commitment to fighting modern slavery did not simply materialize 12 years ago with the passage of the Trafficking Victims Protection Act or the adoption the same year of the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). This country's tragic history is not forgotten, nor are the bloodshed and lives lost in the fight to end state-sanctioned slavery.

The year 2012 will mark the 150th anniversary of the date Abraham Lincoln gave notice of the Emancipation Proclamation. That document and the 13th Amendment to the United States Constitution, following three years later, represent more than policies written on paper. They represent the promise of freedom.

The U.S. Congress subsequently passed laws and federal authorities prosecuted cases in the wake of the Civil War to make clear that this promise of freedom extended to all, from the Hispanic community in the Southwest, to immigrants arriving from Europe, to Chinese workers who built the western railroads, to Native Americans in the Alaska territory.

A century and a half later, slavery persists in the United States and around the globe, and many victims' stories remain sadly similar to those of the past. It is estimated that as many as 27 million men, women, and children around the world are victims of what is now often described with the umbrella term "human trafficking." The work that remains in combating this crime is the work of fulfilling the promise of freedom—freedom from slavery for those exploited and the freedom for survivors to carry on with their lives. The promise of freedom is not unique to the United States, but has become an international promise through Article 4 of the Universal Declaration of Human Rights and the Palermo Protocol to the Transnational Organized Crime Convention. The challenge facing all who work to end modern slavery is not just that of punishing traffickers and protecting those who are victimized by this crime, but of putting safeguards in place to ensure the freedom of future generations.

VICTIMS' STORIES

The victims' testimonies included in this Report are meant to be illustrative only and do not reflect all forms of trafficking that occur. Any of these stories could take place anywhere in the world. They illustrate the many forms of trafficking and the wide variety of places in which they occur. Many of the victims' names have been changed in this Report. Most uncaptioned photographs are not images of confirmed trafficking victims, but they illustrate the myriad forms of exploitation that comprise trafficking and the variety of cultures in which trafficking victims are found.

A CRIME, FIRST AND FOREMOST

A few years ago, stories about human trafficking appearing in the press tended to focus on a victim's suffering or a long-delayed arrest. Those stories still appear. But there is a shift underway. Today, reports on trafficking in persons are about not just the crimes that have been uncovered, but also the many things that people are doing in their communities to eradicate modern slavery. Modern slavery is the centerpiece of new, public-private partnerships and has become a focus for faith-based communities. New developments in supply chain monitoring and corporate social responsibility are producing valuable collaboration between governments and key industries. The modern abolitionist movement is expanding beyond a narrow band of civil society and pockets of concerned government officials. It is entering the public consciousness in a way that builds not just awareness and concern, but also activism and action, both globally and locally. A new generation of informed and interested citizens is beginning to look inward and making the choice to reject lifestyles sustained by exploitation. For all those who continue to live in bondage, this moment could not have come too soon.

As more voices cry out for action to respond to modern slavery, governments must redouble their own efforts and face this challenge head on.

HUMAN TRAFFICKING DEFINED

The TVPA defines “severe forms of trafficking in persons” as:

- a. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- b. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions.



Three slave girls collect water for their slave-masters in Niger; despite laws abolishing hereditary slavery in several countries in the Sahel, girls born into slavery are still forced to marry men who buy them as “fifth wives” and subsequently subject them to forced labor and sexual servitude.

MEXICO – UNITED STATES

Maria Elena was 13 years old when a family acquaintance told her she could make ten times as much money waiting tables in the United States than she could in her small village. She and several other girls were driven across the border, and then continued the rest of the way on foot. They traveled four days and nights through the desert, making their way into Texas, then crossing east toward Florida. Finally, Maria Elena and the other girls arrived at their destination, a rundown trailer where they were forced into prostitution. Maria Elena was gang-raped and locked in the trailer until she agreed to do what she was told. She lived under 24-hour watch and was forced to have sex with up to 30 men a day. When she got pregnant, she was forced to have an abortion and sent back to work the next day. Maria Elena finally made her escape only to be arrested along with her traffickers.

Traffickers are criminals. Governments—which alone have the power to punish criminals and provide legal recourse to survivors—cannot waver in their efforts to confront modern slavery.

Like previous editions, the 2012 Trafficking in Persons Report satisfies a statutory mandate to look closely at how governments around the world are fulfilling their obligations to combat this crime. It emphasizes continued and strong government action as the foundation upon which the fight against modern slavery is built. And it both makes government-specific recommendations, and calls upon the international community as a whole to advance a more robust victim-centered response to this crime.

“I never, in my life, felt more certain that I was doing right than I do in signing this paper.”

President Abraham Lincoln, upon signing the Emancipation Proclamation into effect

THE VICTIM AT THE CENTER

Human trafficking appears in many guises. It might take the form of compelled commercial sexual exploitation, the prostitution of minors, debt bondage, or forced labor. The United States government, and increasingly, the international community, view “trafficking in persons” as the term through which all forms of modern slavery are criminalized.

Why, then, are so many different actions considered the same crime? Why are so many terms used to describe one human rights abuse? Exploitation lies at the core of modern slavery. Whether held on a worksite or trapped in prostitution, a victim of this crime has suffered an infringement of the right to be free from enslavement.

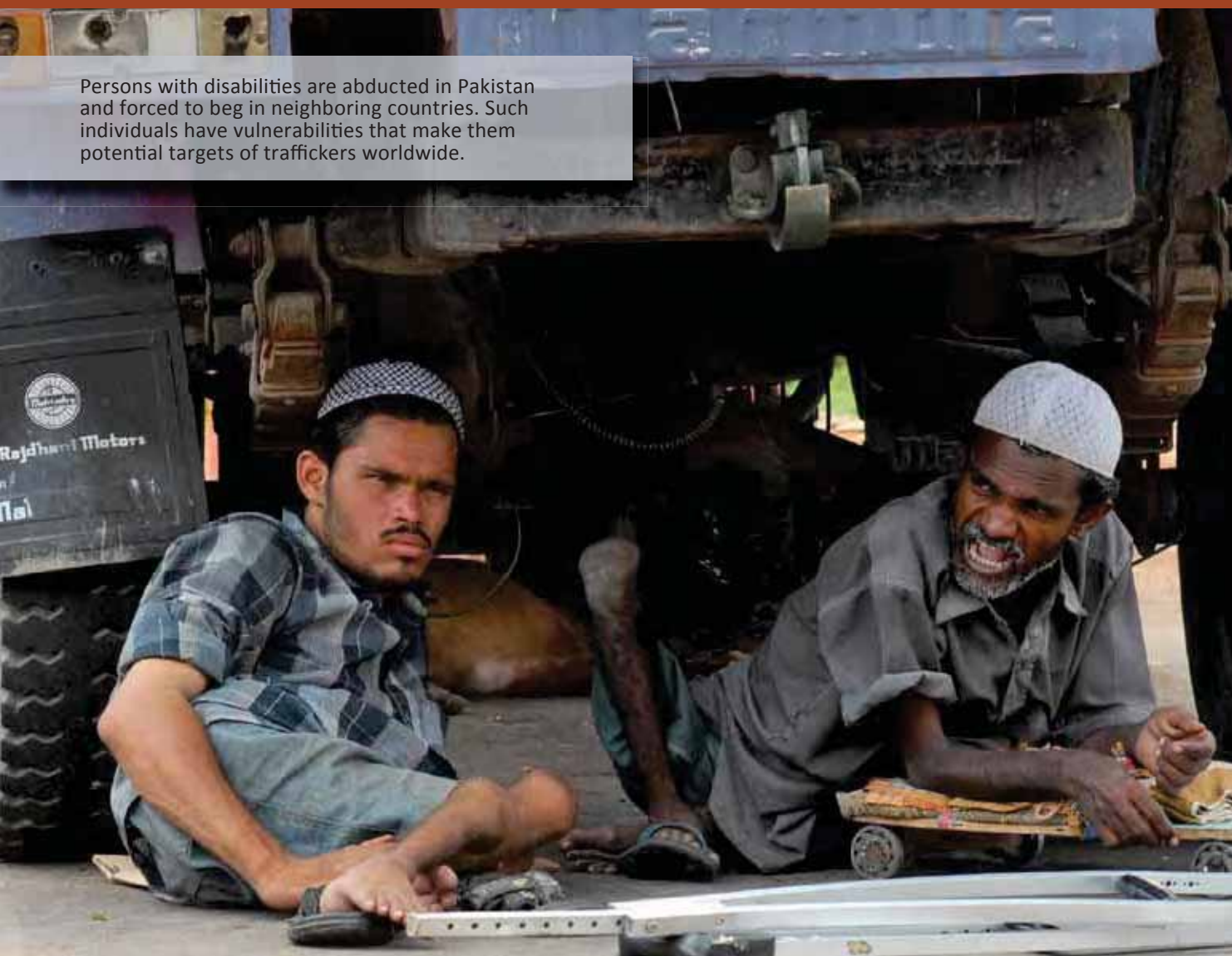
When that right has been compromised, governments are obligated to restore it. The Palermo Protocol’s “3P” paradigm of prevention, prosecution, and protection reflects a comprehensive victim-centered approach to ensuring that the rights of individuals

are guaranteed. Through prevention measures, governments can work to forestall the violation of rights. Prosecution efforts seek to punish those whose actions have subjugated the lives of their victims through enslavement. Protection efforts seek to provide appropriate services to the survivors, maximizing their opportunity for a comprehensive recovery.

In this paradigm, strong protection efforts bolster the effectiveness of law enforcement activities and successful prosecutions in turn serve to deter the crime from occurring. A fourth “P”—partnership—is integral to the success of any anti-trafficking strategy. Governments, civil society, the private sector, and the public at large working together will lead to the most effective response to modern slavery.

Like perpetrators of any crime, such as assault or murder, traffickers must be brought to justice. Governments are the only entities that can pass and enforce domestic laws. But just punishing the offender is not enough. Rights that are violated must be restored.

Persons with disabilities are abducted in Pakistan and forced to beg in neighboring countries. Such individuals have vulnerabilities that make them potential targets of traffickers worldwide.



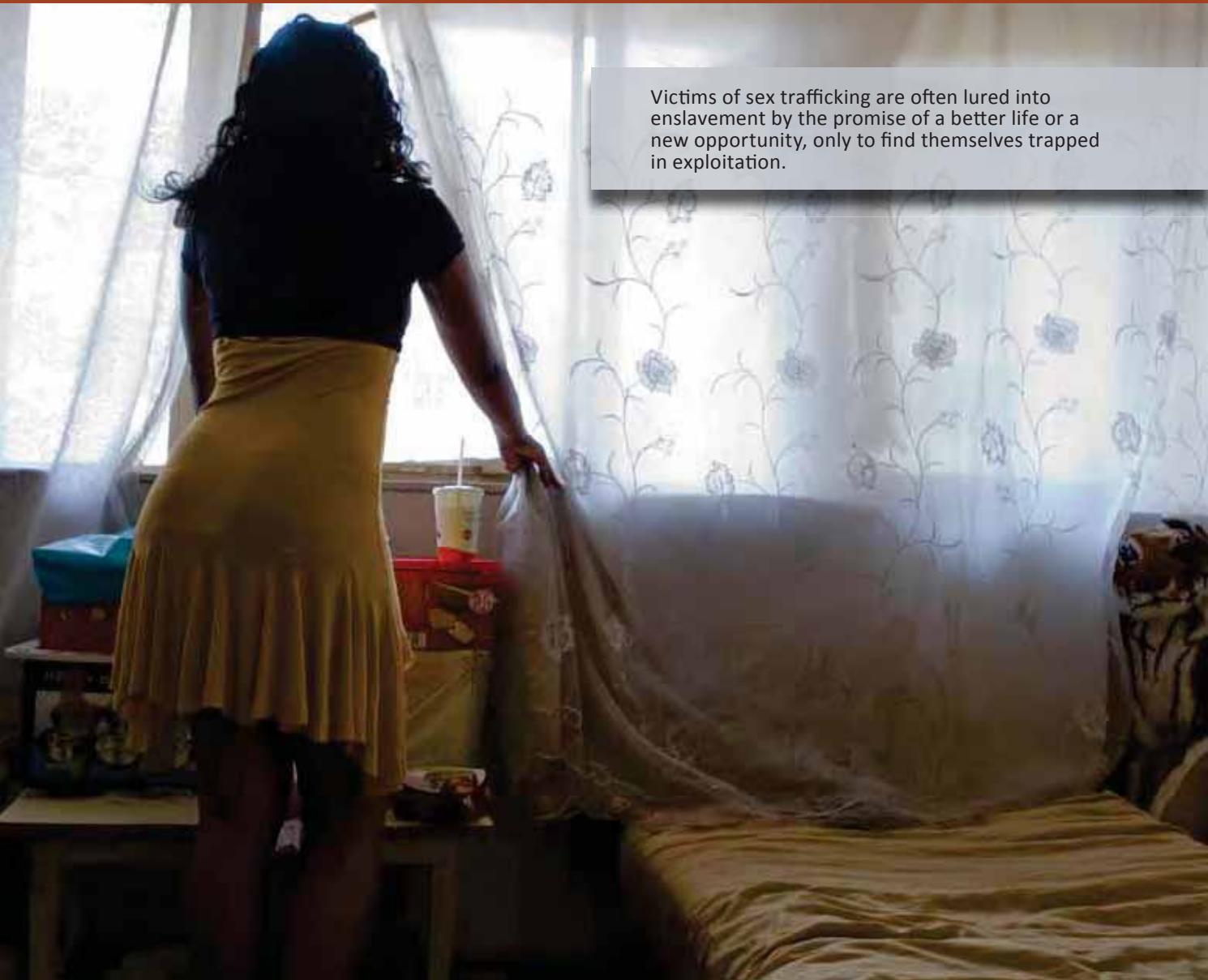
The crime is not abstract; it is about people. Every single occurrence of modern slavery is happening to a person—someone's sister, mother, brother, father, daughter, or son. Protection does not mean only rescue and isolation; although it may require getting someone out of harm's way, protection must be as adaptable and dynamic as trafficking is insidious and unpredictable. Ultimately, true protection means giving victims access to and a choice among options—and recognizing that they are unlikely to choose to participate in shelter and rehabilitation programs that are restrictive or serve merely as pre-deportation waiting periods.

Because this crime undermines the most basic human rights, protection services must be considered just as important as investigating and prosecuting the offenders. The damage inflicted by traffickers can never be undone, but it may be repaired. If governments fail to provide comprehensive protection as a complement to prevention and prosecution efforts, they risk deepening, rather than alleviating, the original harm.

The following section of the Trafficking in Persons Report details promising practices, as well as potential pitfalls that governments should bear in mind when providing protection services to victims.

"The problem of modern trafficking may be entrenched, and it may seem like there is no end in sight. But if we act on the laws that have been passed and the commitments that have been made, it is solvable."

U.S. Secretary of State Hillary Rodham Clinton, June 28, 2011



Victims of sex trafficking are often lured into enslavement by the promise of a better life or a new opportunity, only to find themselves trapped in exploitation.

BANGLADESH – LEBANON

Amina left her home in Bangladesh to take a job in Lebanon as a maid. Despite the promise of opportunity, she found herself exploited at the hands of an abusive employer. She was tortured, molested, and confined to the house for three months. “I was hardly given any food,” she later said. “In solitary confinement in a room, I had no idea what Lebanon looked like.” Amina managed to escape and was repatriated at the expense of the recruitment agency that had sent her abroad. She still suffers pain from injuries to her eyes sustained at the hands of her employer, but because the broker confiscated her passport and job contract, she cannot file a complaint with the authorities or receive compensation.

VICTIMS, SURVIVORS, AND PROVIDERS

Trafficked people have typically been tricked, lied to, threatened, assaulted, raped, or confined. But the term “victim” does not mean that a person who has suffered those crimes was necessarily incapable or helpless. In many cases, these people have shown tremendous strength in the face of horrible adversity.

Sound policy both acknowledges that a crime has occurred and honors victims’ agency and autonomy.

People fall victim to trafficking for many reasons. Some may simply be seeking a better life, a promising job, or even an adventure. Others may be poverty-stricken and forced to migrate for work, or they may be marginalized by their society. These vulnerabilities do not mean that those who are victimized are dependent on someone else to empower them. It often means that they had the courage to pursue an opportunity that they believed would change their lives and support their families. Traffickers see and understand this reality, and through imbalances in power and information—and a willingness to use coercion and violence—they take advantage of their victims’ hope for a better future.

Law enforcement agents, good Samaritans, and civil society, among others, are often instrumental in helping a victim escape the trafficking situation. For some, though, freedom comes as a result of summoning the courage to escape their abuser when the opportunity presents itself.

Global best practices can serve as useful guides for the effective provision of victim services. These include, for example, the immigration relief given to trafficking victims in Italy; the package of medical, psycho-social counseling, and legal aid provided to

THE COST OF A JOB

Most people think only about how much they will earn from a job. But for people desperate to obtain employment to provide for and support their families, a job can also come with extreme costs, sometime in the form of modern slavery:

- ❖ The cost of a job for a 15-year-old Indian girl could be three years of her life spent working in a garment or textile factory, forced to work excessive hours in dangerous conditions, and often subject to verbal or sexual abuse. At the end of this three-year period, she might receive a payment of approximately \$645 - \$860, which would be used as a dowry to give to the family of her future husband.
- ❖ In the Middle East, the cost might be imprisonment because the employer fails to properly renew a worker’s visa.
- ❖ For a Guatemalan, the cost of a job could include becoming an undocumented worker in the United States when he or she is forced by traffickers to perform labor that is not covered by the visa provided by his or her labor broker. He or she would then have to repay the broker and travel fees, all while working nearly 80 hours a week for less than minimum wage.
- ❖ The cost of a job for Vietnamese migrant workers seeking work abroad may be the equivalent of \$4,250 or three times Vietnam’s per capita income. When they go abroad, some of these workers have debts that exceed the earnings they expect in the first year of typical three-year contracts.

As the ILO’s global report on forced labor, *Cost of Coercion*, shows, the cost of this exploitation worldwide is an estimated \$20 billion annually. This is the amount of wages and other benefits denied to migrant workers by fraudulent labor recruiters in their home countries, labor brokers in the country of work, and employers who refuse pay wages.

ADDRESSING THE INTERNAL WOUNDS: THE PSYCHOLOGICAL AFTERMATH OF HUMAN TRAFFICKING

The trauma associated with trafficking and its psychological effects can be devastating and, if left unaddressed, can undermine victims' recovery and potentially contribute to vulnerability to re-victimization. Because traffickers dehumanize and objectify their victims, victims' innate sense of power, visibility, and dignity often become obscured. Traffickers also use coercive tactics and force to make their victims feel worthless and emotionally imprisoned. As a result, victims can lose their sense of identity and security.

A variety of psychological symptoms can surface over a period of time even after victims escape or are rescued from the trafficking environment. Thus, it is critically important to incorporate psychological support and treatment within victims' services and protocols.

Steps to reinstating psychological well being include:

- ❖ Establishing a dependable safety network for victims to utilize and ensuring all their basic needs are met.
- ❖ Ensuring privacy and confidentiality to protect victims and their families and friends.
- ❖ Soliciting the support of medical experts, social workers, and psychologists who are trained in human trafficking and can provide trauma-specific therapy.
- ❖ Attending to victims' physical well-being, as sometimes there are physical symptoms existing simultaneously with or indicative of underlying psychological disorders.
- ❖ Providing collaborative therapies that are culturally sensitive.
- ❖ Fostering an empowering environment in which victims actively participate as consumers of therapeutic and other services.
- ❖ Assessing victims for self-injurious and suicidal behavior.
- ❖ Screening for post-traumatic stress disorder (PTSD), substance abuse/dependence, depression, and anxiety – mental disorders that can develop as a result of being trafficked.
- ❖ Providing unconditional support, especially amidst victims' potential denial, distrust, reticence, shame, or anger.
- ❖ Working towards social and familial reintegration.
- ❖ Rebuilding identity.
- ❖ Reestablishing skill-sets, self-esteem, and personal interests.



Under the direction of Khun Ja Supagon, the Anti Human Trafficking Center in Pattaya, Thailand, provides art therapy and other social services for boys who survived sexual exploitation and street peddling.



Migrant workers protest proposed changes to the domestic workers' visa program in London - changes workers say could leave them vulnerable to human trafficking.

suspected trafficking victims in the United Kingdom; or the work authorization given to victims in Taiwan. The specific actions comprising a victim services regime must allow for flexibility to tailor a response specific to individuals' experiences and needs.

ADOPTING VICTIM-FRIENDLY LAWS AND REGULATIONS

The foundation of a government's victim-protection response must necessarily be rooted in that country's anti-trafficking law. An effective anti-trafficking statute provides a clear definition of who constitutes a trafficking victim and sets forth the legal status and recourse to which victims are entitled. This approach flows naturally from the victim-centered, rights-based approach of the modern era; governments should not base their response on nineteenth-century laws that viewed trafficking in persons as the transnational movement of prostituted women, and traffickers as violating state sovereignty by bringing "immoral" persons over the borders. Such an approach is inconsistent with the modern framework established by the

Palermo Protocol, which rejected and replaced this outdated formulation with a crime centered on the exploitation of the individual.

"The old way of slavery was that the boss really owned you ... But now legal recruiters and employers work in tandem to deceive workers who, vulnerable and isolated in a strange culture, are forced to accept harsh terms. It is in that context that you have endemic forced labor today."

Rene Ofrenco, Director of the Center for Labor Justice, School of Labor and Industrial Relations, University of the Philippines

Who is a Victim?

Because trafficking in persons is manifested in a wide range of forms, anti-trafficking laws must consider the many different types of victims who are

exploited. Narrow definitions of trafficking could potentially exclude some victims from receiving the justice, protection, or benefits they deserve. If a law fails to protect all victims of trafficking under its provisions—excluding, for example, men, laborers, adults, or those who have not crossed a border before being enslaved—certain victims may find themselves accused of violating other, non-trafficking laws for actions that are connected to their victimization.

Unfortunately, the arrest, incarceration, and/or deportation of trafficking victims occurs far too often. These actions undermine the goals of a victim-centered response and constrain law enforcement efforts to bring traffickers to justice. Research reveals, for example, that a considerable number of prostituted minors and other trafficking victims are arrested every year in many countries, including the United States. According to the Palermo Protocol, however, all prostituted minors are considered victims of trafficking in persons. Without domestic laws consistent with this international standard nor proper efforts to screen for victims—such as training the law enforcement and justice officials likely to encounter these individuals—they can be swept into a system that views all persons in prostitution or undocumented immigrants as criminals and treats them accordingly.

A law must ensure to provide a victim-centered framework for fighting modern slavery in which

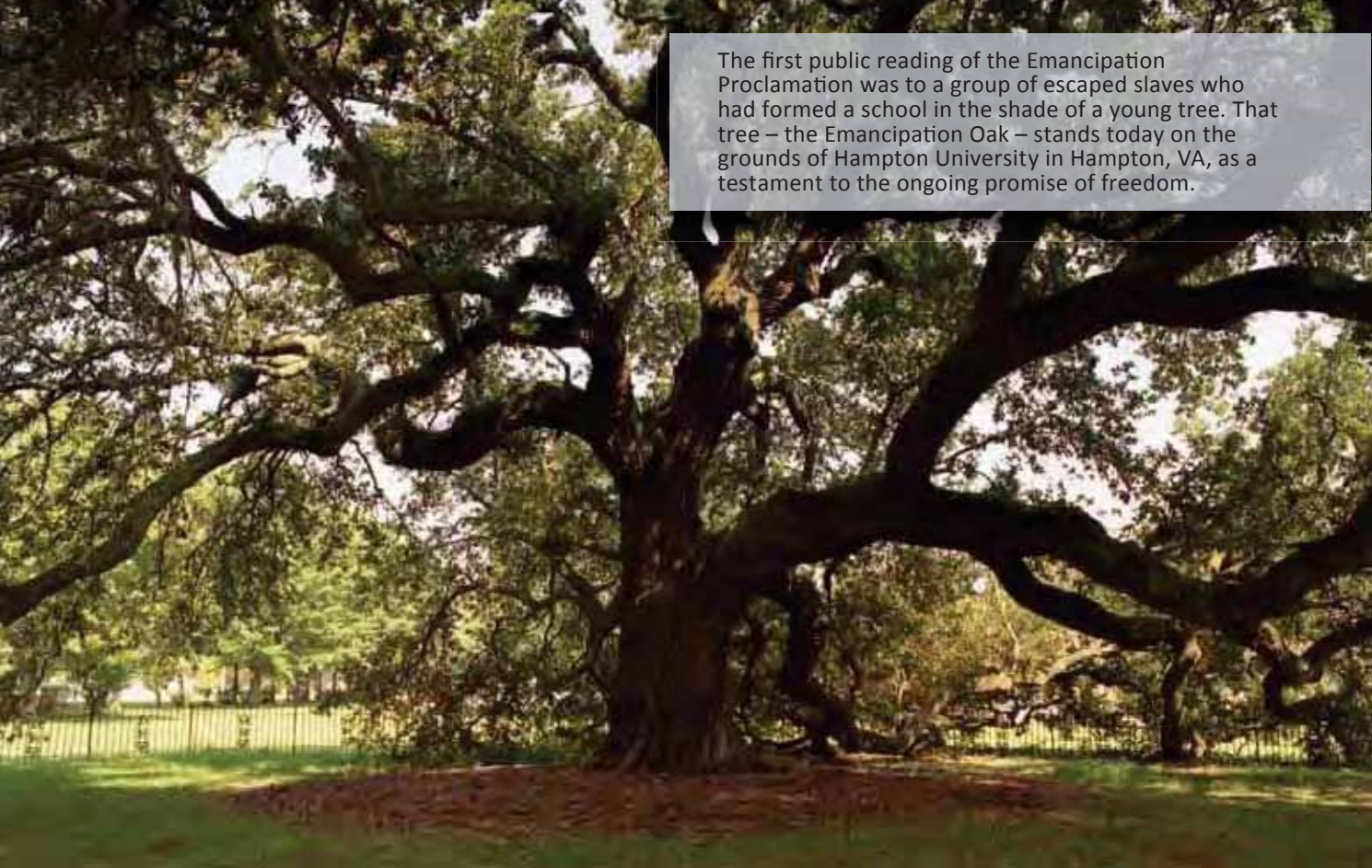
INDIA

Gayan, a 15-year-old boy, was a school dropout when he was recruited by a broker who promised him a good job in the Jharsuguda district. Instead, Gayan, along with other boys, was confined to a factory to work, given little food, severely beaten, branded, burned with cigarettes, and allowed only a few hours' sleep each night. It was not until Gayan returned home a year later that his parents learned what he had endured. "[O]nly now have we realized that he was threatened... the owners were always present while he was talking on the phone [to us]," they said. After Gayan's parents complained to officials, the three traffickers responsible were arrested. The police have also initiated rescue efforts for the other boys held in forced labor and debt bondage in the same facility.

everyone victimized by trafficking, whether for labor or commercial sexual exploitation, whether a citizen or immigrant, whether a man, woman or child, is considered a victim under the law.

Indicators of Victimization

While no two experiences of human trafficking are exactly the same, many traffickers use similar methods to keep their victims enslaved. An understanding of common responses to trauma can also be used to determine whether an individual has been trafficked.



The first public reading of the Emancipation Proclamation was to a group of escaped slaves who had formed a school in the shade of a young tree. That tree – the Emancipation Oak – stands today on the grounds of Hampton University in Hampton, VA, as a testament to the ongoing promise of freedom.



Women emerge from a hidden tunnel in a bar during an anti-trafficking operation by Guatemalan authorities.

IMMIGRATION RELIEF FOR FOREIGN TRAFFICKING VICTIMS: DEBUNKING THE FEAR OF MASSIVE FRAUD

Foreign victims not only face a fear of their traffickers in the countries where they are exploited, but also are afraid that their cooperation with authorities will lead to harm to their families in their home countries. Traffickers routinely threaten to harm or even kill victims or their families if victims ever report what is happening to law enforcement. Overcoming this fear is thus a hurdle for both law enforcement and victims. One approach for governments to encourage foreign trafficking victims to participate in prosecutions, and also provide them and their family members increased stability and protections, is to offer them a path to permanent residence – and potentially citizenship. Governments, however, sometimes fear that offering such longer-term immigration relief to foreign trafficking victims will lead to a massive number of illegal migrants fraudulently claiming to be victims of trafficking.

The concern of massive fraud related to the provision of immigration relief for victims of trafficking existed in the United States when the U.S. Congress passed the TVPA in 2000. To protect against fraud, a cap of 5,000 approvals per year was placed on the special status designated for trafficking victims – the “T” nonimmigrant status, also commonly referred to as “T visas” and named after section 1101(a)(15)(T) of title 5 of the U.S. Code. The feared rush on T visas, however, has not materialized. Although the number of applications for T nonimmigrant status is increasing every year, less than half of the yearly allotment of T visas for one year has been approved since 2002. This illustrates that, even with strong incentives, encouraging foreign victims to overcome their fears and come forward with their stories still remains a challenge.

Many NGOs and legal advocates also note that the eligibility requirements under U.S. law related to the T nonimmigrant status also serve to deter fraudulent applications. These eligibility requirements include demonstrating by credible evidence that the individual was a victim of human trafficking, is present in the United States on account of that trafficking, and is willing to cooperate with law enforcement in prosecuting traffickers (except for minors or especially traumatized victims), and that the victim would suffer extreme hardship, including severe and unusual harm, if removed from the United States.



Before flying to Saudi Arabia to work as maids, Indonesian women crowd into a migrant center awaiting a police inspection.

Common Methods of Control

- ❖ Restriction of movement:
 - » Confiscating passports, visas, and/or identification documents
 - » Constantly accompanying the victim, insisting on answering questions on behalf of the victim, and/or translating all conversations
 - » Isolating the victim by not disclosing his or her location or address
 - » Requiring the victim to live and work in the same location
- ❖ Harmful living conditions:
 - » Restricting access to food and appropriate clothing
 - » Forbidding access to appropriate medical care
 - » Not allowing time off or sufficient time to sleep
- ❖ Harmful working conditions:
 - » In exchange for work opportunity, charging a large fee that is difficult or impossible to pay off
 - » Requiring unusually long work hours with few or no breaks
 - » Restricting the number of days off
 - » Providing little to no pay or irregular pay

Common responses to trauma and victimization

- ❖ Physical Reactions:
 - » Weakened physical state
 - » Bruises, cuts, or other untreated medical ailments
 - » Complaints of stomach pain
 - » Heart palpitations
 - » Extreme changes in eating patterns
- ❖ Emotional Reactions:
 - » Loss of memory related to the traumatic event
 - » Frequent bouts of tearfulness
 - » Detachment
 - » Feelings of self-blame
 - » Emotional numbing or emotional response that does not fit the situation
 - » Flashbacks or nightmares

ROMANIA – UK

Uta was seven years old when she was sent from Romania to work as a domestic servant in the United Kingdom. Her family thought this was an opportunity to get Uta away from poverty, but the Romanian couple who recruited her physically and verbally abused her daily and forced her to sleep on the floor. The couple also enslaved and raped another victim, Razvan, a 53-year-old Romanian man. After being severely beaten and seeing the way the couple treated Uta, Razvan escaped and reported the offenses to the police. When the police rescued Uta she was dressed in filthy clothes, had scabs covering her head, and her teeth were so rotten they had to be removed. She had never been to school and could not even count to ten in her own language. The Romanian couple was found guilty of trafficking and was sentenced to a maximum of 14 years in prison.

- » Anxiety and fear
- » Difficulty making decisions and/or concentrating
- » Avoidance of eye contact in a manner not related to culture

While the above signs taken alone do not indicate with certainty that an individual is a victim of trafficking, many victims describe these methods of control and exhibit these traumatic responses when they talk with first responders after obtaining freedom.

Because trafficked people often do not understand that what happened to them is a crime, their description of their victimization can be difficult to assess, especially when a first responder has not been trained to identify human trafficking. Many first responders note that, before they have learned more about human trafficking, victim stories may seem confusing and complex. It is essential that governments give trafficking victims a reasonable length of time to recover from the immediate trauma; individuals cannot be expected to self-identify or decide to cooperate with law enforcement in only a few short days, especially because they will typically still be in crisis for some time after their release. Instead, they should be accorded a period of time to overcome their immediate trauma and be able to make decisions about their lives. Foreign victims should not be returned to countries where they may face retribution or hardship. With trained personnel and sufficient time for victims to process their experiences, it becomes easier for law enforcement to get the full account of what victims' experienced, resulting in better evidence and more successful prosecutions.

Legal Rights and Status

Defining someone as a victim of human trafficking under relevant law or regulation is not a pejorative label or a means of setting him or her apart from the rest of society. Foreign nationals who are identified as trafficking victims should be eligible for immigration relief that not only keeps them safe, but also allows them to choose the best next steps for themselves and their families. Victims are often not able to move beyond their victimization until threats to their safety and the safety of their family members have been resolved. In these situations, the only reasonable option for foreign trafficking victims may be to remain safely in the country where they were trafficked and where they have started on the path to recovery. Immigration remedies that allow foreign victims a pathway to permanent residence or citizenship, assuring their safety and enabling them to integrate more fully into their new community, are best practices. Repatriation should be an accessible option with support and referral services throughout the process. Yet it should only be considered after a determination of what is in the best interests of the victim, rather than a process that requires a summary decision that results in foreign trafficking victims being returned to their home countries.

If a victim of trafficking wishes to confront his or her abuser in court, the law should make that possible, with provisions not just for the criminal process, but the opportunity to seek civil remedies as well. If a victim wants to remain in the country, the process for obtaining residency or citizenship should not be delayed until the criminal process—if any—has run its course, and should not be conditioned on the success of the prosecution. Furthermore, if the victim wants to work, a criminal record that reflects crimes committed as a result of the trafficking or other legal obstacles to work authorization should not stand in the way. Laws should likewise provide mechanisms for survivors to seek and be awarded restitution and damages from their traffickers. Victims should also be provided the assistance and information they need to understand their rights. Most importantly, victim status should provide voluntary access to a full range of services that should be afforded by governments to allow survivors to restore their lives.

PAKISTAN – UK

Saeeda, a deaf Pakistani woman, was ten years old when she left Pakistan for Manchester, England for a job as a domestic worker. For nearly a decade, she was abused, raped, and beaten by her employers, a Pakistani couple. Now in her 20s, Saeeda told the courts that she was confined to a cellar and forced to work as a slave. Her abusers have been accused of human trafficking, sexual offenses, imprisonment, violence, and fraud; they have both pleaded not guilty to the alleged charges. It remains unknown why the couple was permitted to recruit a girl of this age as a domestic worker.



Children from ages four to 14 are subjected to forced labor, working as many as 18 hours a day to weave rugs destined for export markets such as the U.S. and Europe.

THEN AND NOW: FLEEING SLAVERY

Ads, like the one pictured to the left, were common in U.S. newspapers in the 1700s and early 1800s before slavery was abolished. Now, ads like the one pictured to the right show that this practice continues in the modern era. Those who escape severe abuses from their employers risk hardships of fugitive life, danger of capture, and the threat of death.

19th Century

RUNAWAYS

100 DOLLARS Reward.—Runaway from the subscriber a negro man named Charles, about 24 years old and about 5 feet 8 inches high, rather stout built, quick spoken and smart, and wore when he left a heavy moustache. He was probably raised in Surry, as he was carried from that county to Richmond, where I bought him in last October. When last heard from he was within 44 miles of Petersburg, and it was thought he would endeavor to cross the Appomattox above Petersburg, and the James above Richmond, on his way North; or he may be lurking about Richmond. If delivered to me or lodged in jail, I will pay all necessary expenses and give \$100 reward. If he is apprehended about Richmond, report to McKinney, Dupuy & Archer, commission merchants, Shockoe Slip, or to
WM R. WING,
St Tammany P O, Mecklenburg.
fe 10—6t

100 DOLLARS Reward.—Ran away from the farm of the subscriber, near Roxboro', N C, on Friday, the 5th inst, a likely mulatto girl, named Lucy, aged 17 or 18 years, short, thick set, and when she left was neatly attired. It is presumed that she is making her way to Richmond.—The above reward will be paid for her apprehension and delivery to me at the store of B. Ellison & Bro, corner of 17th and Franklin sts.
fe 10—2t
B. A. ELLISON

100 DOLLARS Reward.—Absconded from my farm, in Greenville county, Va, on Thursday night, Feb 4th, a mulatto man named Richard, about 35 years old and 6½ feet high. He belonged, until September last, to a gentleman near King George Court-House, whose name I do not remember, where he has a wife, and will doubtless try to reach that place. The above reward will be paid for the delivery of Richard to me in Greenville county, Va, or to Mr L. Grady, in Richmond.
fe 9—3t
LEWIS W. GRADY

Two Hundred Dollars Reward.—Ran away from the subscriber, about two weeks ago, a slave calling himself Robert Davis. He is about 30 years old, near 5 feet 10 inches high, quite dark, slightly deaf, talks rapidly, but stammers. He is supposed to have carried with him a suit of black broadcloth, a cap with a glassed cover, and a heavy pair of shoes. He had been employed as a dining room servant in the American Hotel; but was brought up in Petersburg, Va. The above reward will be given to any one who will bring the above negro to me, or secure him in the Henrico Jail. J. B. JONES,
fe 9—3t
Cor of Marshall and 2d sts.

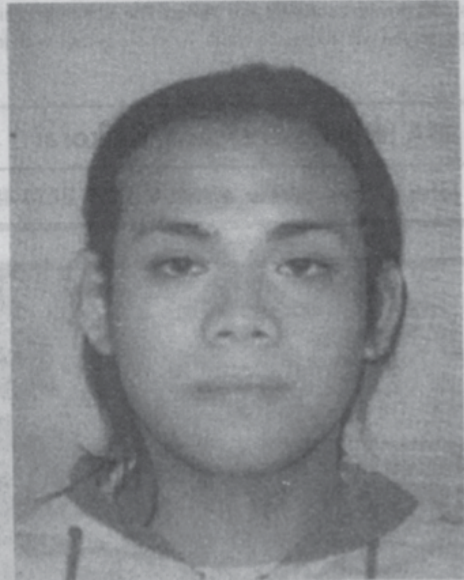
Two Hundred Dollars Reward.—Will be paid for the apprehension and delivery in jail of my boy Tom, who absconded about 3 weeks ago, and is supposed to be now in or near the city of Richmond. He is about 18 years of age, brown color, and very sprightly; had on when he left a new suit of mixed jeans, cap, and pegged shoes. Address Warren P O, Albemarle co, Va.
fe 9—5t
O. L. WINGFIELD, M. D.

50 DOLLARS Reward.—Left my residence on Monday morning, about 6 o'clock, my Negro boy Jesse. He is about 14 years of age, dark brown color, rather spare make, and grum appearance. He had on when he left a blue shaggy overcoat. He has doubtless left with some military company, or is attempting to go to the Yankee coast of Richmond. The above reward will be paid on his delivery to me, 303 Main st, Richmond.
fe 9—2t
THOS J STARR.

These 19th Century ads offer rewards from \$50 to \$200 for the capture of escaped slaves.

21st Century

REWARD OFFERED
\$1,000



A reward of \$1,000 is offered for information that leads to the whereabouts of:

KISMO PAKISTAN

Date of Birth: 14 September 1982
Nationality: Indonesian
Occupation: Fisherman

This person deserted from his ship F.V. Oyang 70 at the port of Dunedin on Tuesday, June 5, 2007. He was last seen leaving his ship in a taxi at approximately midnight. His work permit issued by NZ Immigration has been revoked and he is now in breach of his NZ Entry Visa.

Any person who can provide information leading to the discovery of the whereabouts of KISMO PAKISTAN should contact:

Phone: [REDACTED]
Fax: [REDACTED]
E-mail: [REDACTED]

This 21st Century ad offers a reward of \$1,000 for information leading to an escaped worker's capture.

THE LIMITATIONS OF FAIR TRADE AND CODES OF CONDUCT FOR COMBATING HUMAN TRAFFICKING

The “3P” approach to combating human trafficking promotes collaboration among stakeholders across government, private-sector, and civil society. Businesses are increasingly aware of the role they can play in prevention efforts by decreasing the demand for products made by modern slaves. This is usually seen through “fair trade” schemes or labor codes of conduct, which seek to voluntarily regulate the social and environmental impacts of the production of certain goods. They reflect consumers’ growing awareness of the risk of labor exploitation and their willingness to factor ethical questions into their purchasing habits, despite paying a price premium for doing so.

Several instances highlighted by the media over the last year, however, brought to light some corporate buyers who in the past advertised their fair trade credentials loudly but were found to have not made a strong effort to know their supply chains and monitor them regularly to ensure they were free of forced labor. Whether they are products from Africa and Latin America or clothes made with cotton in West Africa or Central Asia, companies must be responsible for the full length of their extended supply chains.

While efforts to harness market power to drive down demand for modern slave-made goods can serve as preventive efforts to combat trafficking, private-sector initiatives should be seen as a complement to governmental efforts to prosecute traffickers, and government and civil society collaborations to protect victims. Because market-based initiatives rely on the market to correct itself, and lack sufficient mechanisms to ensure meaningful accountability, they are not a substitute for vigorous government efforts to end impunity through prosecuting and punishing those who subject others to compelled service.

A child laborer (center) holds a sack she uses for collecting cotton, while other laborers work during the day’s harvest in a field near Benvar, Burkina Faso.





BRAZIL

For 10 years, Joel and Ronival were enslaved on a Brazilian ranch. They were forced to bathe in a reservoir contaminated with cattle manure, and they slept in a wooden hut. "There was no electricity, drinking water, or sanitation ... this is not human job, this is slave job," stated Joel. Eventually, they left the ranch in the middle of the night and walked 14 miles to escape their exploitation. Joel, 30, risked his own life in order to help guide Ronival, 69, who had lost 55 pounds and broken a shoulder, to safety. They made it to an NGO that helped shelter them and assisted with filing a legal action against their traffickers. Because of their courage, Joel and Ronival obtained compensation from their traffickers and have restarted lives free from fear of those who held them captive for so many years.

"[The 150th Anniversary of the Emancipation Proclamation is] an opportunity to both create an aspirational goal for the problems of contemporary slavery and to give some hope to the victims of trafficking and slavery today that there can be a successful movement to achieve a freedom which has been so elusive."

Wade Henderson, President and CEO of The Leadership Conference on Civil and Human Rights

VICTIM IDENTIFICATION

Governments that have put in place victim protection structures cannot idly wait for victims to come forward on their own to seek protection. It is true that some victims escape exploitation through their own courage and determination, but after clearing that hurdle, a victim does not usually know where to turn. He or she is unlikely even to know how to gain access to services from a complex government system, or to have knowledge that a victim referral mechanism exists. Many times, victims do not even know that the abuse they suffered is considered a crime; indeed, they may hide from authorities for fear of punishment, arrest, or deportation.

Traffickers commonly instill such fears in their victims to ensure continued subjugation.

As part of a comprehensive victim protection effort, governments have the responsibility to proactively identify victims and potential victims of trafficking. They have a responsibility to extricate victims from exploitation and, whenever possible, to prevent the crime from occurring in the first place. They have a responsibility to provide victims with the ability not only to leave servitude, but to reenter society as a free man, woman, or child with adequate tools to resume their lives and contribute positively to society.

This is no small task. It requires training, education, and, perhaps most challenging, a change in the way government officials look at vulnerable populations. The first government official a trafficking victim is likely to meet is not a lawmaker or diplomat, but rather a local police officer. If such officers are not trained to identify trafficking victims and understand the nuances of the crime, the victim will likely not be properly identified even if able to articulate his or her story. The services and support described in the pages of a national action plan or an official referral mechanism are irrelevant if the victim cannot first be properly identified and referred to services and protection.

Ultimately, if governments take proactive measures to look for human trafficking, they will find it. It is simply not plausible to claim that, because victims are not self-reporting, trafficking does not occur.

VICTIMS' EMPOWERMENT AND ACCESS

The essence of the trafficking experience is the denial of freedom – including the freedom to choose where and how you live, the freedom to work or choose not to work, the freedom from threats, and the freedom of bodily integrity. Unless carefully crafted and adopted with flexibility, victim assistance programs can sometimes replicate the trafficking experience by removing victims' prerogative from questions of housing, employment, residency, and disclosure. For example, in order to stay in many government shelters throughout the world, victims surrender their right of movement – they are restricted to the shelter grounds or may only leave with the permission of shelter staff. In some countries, the disclosure of victims' identities by government authorities results in victims' stories and name being revealed to the press or to their families. A fundamental premise of victim assistance programs should be to place choices back into the hands of the trafficking victims.

The following “good practices” set the stage for a victim-centered approach to care that allows victims the opportunity to make choices in their care. These approaches can help victims put distance between the trafficking experience and the rest of their lives.

Open Shelters

Victims should not be detained in shelters in any form. Victims should be allowed to leave the shelter at will and without chaperones. Staying in a shelter should be an option; many victims may have access to other accommodation and should be allowed to choose those alternatives.

Full Information to Victims

Victims should be informed of their rights as early as possible in a language they understand. Victims should be informed about what will and will not be expected of them during a criminal trial. Victims should be educated about their options in the immigration context and told that they have right to consular or diplomatic access. Countries can accomplish this in a variety of ways, including appointing counsel for trafficking victims, appointing victim advocates for victims, or involving NGOs. Some countries develop brochures and other literature in many languages to facilitate early disclosures. Victims of trafficking crimes should also be put in touch with their country's embassy or consulate for additional assistance.

Confidentiality

Victims should be given the choice of how much of their information is shared. They should not be exposed to media without their full and informed consent. It should be their choice whether their families are told about their trafficking.

Residency

Generous benefits for trafficking victims, including permanent residency, facilitate the law enforcement process. Immigration regulations that offer victims permanent residence, rather than mandating forced return, are best practices. Residency schemes should allow some flexibility for victims of trafficking to have time to determine if they wish to participate in the criminal process, with special exemptions for victims who are minors or who have experienced severe trauma. There are many reasons a victim of trafficking may initially refuse to cooperate with an investigation. Sometimes victims do not trust the police to protect their rights; sometimes law enforcement has participated in a victim's exploitation; and sometimes victims are simply too traumatized by their experiences to discuss them with law enforcement.

Right to Work

Countries should consider granting foreign national trafficking victims the right to work. In many countries, even formal entry to a victim assistance program does not give a victim the right to a work permit. Accordingly, without material aid, victims are again placed in vulnerable situations.

NEPAL – INDIA

At a carpet factory in Nepal, Nayantara met a labor broker who promised her a good job as a domestic worker in Lebanon. The broker convinced her to take the job opportunity, assuring her that she did not have to pay anything. He instead took Nayantara to India, confiscated her passport, and sold her to a brothel where she was forced to have sex with at least 35 men each day with only five hours of sleep. When she tried to refuse, the brothel owner would beat Nayantara with an iron pole until she gave in. She was not allowed to contact her family or anyone else outside of the brothel and her freedom of movement was constantly controlled. After six months, the police raided the brothel and imprisoned all the women and girls. The owner was arrested with them, but was released five months earlier than her victims because she bribed the police. When Nayantara was released from jail after 17 months, she was returned to the brothel, and sold to another owner within a month. Coming to the realization that she would never be able to pay off her debts, she ran away and eventually found her way back to Nepal. She has found refuge in a shelter.

Making Migration Safe

Although not all trafficking involves migration, and not all migration is human trafficking, the vulnerabilities of migrants make them a tempting target for traffickers. From the young women of Indonesia who take significant risk to work as domestic servants in the Middle East, to Peruvian men migrating to the United States for work as sheep herders, labor forces are mobilizing as markets in every region of the world open. Such migration often occurs legally via bilateral labor agreements, and pursuant to national immigration provisions.

Migrant-sending countries experience the benefits of foreign exchange remittances. Remittances often finance homes, education for children, and medical care. The impact of remittances is readily visible and provides relief from poverty and unemployment. Yet governments in migrant-sending countries also see a darker side to labor migration: the enslavement of their citizens. Given the paucity of effective international norms on labor migration, the exploitation of workers is growing at an alarming rate. Recruiters, labor brokers, sponsors, and employers have found that they can abuse migrants. With little risk and with huge financial rewards, labor recruitment fraud often earns a guilty party little more than a fine (in the few countries that

Women in this Mauritanian training center that provides needed skills for trafficking victims, learn to sew, braid hair, dye fabric, and cook.





LIBYA – MALTA

Shewaye, an Ethiopian woman, was forced to work as a nanny under abusive conditions and no pay for a family member of former Libyan leader Moammar Qadhafi. At the hands of her employer, Shewaye suffered severe abuse, including burns from scalding hot water poured over her head and body, and was never allowed medical treatment for festering wounds. After a year in servitude, Shewaye was found in August 2011 by a camera crew from CNN. The Government of Malta facilitated her departure from Libya to receive medical and rehabilitation services. The Maltese government has provided Shewaye with free accommodation, medical treatment, and legal assistance throughout her recovery process, and granted her temporary visa status.

criminalize it). The practice of deceiving migrants into traveling abroad for work—including the prevalent requirement of large recruitment fees—is a high-profit form of exploitation in many major labor sending countries. In its 2009 study titled *Cost of Coercion*, the ILO estimated that up to \$20 billion can be extorted annually from these workers worldwide.

No matter how well an individual country's laws address the issue of human trafficking, the vulnerability of migrants highlights the necessity of international collaboration. Countries that rely on remittances from their citizens abroad must take steps to educate emigrants about the potential dangers and warning signs of trafficking and must ensure proper oversight of recruitment agencies that facilitate overseas employment. Receiving countries need to adopt policies that assist them in detecting whether foreign nationals immigrating for work may be vulnerable to trafficking and to develop methods of identifying those who may have already been victimized. In both cases, countries need to ensure that if and when repatriation is appropriate, victims can be safely reintegrated into their home countries.

Pre-departure briefings and hotlines are important, but must be judged by their results rather than their mere existence. A hotline without appropriate

language capabilities, with limited hours, and with no effective services to which it can refer victims not only fails to protect victims, it also can create a false sense of accomplishment, as officials may believe that they have fulfilled their responsibilities merely by setting up the phone number. Moreover, in some destination countries, much of the victim care is provided in shelters run by sending countries' embassies. This is laudable, but if those shelters are not linked to law enforcement in sending and receiving countries to ensure that abusers are brought to justice and victims empowered, there is little hope of turning the tide of vulnerability and exploitation of future migrants.

Some source country governments, alarmed by the growing number of their citizens ending up as trafficking victims in the labor export business, have taken steps that seek to prevent additional exploitation. Since the last TIP Report, the Philippine government began implementing its 2010 Migrant Labor Law, which requires that a labor market (destination country) be certified as providing minimum protections for foreign workers. The Indonesian government imposed restrictions on Indonesian women seeking to migrate to Saudi Arabia, Jordan, and Malaysia to work in domestic service given unacceptable levels of abuse already

COSTS OF MYTHS AND MISCONCEPTIONS OF TRAFFICKING IN PERSONS

Myths and misperceptions about trafficking in persons and its complexities continue to hinder governments' ability to identify victims, provide them the services they need, and bring their traffickers to justice. These challenges are made worse by the unfortunate tendency to conflate human trafficking and human smuggling. Persistent practices, including the following, contribute to this conflation:

- ❖ Prevailing concerns about illegal immigration continue to guide governments' initial responses to potential trafficking victims. Trafficking indicators are missed and victims are wrongly classified as illegal migrants and criminals.
- ❖ Narrow definitions and continued stereotypes of trafficking as a problem confined to women and girls in prostitution result in the mistreatment of other victims of trafficking. For example, instead of receiving protective services they need, migrant men in forced labor may face immigration charges or deportation if not identified as trafficking victims.
- ❖ A focus solely on initial recruitment of migrant workers and prostituted individuals – whether or not they consented to their situation – can impede the proper identification of subsequent trafficking. Authorities often fail to look beneath the surface for possible indicators of forced labor, debt bondage or sex trafficking.

The risk of conflation leading to the treatment of victims as criminals increases when responsibilities of anti-trafficking enforcement and victim identification lie solely with immigration, as opposed to criminal justice, authorities. As the anti-trafficking community continues to debunk these misperceptions, governments have an obligation to move away from flawed and outdated interpretations of human trafficking that focus on the process of bringing someone into exploitation, as opposed to the compelled service that often results *after* a migrant arrives in a country. Domestic law enforcement, not border interdiction, is usually what catches traffickers and frees victims from modern slavery.



A Cambodian policeman escorts 30 trafficked fishermen returning from Indonesia after being freed, or having escaped from slave-like conditions on Thai fishing vessels.

ENDING HUMAN TRAFFICKING IS SMART BUSINESS

A growing number of companies are integrating “corporate social responsibility” into their business models and embracing the responsibility to protect human rights, promote economic and social development, and look after the environment. Many have learned through experience that ethical practices contribute to sustainable profits and economic advantage, and benefit both investors and employees. Globalization has led to increasingly complex supply chains. While challenging, supply chain monitoring enables companies to manage risk while protecting both their reputation and workers. Supply chain traceability is becoming a business necessity and initiatives like California’s Transparency in Supply Chains Act mean companies can no longer afford not to incorporate anti-trafficking measures into their corporate policies.

Companies do not have to reinvent the wheel in order to become good corporate citizens. Advocates have collaborated on a number of initiatives offering a wealth of proposals and ideas to help companies begin to implement policies to reduce the likelihood of modern slavery in their corporate supply chains.

For example, Verite, a U.S.-based NGO, developed a fair hiring toolkit that provides brands, suppliers, governments, investors, NGOs, and auditors with guidance to support the responsible recruitment and hiring of migrant workers in global supply chains. End Human Trafficking Now and UN.GIFT (the UN Global Initiative to Fight Human Trafficking) partnered with Microsoft to create an e-learning tool for business leaders, managers, and employees to identify the risks of human trafficking in their supply chains and point to actions they can take to address this risk. Generated by business, government, and civil society, the Luxor Implementation Guidelines facilitate integration of anti-trafficking values into corporate policies, while the multi-stakeholder driven Dhaka Principles outline measures for businesses to support migration with dignity. Members of the socially responsible investment community – the Interfaith Center on Corporate Responsibility, Christian Brothers Investment Services, and Calvert Investments – cooperated on a guide to effective supply chain accountability to assist investors with implementation of the California Transparency in Supply Chains Act.



Through community gatherings and radio dramas, BBC World Service Trust is building grassroots capacity to prevent bonded labor in India by promoting knowledge and advocacy among those most vulnerable.

documented in these countries. Although well-intentioned, such efforts may drive migration to illegal channels, making those who migrate more vulnerable to exploitation and abuse. Moreover, such efforts can be thwarted by competing business interests, or competing labor exporting countries can quickly fill any need for exploitable workers.

There has been little commitment among major receiving states to address the excesses of their migrant worker programs—called “sponsorship systems” in the Middle East. Yet without the participation of destination countries, regional and international efforts on labor migration have been blunted in their effectiveness. Of note, the United Arab Emirates (UAE) in 2008 initiated the Abu Dhabi Dialogue among migrant-labor sending and receiving states. Through the Abu Dhabi Dialogue, the governments seek to foster policies that offer greater transparency and protections for would-be migrants for labor source countries. But others in the region need to overhaul their sponsorship systems, as well as expand and improve efforts to protect these vulnerable workers. Other regional fora, such

"Someone who has gone through counseling and psychosocial support can go through that, can testify. They need to overcome fear, they need to overcome the trauma."

Asan Kasingye, Director of Interpol, Uganda

as Southeast Asia's ASEAN, could take up the call for uniform, region-wide standards to protect the millions of Southeast Asian migrants originating or working within this region. Far greater commitment is needed among the governments of destination countries to work with source governments to promulgate meaningful standards to protect workers from slavery and ensure that those who exploit workers will face criminal justice. Without a much greater international commitment to addressing these issues, a new slave trade will continue to operate in the shadows of the global labor market.

Workplace Inspections: A Weak Link in Identifying Forced Labor

Government authorities' inspections of formal worksites, such as factories or construction areas, can be effective in finding and liberating victims of forced child labor. Targeted inspection strategies

UNITED STATES

When Ashley was 12-years-old she got into a fight with her mother and ran away from home. She ended up staying with her friend's older brother at his house and intended to go home the next day, but when she tried to leave he told her that he was a pimp and that she was now his property. He locked her in a room, beat her daily, and advertised her for sex on websites. Once, she looked out a window and saw her mother on the street, crying and posting flyers with Ashley's photo. When Ashley tried to shout her mother's name from the window her pimp grabbed her by the hair and yanked her back, threatening "If you shout, I'll kill you." Ashley eventually escaped her confinement and is now at a treatment center for girls who have been sexually trafficked in New York.

can also incentivize businesses to adopt corporate social responsibility policies, and policies that adequately train inspectors can prove helpful in early identification of situations that may lead to labor exploitation. Such inspections, however, are less successful in identifying victims of forced labor. Key indicators of forced labor (such as psychological abuse and threats, coercion through threats of financial harm, or sexual abuse) can often only be identified once a victim establishes confidence in the interviewer. Building such confidence is difficult



"It was the way she stood so straight, looked me in the eye, had a sense of pride and accomplishment about her." – Secretary of State Hillary Rodham Clinton on her visit to a shelter for trafficking survivors in Kolkata, India.

BURMA – THAILAND

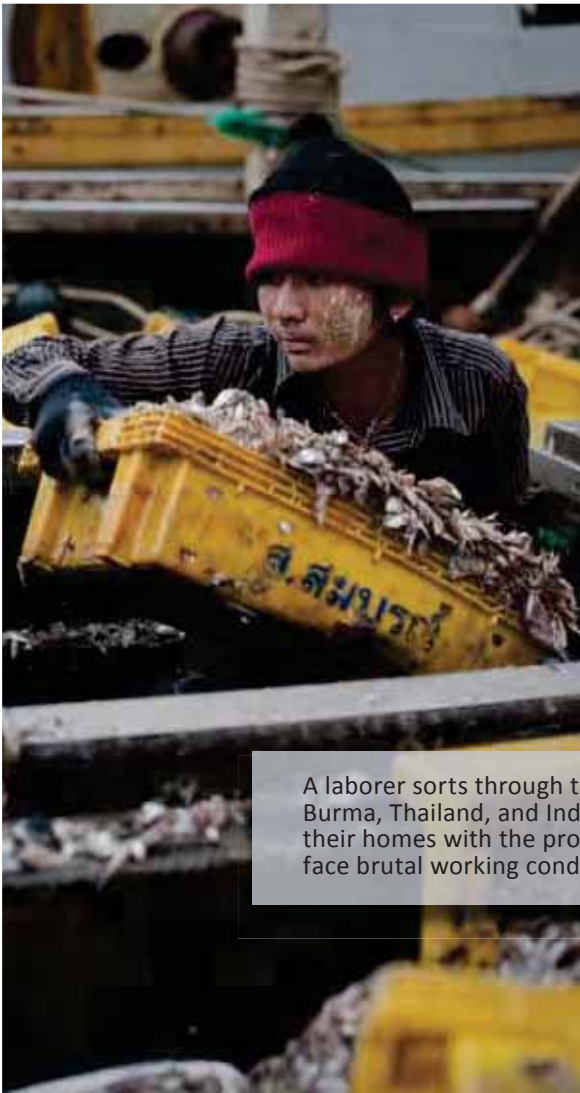
Raju, a migrant worker from Burma, traveled to Thailand when he was falsely promised 6,000 baht per month as a restaurant or factory worker—if he could first pay a 12,000 baht brokerage fee. Out of options, he agreed to borrow money for the fee and use his future earnings to repay it. Raju was instead forced and threatened at gun-point to board a fishing boat. Onboard the Thai vessel, Raju and the other workers were forced to work day and night, lived in cramped quarters, and were beaten if they took fish to cook and eat. Already saddled by debt, Raju never received his promised wages. Each time the fishing boat docked, the workers were taken to a house and locked in a room so that they could not escape. Raju recalled one worker who attempted to run away but was caught: “The man was tied to a post...the man was electrocuted and tortured with cigarette butts...later he was shot through the head.” Raju was finally able to escape the Thai fishing vessel by tying himself to a buoy, jumping overboard, and swimming six hours to shore.

“These fishery operators are really fed up with the same problem of their workers running away even before they have recouped the money they paid for them in the registration process.”

Unnamed fishing company representative in Thailand, on workers running away

during a brief inspection of a workplace. Research on forced labor among migrant workers in East Asia and the Middle East has found that many workers face conditions of debt bondage and threats of abuse of the legal process, particularly by threat of arrest or deportation if they refuse to continue their work or service. With this in mind, many workers do not disclose their true conditions during standard labor inspections, which in most developing countries are usually conducted on premises and in the presence of management.

On the other hand, hotlines, counseling centers, or other avenues of recourse for migrant workers can serve as effective means for identifying victims of forced labor while offering them confidentiality. Labor unions play a deterrent role by helping ensure that exploitation does not occur in the first place, lessening the likelihood that unscrupulous managers will be able to take advantage of migrants and other workers vulnerable to abuse. A victim is much more likely to come forward once he or she is presented with credible alternatives to staying in the exploitative work environment, such as shelter, legal aid, and—perhaps most importantly—the possibility of receiving restitution or compensation for lost wages and abusive conditions.



A laborer sorts through the catch on a Thai fishing vessel. Across Burma, Thailand, and Indonesia, recruiters draw men away from their homes with the promise of good jobs, but on the boats they face brutal working conditions and constant threats.

LAW ENFORCEMENT AND HUMAN RIGHTS

Effectively responding to modern slavery requires law enforcement measures informed by concerns for trafficking victims' rights. Anti-trafficking law enforcement actions, such as raids on suspected sites of exploitation, are often essential for the identification and liberation of trafficking victims. Such raids, however, can negatively impact the vulnerable populations that are meant to be helped. For instance, some trafficking victims have been arrested for prostitution several times by law enforcement authorities' vice squads before finally being correctly identified as trafficking victims; some found the law enforcement interventions they experienced to be as distressing and confusing as their trafficking experience. Victims who have been threatened by traffickers with police action sometimes believe police action meant to protect them is actually directed against them.

Trafficking victims' rights can also be compromised by shelters that lock up victims in order to ensure they will testify during trials or to protect them from their traffickers. While victim testimony and security from re-trafficking and retribution are important, detention of victims in shelters amounts to a deprivation of liberty, which is a hallmark of the trafficking experience. Furthermore, many foreign national trafficking victims are desperate to pay off the large loans taken to fund their migration and presumed employment, and government policy or shelter rules may not facilitate their ability to find work during the judicial process. Employment is equally important for victims without debt. As alternatives, governments should support victims to ease the burden of testifying; police should be trained to assemble strong cases with supporting evidence that can withstand a lack of victim testimony; and governments should support non-traditional modes of testimony, such as video testimony. While these alternatives are under the purview of the government, civil society groups can help when governments face resource constraints.

Key to balancing these human rights and law enforcement equities is maintaining a victim-centered approach throughout criminal justice procedures in human trafficking cases. In Kosovo, for example, advocates represent victims of trafficking from the time police officers bring them to the police station. These advocates explain legal rights to victims, ensuring that they understand both what care is available and that they have the right to refuse care. These rights are established in standard operating procedures for the treatment of trafficking victims. This kind of collaboration between law enforcement and service providers can help ensure that anti-trafficking efforts are effective and keep the appropriate focus on the victim.



Scotland Yard Detective Roddy Llewellyn speaks at a conference on sex trafficking in Atlanta, Georgia.

VICTIM PROTECTION ON A SHOESTRING

A survey of trafficking victims' protections around the world finds a number of countries with limited resources that have nevertheless developed innovative methods to protect victims. While the solutions vary, what they have in common are creative engagement with the private and non-profit sectors and high-level political will to address human trafficking. A local population that recognizes and condemns the trafficking problem as it exists on the ground is essential to forging effective partnerships. Widespread awareness of trafficking increases its visibility and importance to NGOs and businesses, making them more receptive to partner with the government in assisting victims. Governments can raise public awareness without large financial expenditures through media appearances and effective use of state news services. Those holding political office can also embrace human trafficking as one of their national priorities, encouraging local media outlets to report on the problem and government efforts to fight it.

Where high levels of community awareness exist, governments have effectively partnered with organizations to improve services to human trafficking victims. For example, in Aruba where there is no shelter tailored specifically for trafficking victims, the government has initiated a public-private partnership with several hotels for free or deeply discounted rooms for use as emergency shelters when urgently needed. This program has worked well to provide temporary shelter until long-term arrangements can be made. Addressing another area of victim protection, the Government of Antigua has developed a close working relationship with the local airports and airline companies to train staff to recognize trafficking indicators and obtain deep discounts on tickets for foreign victims voluntarily wishing to return to their home country. In Rwanda, the government supports an NGO that provides counseling to women in prostitution by offering a government-run community center as an operating space. Innovative and low- or no-cost measures like these present the potential for all governments to provide victim services when large budgets are not available.

ADAPTABLE, COMPREHENSIVE VICTIM CARE

Just as the international norms of protecting victims must be vigorously upheld, the practice of providing victim services must be simultaneously comprehensive and adaptable. Modern slavery takes many forms that require caregivers to provide services reflecting the unique experiences of each survivor. Even if two people endure identical abuse, they may have very different needs.

If shelters are to serve an integral role in a survivor's recovery, they must be places of refuge, not detention centers. Some governments might opt to provide shelter to individual victims in temporary locations, such as rented apartments or hotels, rather than in a central, structured shelter. While that may be the most practical option, governments should recognize that the needs of survivors go well beyond a safe place to stay. They frequently require medical care and counseling, legal advice, and social services—not to mention the means to contact and reunify with their loved ones, if they so desire. Victim care must be designed to anticipate common needs, while responding in a way that is adaptable to each individual's situation.

To create a victim services model that adequately supports survivors, governments must work proactively to adopt best practices and to develop new and innovative efforts. In countries where a robust civil society plays a key role in advocacy and the provision of services to victims, governments should forge partnerships to benefit from the expertise of non-governmental organizations (NGOs) and other victim services providers and advocates. Such activity should not be viewed as a way for governments to shift responsibility onto other parties, but instead as an opportunity to forge cooperative arrangements that will take full advantage of the resources and support structures available. Adequate and consistent funding for victim services is a persistent challenge that must be met with a commitment of all involved to work and innovate together.

Additionally, as modern slavery affects a wide range of government concerns, all relevant government agencies should work together to ensure streamlined and effective provision of victim services. If the agencies responsible for immigration, labor, and health care are not communicating, the ability to identify and rescue victims, and to offer efficient and flexible services, will be limited. And if the victim care regime inexorably moves the identified victim toward a preordained outcome of repatriation, the law enforcement mission will suffer as well because victims will be less willing or able to participate in prosecutions of traffickers.

Without the appropriation of adequate resources, a government's approach to victim services can not be sufficiently effective, adaptable, or far-reaching. Around the world, a paucity of funding relative to the scale of the crime hinders those – both within and outside government – who strive to provide services to trafficking survivors. If governments and the international community are serious about making counter-trafficking efforts a priority, it is critical that service providers have the consistent resources and support they need to get the job done.

Law Enforcement – NGO Cooperation

When victims of trafficking are identified, they often have complex needs that cannot all be met by one person or agency. It is necessary that government officials and service providers work together to provide a full range of support, services, and protection. Law enforcement and other government officials should build relationships with NGOs through task forces and community partnerships in order to facilitate this collaboration. For example, if law enforcement officials conduct a raid, NGO partners can be on call to assist with housing support, case management, and medical care. Law enforcement officials and advocates can then work together to provide appropriate safety planning for an individual or group.

The following are areas where a victim may need support:

- ❖ Protection from traffickers
- ❖ Basic necessities, including food and clothing
- ❖ Housing
- ❖ Medical and mental health care
- ❖ Legal services, including immigration and criminal justice advocacy
- ❖ Assistance in accessing public benefits
- ❖ Orientation to the local community, public transportation, and other life skills
- ❖ Language skills training
- ❖ Job training
- ❖ Family reunification

NEXT STEPS

Every country is affected by trafficking in persons, and while some countries in this Report have met the minimum standards, such an assessment does not mean a government has succeeded in eradicating modern slavery. Indeed, no country is doing enough to end it. As long as the people who survive this crime do not see their traffickers brought to justice and are not able to rebuild their lives, no government will be able to claim complete success in combating modern slavery.

The modern global abolitionist movement is less than a generation old. Success stories have shown us that survivors are eager to overcome their trauma. But too few victims are identified, not enough services are available to survivors, and too few traffickers receive criminal punishment. Many governments around the world have enacted anti-trafficking laws; the next steps in this struggle require governments to implement those laws broadly and effectively. Those who refuse to acknowledge the problem of trafficking are being overtaken by the chorus of governments, businesses, civil society, and men and women around the world who are calling for action and demanding progress in meeting the enormous challenge that remains.

Modern slavery is about people; and the way the world chooses to fight it must also be about people—restoring their hopes, their dreams, and most importantly, their freedom.



Pimps are increasingly tattooing their victims. In 2012, Spanish police rescued a 19-year-old woman who had been beaten, held in prostitution, and tattooed with a barcode and the amount of her debt.



A teenager in a Bangladeshi brothel displays “the cow drug” – the veterinary steroid Oradexon that helps one gain fat and look older. Another girl told a Western reporter, “If you work in this brothel, you have to take this medicine. Everyone does. If you take the medicine you will look healthy and otherwise you will look ugly.”

DEFINITIONS AND METHODOLOGY

What Is Trafficking In Persons?

“Trafficking in persons” and “human trafficking” have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion. The Trafficking Victims Protection Act (TVPA) of 2000 (Pub. L. 106-386), as amended, and the Palermo Protocol describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.

Human trafficking can include but does not require movement. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being trafficked. At the heart of this phenomenon is the traffickers’ goal of exploiting and enslaving their victims and the myriad coercive and deceptive practices they use to do so.

The Face of Modern Slavery

Sex Trafficking

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through one of these means after initially consenting – that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, transporting, providing, or obtaining a person for that purpose are responsible for trafficking crimes. Sex trafficking also may occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. A person’s initial consent to participate in prostitution is not legally determinative: if one is thereafter held in service through psychological manipulation or physical force, he or she is a trafficking victim and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

“I urge all Americans to educate themselves about all forms of modern slavery and the signs and consequences of human trafficking. Together, and in cooperation with our partners around the world, we can work to end this terrible injustice and protect the rights to life and liberty entrusted to us by our forebears and owed to our children.”

U.S. President Barack Obama, December 30, 2011

Child Sex Trafficking

When a child (under 18 years of age) is induced to perform a commercial sex act, proving force, fraud, or coercion against their pimp is not necessary for the offense to be characterized as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations should prevent the rescue of children from sexual servitude. The use of children in the commercial sex trade is prohibited both under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.

Forced Labor

Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities – recruiting, harboring, transporting, providing, or obtaining – involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labor is exploited by such means, the person’s previous consent or effort to obtain employment with the trafficker becomes irrelevant. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

Bonded Labor Or Debt Bondage

One form of coercion is the use of a bond or debt. U.S. law prohibits the use of a debt or other threats of financial harm as a form of coercion and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a term of employment.

Debt bondage of migrant laborers in their countries of origin, often with the support of labor agencies and employers in the destination country, can also contribute to a situation of debt bondage. Such circumstances may occur in the context of employment-based temporary work programs when a worker's legal status in the country is tied to the employer and workers fear seeking redress.

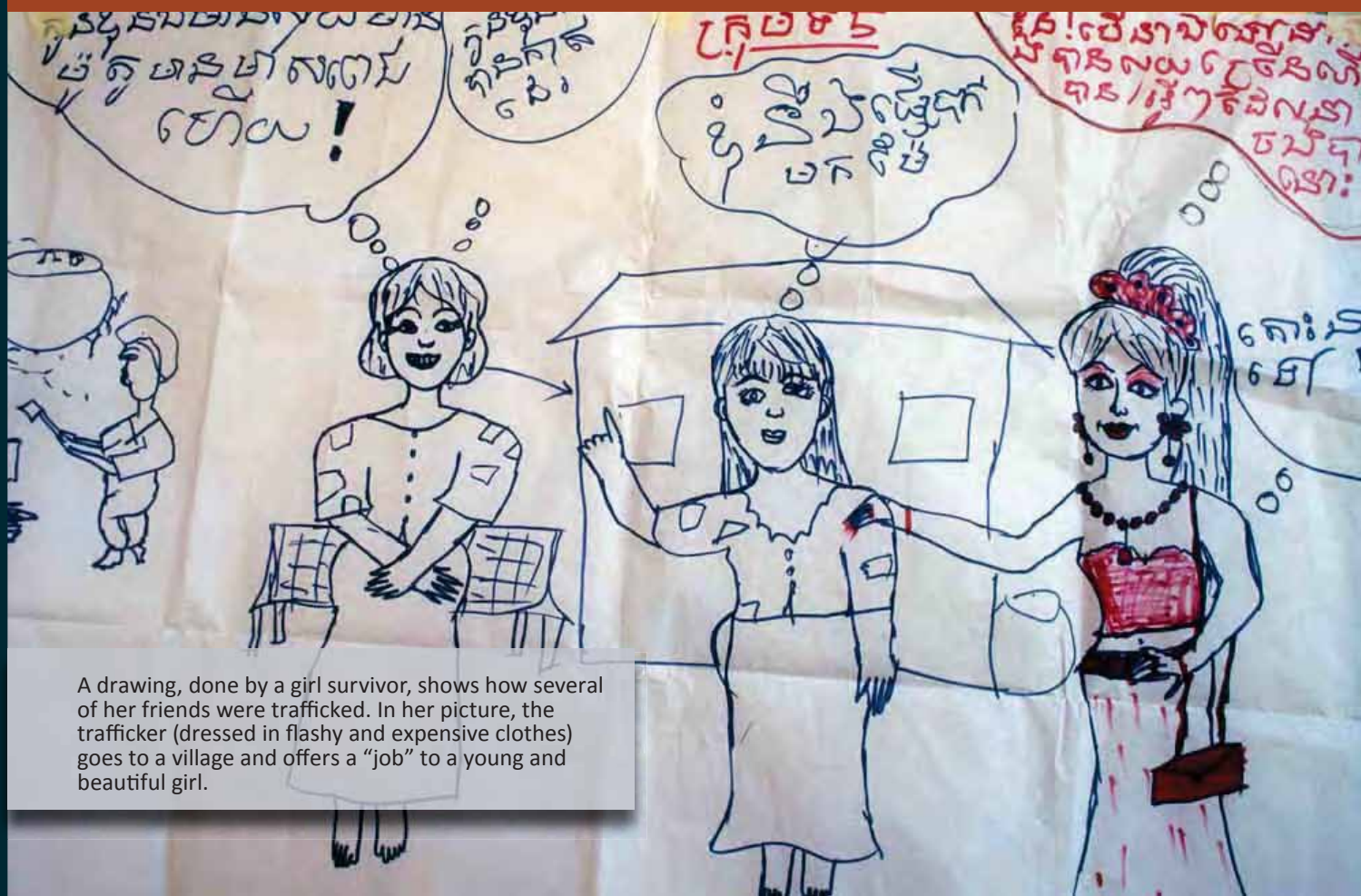
Involuntary Domestic Servitude

Involuntary domestic servitude is a form of human trafficking found in unique circumstances—informal work in a private residence—these circumstances create unique vulnerabilities for victims. Domestic workplaces are informal, connected to off-duty living quarters, and often not shared with other workers. Such an environment, which can isolate domestic

workers, is conducive to exploitation because authorities cannot inspect homes as easily as they can compared to formal workplaces. Investigators and service providers report many cases of untreated illnesses and, tragically, widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

Forced Child Labor

Although children may legally engage in certain forms of work, forms of slavery or slavery-like practices continue to exist as manifestations of human trafficking, despite legal prohibitions and widespread condemnation. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Some indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who requires the child to perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. When children are enslaved, however, their abusers should not escape criminal punishment by taking weaker administrative responses to child labor practices.



A drawing, done by a girl survivor, shows how several of her friends were trafficked. In her picture, the trafficker (dressed in flashy and expensive clothes) goes to a village and offers a "job" to a young and beautiful girl.

Young girls from countries such as Togo, Benin, Nigeria, and Mali, are forced to work in domestic servitude and in market stalls in Gabon.



"I always felt like a criminal. I never felt like a victim at all. Victims don't do time in jail, they work on the healing process. I was a criminal because I spent time in jail."

"Tonya," trafficking survivor in the United States

Unlawful Recruitment and Use of Child Soldiers

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children – through force, fraud, or coercion – by armed forces as combatants or other forms of labor. Some child soldiers are also sexually exploited by armed groups. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are unlawfully made to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female

child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

PERU

Camila was only 14 when she was persuaded to leave her job as a maid and forced into prostitution in a bar in the Amazon. She was repeatedly restrained, raped and drugged. The traffickers coerced and bribed Camila with her freedom to get her to recruit her friend Sandra into sex trafficking as well. Camila was given her freedom but Sandra was then sexually exploited and humiliated. One night, while out riding with a customer, Sandra made a break from the car and shouted for help from the police. Instead of being rescued, they took her to a center for juvenile offenders where she was detained for two years. Camila was finally able to return home and filed a criminal complaint against her traffickers, but says she still feels trapped in her memories.

CHILD SOLDIERS

The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457) and became effective on June 21, 2009. The CSPA requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as having governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the Act. These determinations cover the reporting period beginning March 1, 2011 and ending February 29, 2012.

For the purpose of the CSPA, and generally consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the term “child soldier” means:

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

The term “child soldier” includes any person described in clauses (ii), (iii), or (iv) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA prohibits the following forms of assistance to governments that are identified in the list: international military education and training, foreign military financing, excess defense articles, section 1206 assistance, and the issuance of licenses for direct commercial sales of military equipment. Beginning October 1, 2012 and effective throughout FY 2013, these types of assistance will be prohibited to the countries listed, absent a presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA.

The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observation by U.S. government personnel and research and reporting from various United Nations entities, international organizations, local and international NGOs, and international media outlets.

The 2012 CSPA List includes governments in the following countries:

1. Burma	5. Somalia
2. Libya	6. Sudan
3. Democratic Republic of the Congo	7. Yemen
4. South Sudan	

In March 2012, the International Criminal Court (ICC) convicted Congolese warlord Thomas Lubanga (**pictured on page 37**) for enlisting or conscripting children under the age of 15 in 2002 and 2003 during the conflict in eastern Democratic Republic of Congo. As the leader of the Union of Congolese Patriots (UPC) and its armed wing, Lubanga was responsible for enlisting or conscripting boys and girls under the age of 15 – some as young as nine-years-old – to act as soldiers and bodyguards. Others were forced into sexual servitude. Lubanga’s conviction is the first verdict issued by the ICC; he faces a maximum sentence of life imprisonment.

In April 2012, the UN-backed Special Court for Sierra Leone in The Hague, convicted former President of Liberia Charles Taylor (**pictured on page 37**) of 11 counts of war crimes and crimes against humanity, including conscripting, enlisting, and using of child soldiers under the age of 15. Taylor was found guilty of aiding and abetting the Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC) in the commission of such crimes between 1996 and 2002 during Sierra Leone’s civil war; the court’s judgment held him criminally liable for his participation in these crimes from Liberia. He is the first former head of state to be convicted by an international court for the use of child soldiers. In May 2012, he was sentenced to 50 years’ imprisonment as punishment for his role in these atrocities.

Methodology

The Department of State prepared this Report using information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, research trips to every region of the world, and information submitted to tipreport@state.gov. This email address provides a means by which organizations and individuals can share information with the Department of State on government progress in addressing trafficking.

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action to fight trafficking based on thorough research that included meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. U.S. missions overseas are dedicated to covering human trafficking issues.

Tier Placement

The Department places each country in the 2012 TIP Report onto one of four tiers, as mandated by the TVPA. This placement is based more on the extent of government action to combat trafficking than on the size of the problem. The analyses are based on the extent of governments' efforts to reach compliance with the TVPA's minimum standards for the elimination of human trafficking (see page 388), which are consistent with the Palermo Protocol.

"Migrant workers from Nepal and other countries are like cattle in Kuwait. Actually, cattle are probably more expensive than migrant workers there. No one cares whether we die or are killed. Our lives have no value."

Nepalese man trafficked to Kuwait, during an interview with Amnesty International



Thomas Lubanga



Charles Taylor

EXPLOITING THE WORLD'S OCEANS

Over the last year, a series of media, government, and NGO investigations have drawn attention to the high prevalence of forced labor on fishing boats around the world. Oftentimes, forced labor appears alongside illegal, unreported, and unregulated fishing that international organizations have identified as threatening food security and the preservation of marine resources. The March 2012 report of a ministerial inquiry commissioned by the New Zealand government found that migrant laborers recruited in Indonesia alleged physical and psychological abuses as well as severe underpayment or nonpayment of wages by Korean fishing vessels operating under contract to New Zealand companies. Other reports received during the year indicate that the Thai fishing fleet operating in open waters committed horrendous abuses of foreign crew members.

For years, the fishing industry has targeted vulnerable populations. In the case of boats operating in New Zealand's Exclusive Economic Zone, abuse allegedly begins when an Indonesian recruiter persuades a worker in his home country to sign a contract to work aboard one of the vessels. Once on the boats, some victims are forced by senior crew employed by fishing corporations to work 18 or more hours per day, threatened, prevented from leaving the boat, and in some instances were exposed to physical abuse or sexual harassment. Living quarters are cramped with little or no heating, fresh water is scarce, and food supplies are rationed and hidden away from crew members. Medical treatment for sick or injured victims can be inadequate.

Seafood caught by these vessels ends up in freezers and shelves in grocery stores and restaurants, and eventually on a consumer's plate. Because some purchasers of fish on the international market do not monitor their supply chains for slave labor, including the crew recruitment processes and treatment of fishermen on chartered vessels, an estimated 44.9 million people directly engaged in the fishing industry will continue to remain vulnerable to human trafficking.

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier 1 ranking. Indeed, Tier 1 represents a responsibility rather than a reprieve. A country is never finished with the job of fighting trafficking.

Tier rankings and narratives in the 2012 TIP Report reflect an assessment of the following:

- ❖ enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- ❖ criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;
- ❖ implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country;
- ❖ proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- ❖ government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement in an environment of minimal pressure;

CAMEROON – SPAIN

Ivoline was at the top of her class in nursing studies at her hometown university in Cameroon. A woman from her village offered to help Ivoline complete her university degree in Europe. Ivoline and her father thought the offer was genuine and Ivoline's father spent his entire savings to help her get to Spain. The woman had Ivoline pose as her daughter, using false passports while they traveled together to Europe. Once in Spain, instead of being sent to school, Ivoline was forced into prostitution on the streets. Ivoline eventually escaped from the woman and was homeless for a few weeks before she built up enough courage to go to the police. Although her trafficker was not brought to justice, Ivoline's strength has given her new optimism and confidence; on her birthday this year, she toasted to hopes of finding work and creating a new life in Spain with her own family.

DISABILITIES AS A RISK FACTOR

This Report includes recent reports of the abuse of deaf domestic workers in the United Kingdom, addicts forced to labor in fields in the United States, people with mental illnesses and developmental disabilities enslaved in Chinese kilns, and persons with developmental disabilities forced to work as peddlers on the streets of India. Persons with disabilities remain one of the groups most at risk of being trafficked. Due to disability-based discrimination and exclusion common in many places, however, governments often ignore this risk factor or fail to make provisions for persons with disabilities as part of anti-trafficking efforts.

The stigma and marginalization of a person with disabilities creates a particular vulnerability. For example, parents who see no hope of jobs or marriage for their disabled children may place those children in exploitative situations with the intent of shedding a “burden” or seeking income. Where schools fail to accommodate students with disabilities, high drop-out rates leave them on the streets and at much higher risk of being trafficked in forced begging or other criminal activities. The commonly held view that persons with disabilities are not sexually active increases the risk of sex trafficking for persons with disabilities, especially disabled women and girls. For example, a Global HIV/AIDS survey conducted by the World Bank and Yale University showed that women and girls with disabilities were assumed to be virgins and thus targeted for forced sex, including by HIV-positive individuals who believed that having sex with a virgin would cure them.

Societal barriers limit the access of persons with disabilities to systems of justice. Lack of training of police, prosecutors, and judges on how to accommodate persons with disabilities (through, for example, sign language interpreters, plain language, and physical access) can leave victims with disabilities unable to provide effective statements and report the abuse they have endured. Laws expressly prohibiting people with disabilities from being witnesses, especially those who are blind, deaf, or have mental or developmental disabilities, leave such victims excluded from processes that should provide them with redress. Even when the justice system is not to blame, societal prejudices that devalue or discount the experiences of persons with disabilities can mean that their evidence is given less weight, and that sentences given to perpetrators may be lower than comparable cases where non-disabled people are the victims. This exclusion of persons with disabilities from the justice system in turn contributes to their being targeted by traffickers, who might assume that such victims will be less likely to raise an alarm or seek help.

Even in instances in which victims of trafficking do not have disabilities, the experience of being trafficked substantially increases the risk of victims acquiring disabilities as a result of physical and psychological trauma. It is thus essential that victim service programs include resources for those with a wide range of physical, sensory, learning, mental, and developmental disabilities.



- ❖ victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
- ❖ the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well being;
- ❖ the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims; and,
- ❖ governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge prospective migrants excessive fees.

Tier rankings and narratives are NOT affected by the following:

- ❖ efforts, however laudable, undertaken exclusively by non-governmental actors in the country;
- ❖ general public awareness events – government-sponsored or otherwise – lacking concrete ties to the prosecution of traffickers, protection of victims, or prevention of trafficking; and,
- ❖ broad-based law enforcement or developmental initiatives.

A Guide To The Tiers

Tier 1

Countries whose governments fully comply with the TVPA's minimum standards for the elimination of trafficking.

Tier 2

Countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List

Countries where governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and whose:

- a) the *absolute number* of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of *increasing efforts* to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take *additional steps over the next year*.



To meet government-imposed production quotas, thousands of Uzbek schoolchildren work in the cotton fields each year. Children who do not meet their production quotas can be expelled from school, and running away results in strict punishment.

Still recovering from the 2010 earthquake in Haiti, coordination of anti-trafficking activities remained a challenge. The groups most at risk were those from the lowest income backgrounds.



EU DIRECTIVE ON HUMAN TRAFFICKING

In April 2011, the EU passed a new comprehensive anti-trafficking Directive (21011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims) defining human trafficking and setting standards for member states' responses to trafficking. Similar to the Minimum Standards for the Elimination of Trafficking of the TVPA, the standards set forth in the EU Directive require member states to criminalize all forms of trafficking and to assign significant penalties for trafficking offenses. Member states must investigate and prosecute trafficking cases without depending on victim testimony and may continue their investigations and prosecutions even when victims have withdrawn their statements. The Directive also requires member states to extend certain protections to trafficking victims, including appropriate assistance and support not conditioned on the victims' willingness to cooperate in criminal proceedings, and to ensure that victims of trafficking are not prosecuted for crimes they were compelled to commit. In addition, it requires that special measures be put in place to provide child trafficking victims with specialized care and support. Further, the Directive requires that member states establish provisions to prevent secondary victimization of victims during the law enforcement process. Finally, Member states are obliged to establish a national rapporteur or equivalent to assess trends and government actions to address trafficking, including the measuring of results of anti-trafficking actions and the gathering of statistics, in close cooperation with civil society. If implemented by member states, these new provisions carry a significant promise for enhanced investigations of trafficking and protection of its victims.

JUSTICE FOR ALL: SAFEGUARDING THE RIGHTS OF VICTIMS AND THE ACCUSED

The Universal Declaration of Human Rights (UDHR) not only prohibits slavery and involuntary servitude (Art. 4), but also sets forth a number of other protections relevant to global efforts to address human trafficking. Some of these provisions, such as the guarantees of freedom of movement (Art. 13), freedom from forced marriage (Art. 16), and free choice of employment (Art. 23), protect victims and those who may be vulnerable to trafficking. Others, such as Article 11, provide baseline protections for the accused in criminal proceedings. Done correctly, law enforcement action can achieve not only the criminal justice goals of deterrence and punishment, but also fairness, due process, and the ability of crime victims to see their abusers brought to justice. Indeed, these goals are not in conflict.

In striving to implement best practices to address trafficking, and consistent with the standards of the UDHR, the Palermo Protocol, and the TVPA's minimum standards for the elimination of trafficking, governments should act in accordance with the UDHR's admonition in Article 11 that "[e]veryone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence." It is critical for countries to have clear and well-constructed trafficking laws, with elements of the offense that can be understood by police, courts, parties, civil society, and at-risk persons. It is also imperative that when governments vigorously enforce those laws, they apply them fairly based on careful and thorough investigation and in proceedings that protect the due process rights of the accused.

In recent years the victims' rights movement has made great strides in ensuring that those against whom a crime was committed are not then re-victimized by the very judicial system that should be protecting them. The re-traumatization possible in judicial proceedings can be minimized by a number of best practices, such as alternatives to in-person testimony or use of pseudonyms, access to a victim advocate, and the right to be heard in court proceedings, especially at sentencing. Moreover, vigorous victim identification mechanisms and use of prosecutorial discretion can identify and protect arrestees who may have committed crimes, as a result of having been trafficked.

Incorporating these rights-based best practices into the judicial process allows for better law enforcement training and increased victim identification, and ensures that the right people are brought to justice. The result? Justice for all, and the enhanced legitimacy of the governments' efforts to fight against modern slavery through systems that meet the fundamental rights and needs of all those involved.

Often far away from the homes of their abusers, those trapped in so-called "slave villages" toil in remote areas with no pay and under constant threat from the landowner.



Volunteer students present a drama depicting the tricks that traffickers used to lure victims. These students are trained by the NGO Lakshya based in Bihar, India to present the plays in their communities to raise awareness.



"I walk around and carry the physical scars of the torture you put me through. The cigarette burns, the knife carvings, the piercings ... how a human being can see humor in the torture, manipulation, and brainwashing of another human being is beyond comprehension. You have given me a life sentence."

Victim of sex trafficking in the United States, to her trafficker at his sentencing

Tier 3

Countries whose governments do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

The TVPA lists additional factors to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3. First, the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking. Second, the extent to which the country's government does not comply with the TVPA's minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking. And third, reasonable measures required to bring the government into compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

A 2008 amendment to the TVPA provides that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year. This automatic downgrade provision came

into effect for the first time in last year's report. The Secretary of State is authorized to waive the automatic downgrade based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to comply with the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. The Secretary can only issue this waiver for two consecutive years. After the third year, a country must either go up to Tier 2, or down to Tier 3. Governments subject to the automatic downgrade provision are noted as such in the country narratives.

Penalties for Tier 3 Countries

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain sanctions, whereby the U.S. government may withhold or withdraw nonhumanitarian, non-trade-related foreign assistance. In addition, countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund and the World Bank.

Imposed sanctions will take effect upon the beginning of the U.S. Government's next Fiscal Year—October 1, 2012—however, all or part of the TVPA's sanctions can be waived if the President determines that the provision of such assistance to the government would promote the purposes of the statute or is otherwise in the United States' national interest. The TVPA also provides for a waiver of sanctions if necessary to avoid significant adverse effects on vulnerable populations, including women and children.

No tier ranking is permanent. Each country, including the United States, can do more. All countries must maintain and increase efforts to combat trafficking.

"I told my agents we're going to treat this little girl like she was our own daughter. We're going to hunt this little girl down and get her out of this trailer. [When we found her], I told her we'd been in touch with her sister and I shook her hand and I just gently led her right out the door."

Ken Burkhardt, U.S. Immigration and Customs Enforcement agent, describing the liberation of a Latin American sex trafficking victim

GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to be considered in full compliance with the TVPA's minimum standards for the elimination of trafficking (Tier 1). The 2004 TIP Report collected this data for the first time. The 2007 TIP Report showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	6,885	3,026		
2005	6,178	4,379		40
2006	5,808	3,160		21
2007	5,682 (490)	3,427 (326)		28
2008	5,212 (312)	2,983 (104)	30,961	26
2009	5,606 (432)	4,166 (335)	49,105	33
2010	6,017 (607)	3,619 (237)	33,113	17
2011	7,909 (456)	3,969 (278)	42,291 (15,205)	15

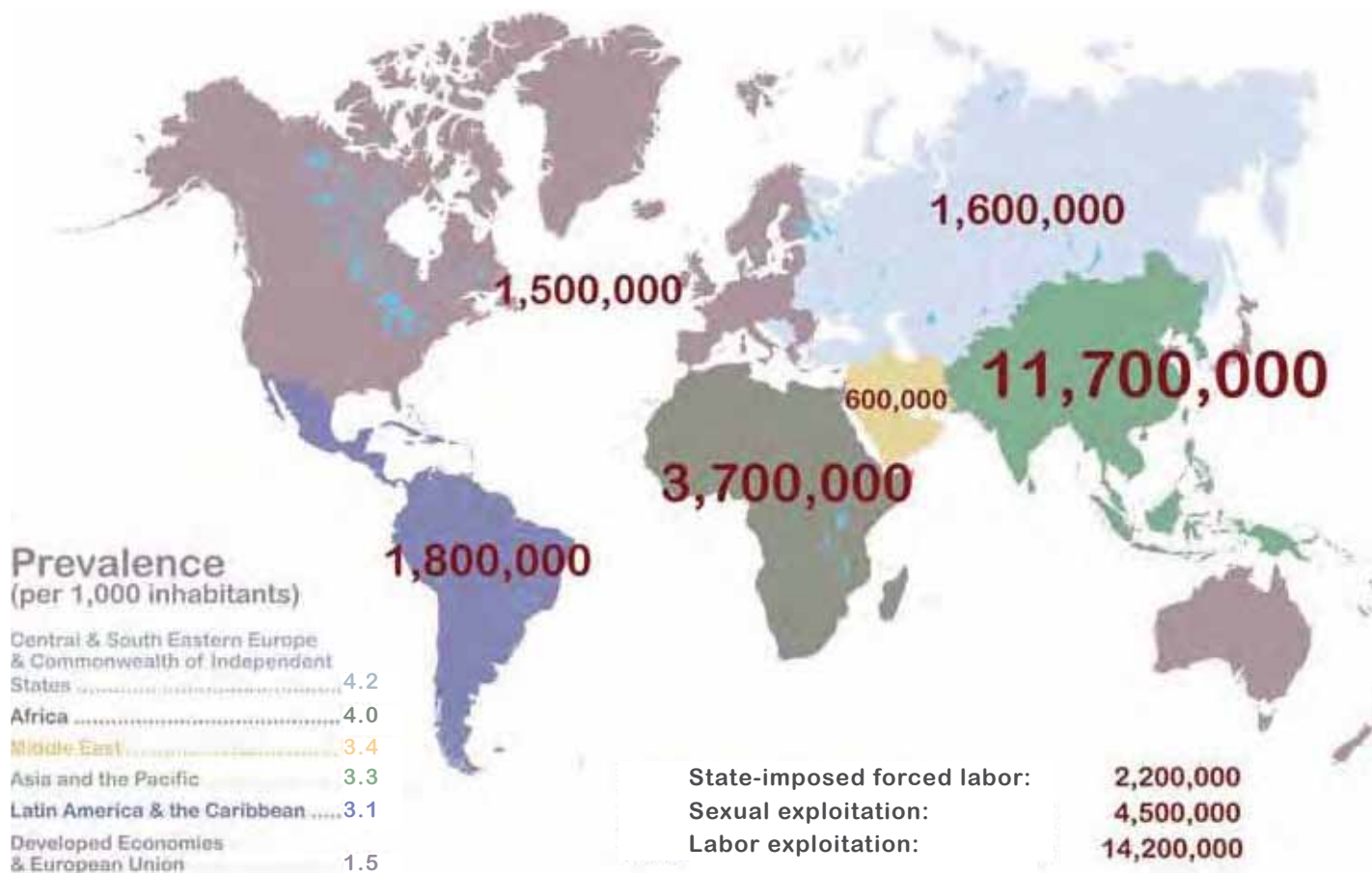
The numbers in parentheses are those of labor trafficking prosecutions, convictions and victims identified.

NEW ESTIMATE OF MODERN SLAVERY IN THE WORLD

On June 1, 2012, the International Labor Organization released its second global estimate of forced labor, which represents what the U.S. Government considers to be covered by the umbrella term “trafficking in persons.” Relying on an improved methodology and greater sources of data, this report estimates that modern slavery around the world claims 20.9 million victims at any time.

- ❖ The ILO’s first estimate of forced labor, in 2005, was 12.3 million victims of forced labor and sex trafficking.
- ❖ Unlike the 2005 estimate, this new finding does not disaggregate human trafficking victims as a subset of the global forced labor estimate. This recognizes that human trafficking is defined by exploitation, not by movement.
- ❖ The ILO estimates that 55 percent of forced labor victims are women and girls, as are 98 percent of sex trafficking victims.
- ❖ The ILO identified a higher percentage of sex trafficking victims, than in the 2005 Report.
- ❖ By region, the Asia and the Pacific region (which includes South Asia) remains largest in terms of number of victims, though the estimate of trafficking victims in Africa has grown since the 2005 estimate.

Regional Figures Persons in Forced Labor



2012 TIP REPORT HEROES

Each year, the Department of State honors individuals around the world who have devoted their lives to the fight against human trafficking. These individuals are NGO workers, lawmakers, police officers, and concerned citizens who are committed to ending modern slavery. They are recognized for their tireless efforts – despite resistance, opposition, and threats to their lives – to protect victims, punish offenders, and raise awareness of ongoing criminal practices in their countries and abroad.



MARCELO COLOMBO

Argentina

As a prosecutor and head of the Specialized Office for Investigation of Kidnapping and Trafficking in Persons' cases (UFASE), Marcelo Colombo has undertaken significant efforts to improve and institutionalize procedures for the investigation of human trafficking cases.

While working in the UFASE, Mr. Colombo has improved data collection, formulated and distributed guidance on trafficking investigation best practices, and raised awareness and trained investigators. He oversaw the creation of a database containing all trafficking in persons' cases, helped law enforcement officers and prosecutors detect regional and socio-economic trends, and established an on-line resource available for prosecutors on legal doctrine and jurisprudence to facilitate human trafficking case preparation. Mr. Colombo has improved institutional cooperation within the government by formalizing partnerships with the judiciary's Office for Women and the executive's Ministry of Security and Office of Rescue to ensure best practices are implemented in rescue operations.

Mr. Colombo has profoundly influenced anti-trafficking efforts in Argentina, including the first human trafficking conviction in November 2009, the conviction of 19 traffickers in 2011, and the draft bill to amend the anti-trafficking law approved by the Senate in 2011. Last year, Mr. Colombo took a public stand against official complicity in human trafficking, charging 75 federal police officers with the crime and filing similar actions against policemen in other districts. While the courts have not yet rendered judgment on the cases, his action was one of many examples of his courage in combating human trafficking.



JEANNETTE RICHARDSON-BAARS

Aruba

Despite a full-time job as deputy police commissioner of Aruba, Jeannette Richardson-Baars devotes countless extra hours to ensure Aruba achieves results in combating human trafficking. Under Mrs. Richardson-Baars's leadership, Aruba's interagency committee has uncovered both labor and sex trafficking cases, and shown serious commitment and political will through effective governmental policies to rescue victims and prosecute traffickers.

Although she had no specific budget assigned to her, Mrs. Richardson-Baars did not allow limited financial or human resources to become obstacles to anti-trafficking efforts. Using her own computer, she launched a multi-faceted public awareness campaign that was translated into various languages and displayed posters prominently all over the island. The campaign resulted in reports by the public of several possible trafficking situations. Mrs. Richardson-Baars sought creative solutions to help victims on this small island, where anonymity is a challenge, by utilizing a Kingdom of the Netherlands-wide Memorandum of Understanding (MOU) to shelter victims of trafficking elsewhere. She takes a collaborative and transparent approach to her work, sharing best practices at international forums and speaking openly about challenges, including complicity of public servants. Her courage to address human trafficking in a frank and constructive way stands out among other tourism-based islands, where fear of reporting bad news may hamper a proactive approach to the issue.



ANNE GALLAGHER

Australia

As an international civil servant, legal practitioner, teacher, and scholar, Dr. Anne Gallagher has exercised major influence over the development of international law and policy on trafficking. Dr. Gallagher was a United Nations official from 1992 to 2003, and served as Advisor on Trafficking to the UN High Commissioner for Human Rights, from 1998 to 2002. During this time she represented the High Commissioner at negotiations on the Trafficking Protocol and guided the development of the UN Principles and Guidelines on Human Rights and Human Trafficking.

Since 2003, Dr. Gallagher has led an ambitious program, funded by the Australian Agency for International Development, aimed at strengthening legislative and criminal justice responses to trafficking in Southeast Asia. This initiative has been widely acclaimed for its positive impact on laws, policies and practices within and outside the Association of Southeast Asian Nations (ASEAN) region. Dr. Gallagher has made a substantial and highly appreciated contribution to identifying the core elements of an effective criminal justice response to trafficking – one that seeks to both end impunity of traffickers and secure justice for victims. Dr. Gallagher is considered the leading global expert on the international law on human trafficking. She is the author of numerous scholarly publications, including *The International Law of Human Trafficking*, published by Cambridge University Press in 2010.



VANNAK ANAN PRUM

Cambodia

Vannak Anan Prum was lured to Thailand by the promise of a lucrative job, but instead was deceived by a labor broker. He was forced to work on a Thai fishing boat from 2005 to 2009 in slave-like conditions, never receiving a salary. During this time he was mistreated, starved, and tortured. Mr. Prum escaped with another fisherman by jumping off the boat and swimming four kilometers to shore when the boat was anchored off Malaysian Borneo. According to

his account, upon attempting unsuccessfully to obtain help returning to Cambodia, he was sold by corrupt officials to a palm oil plantation. After several months of forced labor on the plantation, an altercation with another worker landed him in detention. While in detention, he was able to establish contact with Malaysian and Cambodian human rights NGOs, which collaborated to have Mr. Prum repatriated to Cambodia, though not until he had spent several additional months in detention. Since then, Mr. Prum has been committed to ending human trafficking and has worked to raise awareness on human trafficking for labor exploitation in the Thai fishing industry through a series of drawings that recreate his experience. Mr. Prum has been interviewed about his experience and anti-human trafficking efforts by Radio Free Asia and has appeared in a Human Trafficking awareness video produced by MTV Exit.



RAIMI VINCENT PARAIISO

Republic of Congo

Raimi Vincent Paraiso, coordinator of the Pointe Noire-based NGO ALTO, works tirelessly to improve the lives of child trafficking

and forced labor victims in Pointe-Noire. Mr. Paraiso has more than five years of experience in providing assistance to trafficking victims in the Republic of the Congo, and is a source of information on human trafficking for the Congolese government, embassies, and international organizations. His efforts to identify and provide aid to victims have resulted in threats and acts of violence against him and his wife from traffickers in the Beninese community of Pointe-Noire. But despite his fears that his life is in jeopardy, he continues to identify and support an increasing number of trafficking victims each year.

In 2011, in partnership with the Congolese government and alongside colleagues in ALTO, Mr. Paraiso identified 57 trafficking victims. He also communicated with Ministry of Social Affairs and Humanitarian Action and police authorities to coordinate the victims' protection, and traveled with several children during their repatriation to Benin. Mr. Paraiso joined the Government of the Republic of Congo delegation in Benin to develop and validate an action plan for the 2011 Republic of Congo-Benin anti-trafficking cooperation agreement.



PHIL HYLDGAARD

Greece

Phil Hyldgaard is one of the most prominent anti-human trafficking NGO leaders in Greece. As European Operations Manager for The A21 Campaign, an NGO dedicated to fighting human trafficking, Mr. Hyldgaard guided the launch of The A21 Campaign in Greece and facilitated the opening of The A21 Campaign's first shelter for victims of trafficking. Because of his dedication to victim protection and support, The A21 Campaign was able to offer shelter to 21 victims of sex trafficking in 2011. These victims also received vocational training, computer skills, life and education guidance, counseling, and access to legal assistance through its transition program, *Empower*.

Mr. Hyldgaard's vision and guidance have led to the establishment of a nationwide hotline to report suspected cases of human trafficking and to increase awareness among government officials, students, and the general public in Greece about the scourge of human trafficking. Under his leadership, The A21 Campaign continues to work tirelessly to educate and enlist new partners through its growing internship program and various outreach and awareness-raising initiatives. His energy and commitment have helped expand The A21 Campaign to other countries including Bulgaria, the Ukraine, the UK, and the United States.



AZEZET HABTEZGHI KIDANE

Israel

Azezet Habtezghi Kidane, also known as Sister Aziza, is an Eritrean nun with the Comboni Missionary Sisters who volunteers as a nurse for the NGO Physicians for Human Rights-Israel (PHR-I). During the past two years she has led PHR-I's efforts to call attention to human trafficking in Sinai, Egypt, including sexual slavery and the torture of hundreds of African asylum seekers. PHR-I developed a groundbreaking research project that has interviewed hundreds of victims living in Israel. This painstaking work was accomplished by the devotion of Sister Aziza who helped identify men, women, and children who had been kidnapped, repeatedly raped, or subjected to forced labor and

sexual servitude, in addition to being tortured, in the Sinai.

Her perseverance, heartfelt concern, and willingness to listen to countless hours of interviews enabled many victims to open up about their experiences of rape, torture, kidnapping, forced labor, and sexual servitude. Whereas previously little was known of the specific atrocities in Egypt, these documented first-hand accounts have led to widespread international media reporting and attention to human trafficking in the region. The State Department has relied on the work of Sister Aziza and PHR-I to promote awareness of this important issue.



MARIA GRAZIA GIAMMARINARO

Italy

Since January 2010, Maria Grazia Giammarinaro has served as the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings. Her leadership has transformed the OSCE's anti-human trafficking efforts across the OSCE. In 2011, she traveled to 16 countries to engage with government officials, members of parliament, law enforcement, judiciary, and civil society on human trafficking. Dr. Giammarinaro has focused intensively on labor exploitation and domestic servitude. She has facilitated research, scheduled for release in 2012, on codes of conduct in the private sector to reduce demand for services of or goods produced by victims of trafficking.

Dr. Giammarinaro shepherded the Ministerial Declaration on combating trafficking to adoption at the Vilnius Ministerial 2011. She has strengthened the OSCE's partnership through the Alliance against Trafficking in Persons, an informal platform of advocacy including UN agencies, international organizations, social partners, and international NGOs dealing with human rights and trafficking. Dr. Giammarinaro has been a judge at the Criminal Court of Rome since 1991. Prior to joining the OSCE, she was instrumental in the development of the Italian legislation against trafficking in persons, the 2005 Council of Europe Convention, and the 2011 EU Directive on trafficking. She also coordinated the European Commission Group of Experts on Trafficking in Human Beings.



FATIMATA M'BAYE

Mauritania

Fatimata M'Baye has demonstrated consistent and courageous advocacy for human rights over three decades. Ms. M'Baye is an attorney and the

president and co-founder of the human rights NGO Mauritanian Association for Human Rights, *Association Mauritanienne des Droits de l'Homme* (AMDH). As president of AMDH, Ms. M'Baye has assumed a proactive role in garnering support for the rule of law and for efforts to protect disenfranchised and vulnerable individuals, including human trafficking victims.

Despite being imprisoned several times and facing state-sponsored racism against Afro-Mauritians during the events of 1989-1991 known as the *passif humanitaire*, Ms. M'Baye prevailed as the first female attorney in Mauritania. As a human rights attorney, she works to address the most deep-seated human rights issues in Mauritania, including defending human rights activists in court and advocating for the prosecution and conviction of human traffickers. Ms. M'Baye's anti-human trafficking contributions in Mauritania have been of fundamental importance. She played a significant role in 2007 as a key drafter of the precedent-setting law criminalizing human trafficking, and she is now at the forefront of a campaign to ensure enforcement of the legislation. As a result of Ms. M'Baye's efforts, Mauritania accomplished a series of firsts from December 2010 to November 2011: the first conviction for child exploitation, the first indictment for slavery practices, and the first prison sentence applied under the 2007 anti-slavery law.



GARY HAUGEN

United States

As President and CEO of International Justice Mission (IJM), the human rights organization he founded in 1997, Gary Haugen has built a global

team of hundreds of lawyers, investigators, and social workers. Directed by their faith and commitment to global justice, IJM staff partner with local governments to rescue and provide aftercare for victims and to hold traffickers accountable under local law. Before founding IJM, Mr. Haugen served as a trial attorney in the U.S. Department of Justice's Civil Rights Division, where he directed investigations into police misconduct, and served as Officer in Charge of the UN investigation in the aftermath of the Rwandan genocide.

Under Mr. Haugen's leadership, IJM has assisted nearly 4,000 victims of sex trafficking and forced labor since 2006 alone, leading to more than 220 criminal convictions and hundreds of ongoing trials. In addition to IJM's work against modern slavery, the organization is bringing its innovative model to address sexual violence, property seizure, illegal detention, and police brutality.

Mr. Haugen's vision has transformed the landscape of human rights advocacy and is empowering a new generation of activists to help local governments transform justice systems to protect the poor from violence. This powerful model is working: independent evaluation has demonstrated that after four years of IJM partnership with local law enforcement in Cebu, Philippines, the availability of minors for sex decreased by a stunning 79 percent.

"As the great day drew nearer, there was more singing in the slave quarters than usual. It was bolder, had more ring, and lasted later into the night. Most of the verses of the plantation songs had some reference to freedom....Some man who seemed to be a stranger (a United States officer, I presume) made a little speech and then read a rather long paper—the Emancipation Proclamation, I think. After the reading we were told that we were all free, and could go when and where we pleased. My mother who was standing by my side, leaned over and kissed her children, while tears of joy ran down her cheeks. She explained to us what it all meant, that this was the day for which she had been so long praying, but feared that she would never live to see."

Booker T. Washington, *UP FROM SLAVERY* (1901)



THE TIERS

TIER 1

Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards.

TIER 2

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

TIER 2 WATCH LIST

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) The **absolute number of victims** of severe forms of trafficking is very significant or is significantly increasing;
- b) There is a **failure to provide evidence of increasing efforts** to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on **commitments by the country to take additional future steps over the next year.**

TIER 3

Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

TIER PLACEMENTS

AFGHANISTAN	2WL
ALBANIA	2
ALGERIA	3
ANGOLA	2WL
ANTIGUA & BARBUDA	2
ARGENTINA	2
ARMENIA	2
ARUBA	2
AUSTRALIA	1
AUSTRIA	1
AZERBAIJAN	2WL
THE BAHAMAS	2WL
BAHRAIN	2WL
BANGLADESH	2
BARBADOS	2WL
BELARUS	2WL
BELGIUM	1
BELIZE	2
BENIN	2
BOLIVIA	2
BOSNIA & HERZEGOVINA	2
BOTSWANA	2
BRAZIL	2
BRUNEI	2
BULGARIA	2
BURKINA FASO	2
BURMA	2WL
BURUNDI	2WL
CAMBODIA	2
CAMEROON	2
CANADA	1
CAPE VERDE	2
CENTRAL AFRICAN REP.	3
CHAD	2WL
CHILE	2
CHINA (PRC)	2WL
COLOMBIA	1
COMOROS	2WL
CONGO (DRC)	3
CONGO, REPUBLIC OF	2WL
COSTA RICA	2
COTE D'IVOIRE	2
CROATIA	1
CUBA	3
CURACAO	2
CYPRUS	2WL
CZECH REPUBLIC	1
DENMARK	1
DJIBOUTI	2WL
DOMINICAN REPUBLIC	2
ECUADOR	2WL
EGYPT	2
EL SALVADOR	2
EQUATORIAL GUINEA	3
ERITREA	3
ESTONIA	2
ETHIOPIA	2
FIJI	2
FINLAND	1
FRANCE	1
GABON	2
THE GAMBIA	2WL

GEORGIA	1
GERMANY	1
GHANA	2
GREECE	2
GUATEMALA	2
GUINEA	2
GUINEA-BISSAU	2WL
GUYANA	2
HAITI	2WL
HONDURAS	2
HONG KONG	2
HUNGARY	2
ICELAND	1
INDIA	2
INDONESIA	2
IRAN	3
IRAQ	2WL
IRELAND	1
ISRAEL	1
ITALY	1
JAMAICA	2WL
JAPAN	2
JORDAN	2
KAZAKHSTAN	2
KENYA	2WL
KIRIBATI	2
KOREA, NORTH	3
KOREA, SOUTH	1
KOSOVO	2
KUWAIT	3
KYRGYZ REPUBLIC	2
LAOS	2
LATVIA	2
LEBANON	2WL
LESOTHO	2
LIBERIA	2WL
LIBYA	3
LITHUANIA	1
LUXEMBOURG	1
MACAU	2WL
MACEDONIA	1
MADAGASCAR	3
MALAWI	2WL
MALAYSIA	2WL
MALDIVES	2WL
MALI	2
MALTA	2
MARSHALL ISLANDS	2
MAURITANIA	2WL
MAURITIUS	1
MEXICO	2
MICRONESIA	2WL
MOLDOVA	2
MONGOLIA	2
MONTENEGRO	2
MOROCCO	2
MOZAMBIQUE	2
NAMIBIA	2WL
NEPAL	2
NETHERLANDS	1
NEW ZEALAND	1
NICARAGUA	1

NIGER	2WL
NIGERIA	2
NORWAY	1
OMAN	2
PAKISTAN	2
PALAU	2
PANAMA	2
PAPUA NEW GUINEA	3
PARAGUAY	2
PERU	2
PHILIPPINES	2
POLAND	1
PORTUGAL	2
QATAR	2
ROMANIA	2
RUSSIA	2WL
RWANDA	2
ST. LUCIA	2
ST. VINCENT & THE GREN.	2
SAUDI ARABIA	3
SENEGAL	2WL
SERBIA	2
SEYCHELLES	2WL
SIERRA LEONE	2WL
SINGAPORE	2
SLOVAK REPUBLIC	1
SLOVENIA	1
SOLOMON ISLANDS	2
SOUTH AFRICA	2
SOUTH SUDAN	2WL
SPAIN	1
SRI LANKA	2
SUDAN	3
SURINAME	2WL
SWAZILAND	2
SWEDEN	1
SWITZERLAND	2
SYRIA	3
TAIWAN	1
TAJIKISTAN	2
TANZANIA	2
THAILAND	2WL
TIMOR-LESTE	2
TOGO	2
TONGA	2
TRINIDAD & TOBAGO	2
TUNISIA	2
TURKEY	2
TURKMENISTAN	2WL
UGANDA	2
UKRAINE	2
UNITED ARAB EMIRATES	2
UNITED KINGDOM	1
UNITED STATES OF AMERICA	1
URUGUAY	2
UZBEKISTAN	2WL
VENEZUELA	2WL
VIETNAM	2
YEMEN	3
ZAMBIA	2
ZIMBABWE	3

SOMALIA Special Case



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	194	58		12
2006	170	51		3
2007	123 (28)	63 (26)		5
2008	109 (18)	90 (20)	7,799	10
2009	325 (47)	117 (30)	10,861	8
2010	272 (168)	163 (113)	9,626	5
2011	340 (45)	217 (113)	8,900 (5,098)	2

The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

Tier Placements

Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3
 Special Cases



EAST ASIA & PACIFIC

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	2,580	2,347		5
2006	1,321	763		3
2007	1,047 (7)	651 (7)		4
2008	1,083 (106)	643 (35)	3,374	2
2009	357 (113)	256 (72)	5,238	3
2010	427 (53)	177 (9)	2,597	0
2011	2,127 (55)	978 (55)	8,454 (3,140)	4

The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

Tier Placements

Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3

The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

 Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3

55



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	112	104		3
2006	295	187		2
2007	415 (181)	361 (179)		1
2008	120 (56)	26 (2)	688	6
2009	80 (9)	57 (8)	1,011	6
2010	323 (63)	68 (10)	1,304	1
2011	209 (17)	60 (5)	1,831 (1,132)	2

The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

Tier Placements

Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	1,041	406		0
2006	629	275		0
2007	824 (162)	298 (33)		4
2008	644 (7)	342 (7)	3,510	2
2009	1,989 (56)	1,450 (10)	8,325	1
2010	1,460 (196)	1,068 (11)	4,357	1
2011	974 (24)	829 (11)	3,907 (1,089)	2

The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

Tier Placements

Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3

WESTERN HEMISPHERE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	170	59		9
2006	443	63		6
2007	426 (1)	113 (1)		7
2008	448 (42)	161 (24)	6,609	5
2009	647 (47)	553 (66)	9,020	1
2010	732 (80)	293 (65)	6,681	6
2011	624 (17)	279 (14)	9,014 (2490)	3

The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

Tier Placements

Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3

Bangladeshi child laborers work at a balloon factory in Dhaka, Bangladesh from morning to evening without protective clothing against chemical materials being used during the balloon production process.



How to Read a Country Narrative

This page shows a sample country narrative. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see page 388), during the reporting period. This truncated narrative gives a few examples.

The country's tier ranking is based on the government's efforts against trafficking as measured by the TVPA minimum standards.

COUNTRY X (Tier 2 Watch List)

Profile of human trafficking in recent years.

Country X is a transit and destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Men and women from South and Southeast Asia, East Africa, and the Middle East voluntarily travel to Country X as laborers and domestic servants, but some subsequently face conditions indicative of involuntary servitude. These conditions include threats of serious harm, including threats of legal action and deportation; withholding of pay; restrictions on freedom of movement, including the confiscation of passports and travel documents and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Country X are wholly different from those they agreed to in their home countries. Individuals employed as domestic servants are particularly vulnerable to trafficking since they are not covered under the provisions of the labor law. Country X is also a destination for women who migrate and become involved in prostitution, but the extent to which these women are subjected to forced prostitution is unknown.

Synopsis of government efforts.

The Government of Country X shows evidence of overall increasing efforts. However, it is making significant progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking; therefore, Country X is placed on Tier 2 Watch List.

Guidance on how the government can improve its performance and obtain a better tier ranking.

Recommendations for Country X: Enact the draft comprehensive anti-trafficking legislation. The government should increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders. The government should consistently apply formal procedures for identifying victims of trafficking among vulnerable groups. The government should increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders. The government should consistently apply formal procedures for identifying victims of trafficking among vulnerable groups. The government should increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders. The government should consistently apply formal procedures for identifying victims of trafficking among vulnerable groups.

Summary of the government's legal structure and law enforcement efforts against human trafficking.

Prosecution
The Government of Country X made minimal efforts to investigate and prosecute trafficking offenses during the reporting period. Country X does not prohibit all acts of trafficking, but it criminalizes slavery under Section 321 and forced labor under Section 322 of its criminal law. The prescribed penalty for forced labor – up to six months' imprisonment – is not sufficiently stringent. Article 297 prohibits forced or coerced prostitution, and the prostitution of a child below age 15 even if there was no compulsion or redress; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other serious crimes, such as rape. Draft revisions to the penal code have not yet been enacted. An unconfirmed report indicates that four traffickers were charged with fraudulently issuing visas to workers who they then exploited. Two were reportedly deported, and two were reportedly convicted. The government did not confirm nor deny the existence of this case. The government did not report any investigations, prosecutions, convictions, or sentences for trafficking complicity of public officials.

Protection

Country X made minimal progress in protecting victims of trafficking during the reporting period. Although the government reportedly refers suspected abuse cases to the government anti-trafficking shelter for investigation, the government continues to lack a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported that the MOI has a process by which it refers victims to the trafficking shelter; however, this process is underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance. Country X commonly fines and detains potential trafficking victims for unlawful acts committed as a direct result of being trafficked, such as immigration violations and running away from their sponsors, without determining whether the individuals are victims of trafficking.

Country X sometimes offers temporary relief from deportation so that victims can testify as witnesses against their employers. However, victims were generally not permitted to leave the country if there is a pending case. The government did not routinely encourage victims to assist in trafficking investigations or consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

Prevention

Country X made modest progress in preventing trafficking in persons during the reporting period. In March, Country X hosted a two-day regional workshop meant to establish dialogue between scholars, government officials, and stakeholders to discuss regional and international efforts to combat trafficking and how to help victims. While the government made no apparent effort to amend provisions of Country X's sponsorship law – enacted in March 2009 – to help prevent the forced labor of migrant workers, the government did start to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require foreign workers to request exit permits from their sponsors in order to leave Country X. Although this may increase migrant workers' vulnerability to forced labor, the law created a new process through which a laborer who was not granted an exit permit due to a sponsor's refusal or other circumstances can seek one by other means. The government has a national plan of action to address trafficking in persons, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not take any public awareness campaigns aimed at reducing the demand for commercial sex acts in Country X, but the government undertook public awareness campaigns, but the government convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

TVPA Minimum Standard 4(2) – whether the government adequately protects victims of trafficking by identifying them and ensuring they have access to necessary services.

Summary of the government's efforts to ensure that trafficking victims are identified and provided adequate protection.

TVPA Minimum Standard 4(3) – whether the government is making adequate efforts to prevent human trafficking.

Summary of the government's efforts to prevent human trafficking.

TVPA Minimum Standard 4(1) – whether the government vigorously investigates and prosecutes trafficking offenses and convicts and punishes trafficking offenders and provides data on these actions.

TVPA Minimum Standard 4(7) – whether the government has made adequate efforts to address the involvement in or facilitation of human trafficking by government employees.

TVPA Minimum Standard 4(11) – whether the government has made efforts to reduce the demand for commercial sex acts, and, if applicable, participation in international sex tourism by its nationals.

COUNTRY NARRATIVES

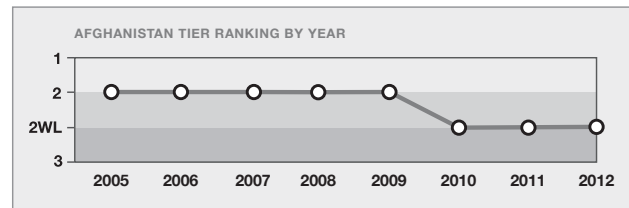


Over the course of four months, an African migrant endured whippings and captivity at the hands of Bedouin traffickers in the Sinai. Many are forced into forced labor or sexual servitude as they seek to migrate to Israel or Europe.

AFGHANISTAN (Tier 2 Watch List)

Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking within Afghanistan is more prevalent than transnational trafficking. The majority of victims are children, and during the year, IOM reported that younger boys and girls were increasingly subjected to forced labor in carpet-making factories and domestic servitude, and in commercial sexual exploitation, forced begging, and transnational drug smuggling within Afghanistan and in Pakistan, Iran, and Saudi Arabia. Some families knowingly sell their children for forced prostitution, including for *bacha baazi* – where wealthy men use groups of young boys for social and sexual entertainment. Other families send their children with brokers for employment but the children end up in forced labor. Opium-farming families sell their children – especially girls – to settle debts with opium traffickers. According to the government and the UN, insurgent groups forcibly use children between 12 to 16 years old as suicide bombers. Some Afghan families, including children, are trapped in debt bondage in the brick-making industry in eastern Afghanistan. Some Afghan women and girls are subjected to forced prostitution and domestic servitude in Pakistan, Iran, and India. There were reports of women and girls from the Philippines, Kyrgyzstan, Pakistan, Sri Lanka, Iran, Tajikistan, and China being forced into prostitution in Afghanistan. Under the pretense of high-paying employment opportunities, labor recruiting agencies lure foreign workers, including those from Sri Lanka, Nepal, India, Iran, Pakistan, and Tajikistan, to Afghanistan, and traffickers lure Afghan villagers to Afghan cities or to India or Pakistan, and then sometimes subject them to forced labor or forced prostitution after their arrival. Afghan men are subjected to forced labor and debt bondage in the agriculture and construction sectors in Iran, Pakistan, Greece, the Gulf states, and possibly southeast Asian countries. During 2011, one Azerbaijani victim was identified in Afghanistan and two Afghan victims were identified in Serbia.

The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking in persons. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Afghanistan is placed on Tier 2 Watch List for a third consecutive year. Afghanistan was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, and would devote sufficient resources to implement that plan. The Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and it reportedly punished trafficking victims for offenses they committed as a direct result of being trafficked. The level of understanding of human trafficking among Afghan government officials and the government's institutional capacity to combat human trafficking remained very low. Civil society groups reported, nonetheless, that the government showed evidence of increased political will in combating trafficking.



Recommendations for Afghanistan: Work toward eliminating police and court penalization of trafficking victims for offenses committed as a direct result of being trafficked, such as prostitution or adultery; increase use by law enforcement of the 2008 anti-trafficking law, including prosecuting suspected traffickers and convicting and imprisoning traffickers for acts of sex trafficking and forced labor; collaborate with NGOs to ensure that all children, including boys over the age of 11 victimized by sex and labor trafficking, receive protective services; continue regular meetings of the High Commission for Combating Crimes of Abduction and Human Trafficking/Smuggling and implement the terms of reference; educate government officials on the differences between the crimes of kidnapping, human trafficking, and human smuggling; strengthen the capacity of the interior ministry's anti-trafficking/smuggling unit, including by increasing the number of officials in the unit and differentiating between smuggling and trafficking; undertake initiatives to prevent trafficking, such as running a public awareness campaign to warn at-risk populations of the dangers of trafficking and directing mullahs to incorporate anti-trafficking messaging in religious teachings; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Afghanistan made no discernible anti-trafficking law enforcement efforts over the reporting period. Afghanistan's Law Countering Abduction and Human Trafficking/Smuggling (2008), along with Article 516 of the Penal Code, prescribes between eight and 15 years' imprisonment for labor trafficking. The law also prescribes penalties of life imprisonment for sex trafficking. This life sentence, however, is superseded by the Elimination of Violence Against Women law (2009) which decreased maximum sentences for forced prostitution of females to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate to those prescribed for other serious crimes, such as rape. Local NGOs continued to report that Afghan government personnel persisted in confusing trafficking with smuggling, abductions, abuse, and other crimes, and the government did not take steps to curb this conflation. In Dari – the most widely spoken language in Afghanistan – the same word denotes both human trafficking and human smuggling, compounding the confusion. A government official reported some investigations of human trafficking offenses, but the case lacked details of human trafficking, thereby calling into question whether these investigations were for trafficking or for smuggling. The government did not report any prosecutions, or convictions for human trafficking offenses or offenders in the reporting period.

Government employees' complicity in human trafficking remained a problem. One government official noted that traffickers bribe Afghan officials to ensure their release from prison. Both the UN and local NGOs have cited isolated

reports of the sexual abuse of boys – including *bacha baazi* – by members of the Afghan National Security Forces. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. There were reports that national and border police facilitated trafficking and raped sex trafficking victims. The government did not investigate, arrest, or prosecute government officials facilitating trafficking offenses. International organizations and NGOs provided training to police, prosecutors, and other government officials on identifying and investigating trafficking cases. Training noted in the 2011 and 2010 TIP Reports did not appear to increase or improve law enforcement efforts.

Protection

The Government of Afghanistan did not make discernible progress in protecting victims of trafficking. Afghanistan did not develop or employ systematic procedures to identify victims of trafficking or refer them to protective services. The government refers some women victimized by violence – including trafficking victims – to care facilities. The government reported that in 2011 it identified eight Pakistani victims of trafficking. Four of the victims, who were women, were referred to a shelter, but the other victims, who were men, were arrested and imprisoned. The government lacked resources to provide victims with protective services directly or fund the provision of services by others; IOM and partner NGOs operated the country's three short-term trafficking shelters and provided the vast majority of victim assistance, but funding gaps impeded more effective protection efforts. Some victims faced hardships due to threats from the local community. IOM reported that it assisted 199 victims during 2011, the majority of whom were boys. Although there were specific protective services in Afghanistan for male trafficking victims ages 11 and under, no such services are available for boys above the age of 11. There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period.

Government officials have punished victims of trafficking for acts they may have committed as a direct result of being trafficked. In some cases, trafficking victims were jailed pending resolution of their legal cases, despite their recognized victim status. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution or adultery, for escaping from their husbands who forced them into prostitution, or for being unchaperoned as they fled abuse in their homes, even if the destination was a shelter. Victimized women who could not find place in a shelter often ended up in prison. Authorities arrested several would-be child suicide attackers after they were reportedly psychologically coerced, trained, and equipped in Pakistan by armed opposition groups. There were reports of police raping female trafficking victims and would-be child suicide attackers prior to incarceration. Some trafficked boys were placed in government-run orphanages or a facility for juvenile criminals while their cases were being investigated, and trafficked adult men were arrested and incarcerated.

Prevention

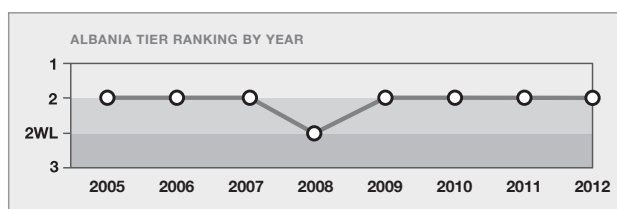
During the reporting period, the Government of Afghanistan made no discernible progress in preventing human trafficking, but did launch an anti-trafficking structure. In January 2012, the High Commission for Combating Crimes of Abduction

and Human Trafficking/Smuggling envisioned under the 2008 law was finally inaugurated by the Minister of Justice, and it subsequently met several times, and approved Terms of Reference for its operations. The Ministry of Interior's anti-trafficking/smuggling unit continued to be understaffed. Coordination among government ministries on trafficking issues improved during the reporting period. The quasi-governmental Afghanistan Independent Human Rights Commission issued a report in July 2011 about the causes and modalities of the trafficking of women and children that included recommendations for addressing them. The government did not undertake initiatives to prevent trafficking, such as public awareness campaigns to warn at-risk populations of the danger of trafficking. There was no progress reported toward fulfilling the goals of the action plan signed in January 2011 to combat the usage of *bacha baazi* by Afghan National Security Forces. Less than 10 percent of the population have birth certificates, and the government did not undertake any campaigns to document unregistered populations. The government did not take steps to reduce the demand for commercial sex acts. Afghanistan is not a party to the 2000 UN TIP Protocol.

ALBANIA (Tier 2)

Albania is primarily a source country for men, women, and children subjected to sex trafficking and forced labor, including the forced begging of children. Albanian women and children continue to be subjected to sex trafficking within the country. Albanian victims are subjected to conditions of forced labor and sex trafficking in Greece, Italy, Macedonia, Kosovo, Serbia, and throughout Western Europe. Authorities reported finding trafficking victims from Greece and Ukraine in Albania during the year. Children were exploited for commercial sex, forced begging, and forced criminality, such as burglary and drug distribution; girls were also subjected to prostitution or forced labor after arranged marriage. There is evidence that Albanian men are subjected to forced labor in agriculture in Greece and other neighboring countries. Re-trafficking of Albanian victims continued to be a problem.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government increased its capacity to proactively identify trafficking victims, used its witness protection program to protect a trafficking victim, and provided short-term funding for NGOs to help victims. However, the government's overall lack of sustained funding to anti-trafficking NGOs resulted in temporary closure of a shelter during the year, negatively impacting victim assistance. Moreover, widespread corruption, particularly among the judiciary, continued to hamper overall anti-trafficking efforts.



Recommendations for Albania: Proactively implement the new standard operating procedures on victim identification to increase the scope of victims identified in Albania; ensure adequate funding for NGOs providing critical victim assistance; ensure a victim-centered approach to victim identification by not conditioning victim status on victims' roles in criminal investigations; expand the focus of care to ensure more community-based services for victims' reintegration, and empower survivors and help reduce the stigma associated with trafficking; continue to take steps to increase victim-witness protection for victims who may be willing to cooperate with law enforcement; vigorously pursue cases of trafficking occurring within the country; and proactively investigate trafficking-related complicity of government officials.

Prosecution

The Government of Albania sustained its anti-trafficking law enforcement efforts over the last year, though it convicted fewer trafficking offenders than during the previous year. Albania criminally prohibits sex and labor trafficking through articles 110(a), 128(b), and 114(b) of its criminal code, which prescribe penalties from five to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The Serious Crimes Prosecution division reported investigating 27 human trafficking suspects in 2011, compared with 29 suspects investigated in 2010. During the past year, the Serious Crimes Court prosecuted five suspected trafficking offenders; all five prosecutions resulted in convictions in 2011, compared with 11 convictions in 2010. Penalties imposed on the five convicted offenders ranged from fines to 15 years' imprisonment. The government continued its criminal investigation into a labor trafficking case initiated in 2010, but it has yet to formally charge any suspects. NGOs praised the victim-sensitive response from prosecutors appointed to trafficking cases during the year, including their referral of victims to care. According to a 2011 report on Albania produced by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), the Albanian government's official recognition of the need to increase the response to internal trafficking has yet to lead to tangible actions. Pervasive corruption in all levels and sectors of Albanian society continued to seriously affect the government's ability to address its human trafficking problem. The government did not report taking any law enforcement action against trafficking-related complicity in 2011.

Protection

The Government of Albania made some notable progress in strengthening its capacity to identify and protect victims of trafficking in 2011. The government's lack of sustained funding to NGOs, however, resulted in the temporary closure of one shelter during the reporting period. In the last year, the government reported identifying 84 new trafficking victims via the national referral mechanism, compared with 97 trafficking victims identified in 2010. NGOs reported assisting a total of 132 trafficking victims throughout the year. In July 2011, the government approved victim-centered standard operating procedures (SOPs) in collaboration with civil society to improve identification of trafficking victims and their referral to care. Although the new SOPs separated trafficking victims' status from their willingness to press charges against their traffickers, NGOs noted cases in which police and social workers granted victim status only after the

victims agreed to formally participate in proceedings against their traffickers.

For the first time, the Albanian government disbursed funding to NGOs for the provision of shelter services to trafficking victims, providing the equivalent of approximately \$9,775 to three NGOs. The government ended its previous policy of requiring government social workers' presence during NGO-conducted victim identification interviews as a precondition for funding. The NGO funding was limited to food expenses; some potential trafficking victims needing this benefit were not entitled to it. Due to lack of sustained funding, one of these NGOs was forced to close its shelter temporarily during the year, diminishing victim assistance in an area of the country with a critical need for services. The government continued, however, to fully fund and operate a reception center that housed both victims of trafficking and undocumented foreign migrants; victims' freedom of movement was often restricted in this center. Furthermore, the center lacked the capacity to provide comprehensive reintegration assistance to victims. Some NGOs reported officials' preference to refer trafficking victims to the reception center rather than NGO shelters; more than half of all newly identified victims in 2011 were assisted in this facility. The government did not penalize identified victims for unlawful acts committed in connection with their being trafficked; however, the Albanian criminal code currently does not prohibit this from occurring. Country experts expressed concern that local police did not recognize child trafficking within the country and instead treated such cases as "exploitation of prostitution" or "child maltreatment." Albania's anti-trafficking law provides immigration relief as an alternative to the removal of foreign victims to countries where they may face hardship or retribution, although the government did not grant this to any foreign victims in 2011. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders. Victims who pursued cases against their traffickers continued to be at risk from retribution, and there was often a need for witness protection after a trial commenced. During the year, 28 trafficking victims assisted law enforcement officials in the investigation stage and two trafficking victims testified during trial; notably, the government enrolled one of these victims in its witness protection program. The government reported it provided five trafficking victims with financial stipends in order to assist with their reintegration after they left a shelter. The government conducted four trainings for law enforcement and other front-line responders on its newly adopted victim identification and referral procedures in 2011.

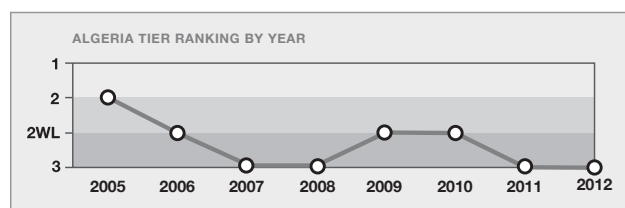
Prevention

Albania sustained its efforts to prevent trafficking in persons during the year, although it continued to rely primarily on international donors to fund anti-trafficking awareness campaigns. The government continued to monitor its anti-trafficking efforts via its national anti-trafficking coordinator's office, which helped launch in 2011 a donor-funded national campaign entitled "Childhood is Not Exploitation for Work," which targeted schools and at-risk children to raise awareness about forced labor among the public and teachers. During the year, the national coordinator's office took steps to facilitate the registration of unregistered children, who are especially vulnerable to trafficking in Albania. The government continued to fund the national, toll-free, 24-hour hotline for victims and potential victims of trafficking. The government made no discernible efforts to address demand for commercial sex acts.

ALGERIA (Tier 3)

Algeria is a transit and, to a lesser extent, a destination and source country for women and, to a lesser extent, men, subjected to forced labor and sex trafficking. Most commonly, sub-Saharan African men and women enter Algeria voluntarily but illegally, often with the assistance of smugglers, for the purpose of traveling to Europe. Some of these women are forced into prostitution. Criminal networks which sometimes extend to sub-Saharan Africa and to Europe are involved in both smuggling and human trafficking. The “chairmen,” or leaders, of the “African villages” – small non-Algerian ethnic enclaves located in and around the southern city of Tamanrasset – are among those responsible for forcing women into prostitution. To a lesser extent, some sub-Saharan African men, mostly from Mali, are forced domestic workers; homeowners sometimes confiscate identification documents, indicative of forced labor. Some Algerian women are also forced into prostitution. Civil society groups believe that as Europe tightens its borders, Algeria is increasingly becoming a destination for both undocumented migration and trafficking. The “cost” – in terms of fees – of a migrant’s trip to and through Algeria have increased due to a greater crackdown against undocumented migration. Malians continue to flee insecurity in Mali and flood into southern Algeria; some of these migrants could be vulnerable to forced labor or forced prostitution.

The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the reporting period, the government sought prosecutions under its 2009 anti-trafficking law, yet continued to conflate human trafficking and smuggling. It failed to identify and protect trafficking victims and continued to lack adequate measures to protect victims. The government engaged in some awareness efforts to educate the public about human trafficking and workplace exploitation.



Recommendations for Algeria: Proactively increase implementation of Algeria’s anti-trafficking law by continuing to train law enforcement and judicial officials, investigate potential offenses, and prosecute alleged offenders; establish capacity to identify victims of trafficking among illegal migrants; ensure that trafficking victims are offered necessary assistance, such as shelter, medical, psychological, and legal aid; ensure identified victims are not punished for unlawful acts committed as a direct result of being trafficked; establish partnerships with relevant international organizations and NGOs in source countries to ensure the safe and voluntary repatriation of trafficking victims; train law enforcement, security, and other government officials on how to identify trafficking, and measures to protect victims; and expand existing efforts to increase public awareness of trafficking, including on the differences between human smuggling and trafficking.

Prosecution

The Algerian government made minimal efforts to address human trafficking through law enforcement means during the reporting period. Algeria prohibits all forms of trafficking under Section 5 of its criminal code, enacted in March 2009. Prescribed penalties under this statute range from three to 10 years’ imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed under Algerian law for other serious crimes, such as rape. During the year, the government reported investigating and prosecuting offenders under the trafficking law, though it was unclear whether these were human trafficking or smuggling cases, the latter of which appear not to come within the scope of the trafficking in persons law. In March 2012, three individuals were convicted under the illegal immigration law of smuggling illegal immigrants from Arzew, Algeria, to Morocco *en route* to Europe. According to Algerian officials, those prosecuted sought to keep the immigrants’ passports and extort higher transportation fees from them. It was not clear whether the three were involved in human trafficking. In 2011, an Algerian man was sentenced *in absentia* to 10 years’ imprisonment under Algeria’s anti-trafficking law for operating a network that moved sub-Saharan migrants from Algeria to Morocco *en route* to Europe, which was also not clearly a trafficking case. Two suspected human trafficking investigations were reportedly ongoing at the end of the reporting period, but it is unclear whether these were cases of trafficking or smuggling. The National Police and National Gendarmerie are reportedly involved in efforts to combat sex trafficking and forced labor, but they reported no knowledge of trafficking cases in southern Algeria. Nonetheless, some African village “chairmen” have close ties to the Algerian police, and previous reporting has indicated that some police have released arrested women in prostitution and sex trafficking victims back to their pimps. The government provides and funds anti-trafficking sessions for National Police and National Gendarmerie officials as a part of their routine training. In October 2011, the National Police provided a training course on organized crime and human trafficking for 60 police officers.

Protection

The Government of Algeria made no discernible progress in protecting victims of trafficking over the last year. It did not develop or employ systematic procedures for the identification of trafficking victims among vulnerable populations, such as foreign women arrested for prostitution or undocumented migrants. NGOs reported that some trafficking victims were jailed for unlawful acts committed as a result of their being trafficked – such as engaging in prostitution or lacking adequate immigration documentation. Similarly, NGOs indicated that if a prostitution operation becomes too public, police will arrest women in prostitution and deport them through Algeria’s southern border, making no attempt to identify potential sex trafficking victims. Security officials in Tamanrasset reported that 8,097 illegal immigrants were picked up and deported from Algeria during this reporting period. Among these immigrants, 241 were arrested for crimes, three of which were charged with prostitution. Security officials made no effort to screen or identify these immigrants for indications of trafficking, nor did they provide protection or refer these victims to service facilities. NGOs reported that deported migrants, some of whom may have been trafficking victims, received a liter of milk and some bread and were transported to desert borders with Mali and Niger where – on occasion –

they were received by officials from other countries. NGOs reported that in some cases, migrants died in the Saharan desert. The government, on the other hand, reported that undocumented migrants detained in Tamanrasset spend a week in a detention center where they receive three meals a day and medical care if needed, before being deported to neighboring countries to the south. As of January 2012, the Algerian government ceased returning illegal immigrants to Mali due to unrest in the country. The Ministries of Justice and Social Solidarity, in partnership with NGOs, conducted three training events in June 2011 to a total of 200 magistrates and medical professionals. The trainings covered how to identify and respond to abuse in the workplace and human trafficking situations.

The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship. The government did not provide counseling or legal services to victims, nor did it refer victims to other potential service providers. There were no government-operated shelters, and civil society groups were prohibited from operating any such shelters because they would be penalized for harboring undocumented migrants; however, NGOs operated care facilities for vulnerable populations, such as abandoned women, and these were accessible to female trafficking victims. Government-operated health clinics continued to be available for trafficking victims, and some victims used these services; however, a number of victims were either not aware of these clinics or declined to use them due to fear of deportation. There is no formal program to encourage trafficking victims to participate in investigations or prosecutions of trafficking offenders.

Prevention

The Algerian government engaged in minimal prevention efforts during the reporting period. The government conducted a public awareness campaign on trafficking in persons. In June 2011, the government organized and funded three seminars in major Algerian cities to raise awareness among youth on legal rights in the workplace with an emphasis on detecting trafficking in persons and workplace abuse. The government did not have a formal anti-trafficking policy or a national plan of action to complement its anti-trafficking law. It did not attempt to forge effective anti-trafficking partnerships with civil society organizations. The government did not take measures to establish the identity of the populations most at risk of being trafficked. Press articles during the reporting period noted that clients were arrested when police broke up prostitution rings, which can reduce the demand for commercial sex acts; however, some of the people in prostitution also arrested in these raids may have been sex trafficking victims. The government reports that there is an inter-ministerial group dedicated to trafficking issues, but no evidence suggests that it regularly meets or coordinates trafficking efforts, nor is data available to confirm this group's makeup, authority, or date of establishment.

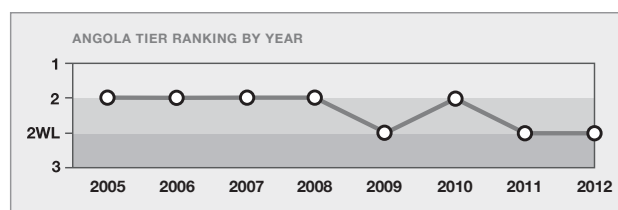
ANGOLA (Tier 2 Watch List)

Angola is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Angolans are reportedly forced to labor in agriculture, construction, domestic service, and artisanal diamond mines within the

country. There are reports of underage girls, as young as 13, in prostitution in the provinces of Luanda, Benguela, and Huila. Some Angolan boys are taken to Namibia for forced labor in cattle herding, while others are forced to serve as couriers as part of a scheme to skirt import fees in the cross-border trade between Namibia and Angola. Angolan adults may use children under the age of 12 for forced criminal activity, as children cannot be tried in court. Forced begging also occurs in Angola. Angolan women and children are subjected to domestic servitude in South Africa, the Democratic Republic of the Congo (DRC), Namibia, and European nations, primarily Portugal.

Vietnamese and Brazilian women in prostitution in Angola may be victims of sex trafficking. Chinese sex trafficking victims, recruited with promises of work by Chinese construction companies, are deprived of their passports, kept in walled compounds with armed guards, and forced to pay back the costs of their travel by engaging in prostitution. Chinese, Southeast Asian, Namibian, and possibly Congolese migrants are subjected to forced labor in Angola's construction industry; conditions include withholding of passports, threats, and denial of food and movement. The Chinese workers are brought to Angola by Chinese companies who have obtained large construction or mining contracts; the companies do not disclose the terms and conditions of the workers' recruitment and work. Illegal Congolese migrants voluntarily enter Angola for work in its diamond-mining districts, where some experience conditions of forced labor or forced prostitution in mining camps. Trafficking networks recruit and transport Congolese girls as young as 12 from Kasai Occidental in the DRC to Angola for various forms of exploitation.

The Government of Angola does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of overall increasing efforts to address human trafficking since the previous year; therefore, Angola is placed on Tier 2 Watch List for a second consecutive year. The Angolan government made some improved law enforcement efforts, including the rescue of 23 Chinese sex and labor trafficking victims and the arrest of at least 12 suspected Chinese traffickers. However, the government neither amended its penal code to criminalize trafficking in persons nor finalized draft anti-trafficking legislation. It made no efforts to identify Angolan victims, increase its provision of services to victims, or raise awareness of trafficking during the reporting period. The government also did not develop procedures to identify victims of trafficking among vulnerable populations, and did not train its law enforcement, social services, or immigration personnel on this skill.



Recommendations for Angola: Draft a national action plan in order to coordinate and pace the government's anti-trafficking efforts over the coming year; amend the penal code to prohibit and punish all forms of human trafficking

and provide sufficient protections for victims; train law enforcement officials to use existing portions of the penal code to prosecute and convict trafficking offenders; investigate and prosecute forced labor abuses in the construction sector; develop and implement procedures for the identification of trafficking victims among vulnerable populations; train law enforcement, social services, and immigration officials in identification and referral procedures; provide support for the establishment and maintenance of shelters for trafficking victims; collect anti-trafficking law enforcement data; and expand nationwide anti-trafficking public awareness campaigns.

Prosecution

The Government of Angola modestly increased its anti-trafficking efforts during the year through the rescue of 23 Chinese nationals and the arrest of at least 12 suspected trafficking offenders, one of whom remains in jail pending trial. Angola does not have a law that specifically prohibits all forms of trafficking, though the constitution promulgated in February 2010 prohibits human trafficking. The penal code, in force since 1886, has not yet been amended to reflect this constitutional provision. Although the government drafted amendments to the penal code during the reporting period, they remain pending with the National Assembly for a second year. Draft comprehensive anti-trafficking legislation also remains pending with the assembly. Article 71 of the current penal code prohibits facilitating prostitution, and Article 406 specifically prohibits child prostitution, imposing insufficiently stringent penalties of between three months' and one year's imprisonment and a fine. These penalties are not commensurate with those prescribed for other serious crimes, such as rape. Article 4 of the General Labor Law prohibits forced, coerced, or bonded labor, prescribing insufficient penalties of a fine of between five and 10 times the average workers' salary.

Following a phone call from trafficking victims to a foreign embassy in Luanda, the Special Crimes Unit of the National Police raided a Chinese construction site in Luanda in April 2011, arresting an unknown number of supervisors and rescuing four Chinese trafficking victims. The government charged one of the alleged trafficking offenders with "organized crime," and he remains in prison awaiting trial. However, authorities have neither sought to rescue and screen an additional 121 Chinese workers reported to be in the same conditions, some of whom may be trafficking victims, nor investigated forced labor abuses in Chinese companies in the construction sector. In November 2011, after receiving a tip from a foreign government, Angolan authorities apprehended 11 suspected traffickers for the alleged sex trafficking of 19 Chinese nationals and extradited them to China. The government took no action to address allegations of official complicity in trafficking from previous reporting periods, including allegations that police and military officials facilitated the illegal entry of Congolese nationals who subsequently became victims of forced labor or prostitution in mining camps, as well as allegations military personnel in Cabinda province purchased more than 30 trafficked women and girls from a sex trafficking ring in 2010. IOM trained 829 officials and 163 service providers on identifying and protecting trafficking victims; the Ministry of the Interior supplemented the costs of some of these trainings held in government facilities and provided office furniture in an effort to increase the number of officials trained in these sessions. The government signed a memorandum of

understanding with Zambia in March 2012 to advance a bilateral partnership on anti-trafficking efforts.

Protection

During the past year, the government sustained modest efforts to ensure victims of trafficking received access to protective services, although a systematic process for the identification of trafficking victims and legal remedies for victims remained lacking. The government did not report the identification of any Angolan trafficking victims in 2011. Following their rescue from a construction site in late April 2011, authorities placed four Chinese trafficking victims in the care of IOM, which in the absence of support from the Chinese or Angolan governments provided shelter, assistance, and repatriation. In November 2011, the Chinese Embassy in Luanda provided shelter and assistance to 19 sex trafficking victims and funded their repatriation to China. There are existing facilities within Angola that could provide care to trafficking victims, though there was no evidence victims were referred to these resources during the reporting period. In partnership with UNICEF, the National Children's Council (INAC) oversaw Child Protection Networks (CPNs) in all 18 provinces that have in the past rescued victims of trafficking. These CPNs offered health care, legal and social assistance, and family reunification for crime victims under the age of 18; however, there was no evidence that victims used these resources during the reporting period. The Ministry of Assistance and Social Reintegration, the Ministry of Family and Women's Promotion (MINFAM), and the Organization of Angolan Women operated a limited number of multi-purpose shelters that trafficking victims could access, although there were no signs that victims used these resources during the reporting period. The government provided extremely limited funding for NGOs in all areas of social programming; no information was available on the amount of funding, if any, that it provided to NGOs for anti-trafficking work during the reporting period.

Law enforcement, immigration, and social services personnel lacked a formal system of proactively identifying victims of trafficking among vulnerable groups, including women in prostitution and illegal immigrants. During the reporting period, the government did not provide training to these officials on victim identification procedures. Without standardized procedures for identifying trafficking victims among vulnerable populations, some trafficking victims may have been penalized for unlawful acts committed as a direct result of being trafficked. During the reporting period, IOM partnered with the Ministry of the Interior to review manuals and standard operating procedures on victim identification, which were developed for the southern African region, to modify them for use in Angola. The government did not offer victims long-term assistance and did not provide foreign victims with temporary residency or other legal alternatives to their removal to countries where they may face retribution or hardship. The Ministry of Exterior Relations and MINFAM are responsible for coordinating the repatriation and providing assistance to Angolans victimized abroad; it was unclear whether the government provided such assistance during the reporting period.

Prevention

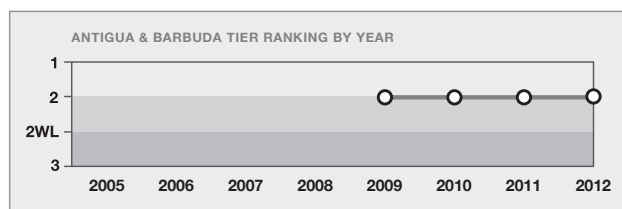
The government made limited efforts to prevent trafficking during the reporting period. The Cross-Sectoral Committee on Trafficking in Persons, comprised of representatives from

various ministries, exists to coordinate government efforts against trafficking, although, as in the previous reporting period, there was no evidence it did so in 2011. The government did not launch any new anti-trafficking awareness campaigns during the year. INAC and the Ministry of Social Communication continued to publish anti-trafficking advertisements in the press. Through INAC-sponsored seminars throughout 2011, teachers, students, and traditional community leaders were sensitized on indicators of child trafficking. The Ministry of Public Administration, Employment, and Social Security inspected work sites and fined companies for labor law violations, but did not identify victims of forced labor. The government did not make efforts to reduce the demand for commercial sex acts. Angola is not a party to the 2000 UN TIP Protocol.

ANTIGUA AND BARBUDA (Tier 2)

Antigua and Barbuda is a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. Legal and undocumented immigrants from the Caribbean region and Southeast Asia reportedly comprise the population most vulnerable to trafficking. According to some sources, forced prostitution occurs in bars and brothels. Incidences of forced labor have occurred in domestic service, on farm lands, and in the retail sector.

The Government of Antigua and Barbuda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite limited human and financial resources, the government made substantial progress during the reporting period in its efforts to proactively identify human trafficking, protect victims, and raise awareness about the issue. The government initiated new trafficking investigations and began two prosecutions, but it did not report any convictions or punishments of trafficking offenders over the past year.



Recommendations for Antigua and Barbuda: Vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in human trafficking; continue identifying and protecting trafficking victims by formalizing procedures to guide law enforcement and other officials in identifying victims and referring them to available services; consider creating a centralized database to track trafficking cases and enhance inter-ministerial cooperation; and continue efforts to raise awareness about child sex trafficking, underscoring that all prostituted children are considered trafficking victims by UN definitions.

Prosecution

The government made progress in the prosecution of trafficking offenders during the reporting period. Antigua and Barbuda's

Trafficking in Persons (Prevention) Act 2010 prohibits forced prostitution and forced labor, including bonded labor, and prescribes punishments of 20 to 30 years' imprisonment with fines. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The law is comprehensive, including extensive victim protection measures. During the reporting period, the government initiated three trafficking investigations; all involved suspected forced labor, and one also involved suspected forced prostitution. The investigations led to the rescue of trafficking victims. The government initiated two trafficking prosecutions, though it reported no convictions of trafficking offenders during the reporting period. The government did not report any investigations or prosecutions of officials allegedly complicit in human trafficking. The government pursued various training opportunities and provided in-kind support to three IOM-led capacity building and technical skills training workshops, which included personnel from the Directorate of Gender Affairs (DGA), law enforcement, the defense force, and other agencies. Some officials suggested that a centralized database to track human trafficking data would enhance interagency cooperation on trafficking cases.

Protection

The government made clear progress in the protection of trafficking victims during the reporting period. In a positive development reflecting the government's commitment to address human trafficking, the government identified and assisted 21 foreign victims of human trafficking, including one child. With assistance from IOM, the government referred trafficking victims to care providers after administering needs assessments. The DGA faced both human and financial resource challenges that were addressed through creative private-public partnerships, such as an Emergency Safe Havens network to provide shelter in confidential locations to victims through collaboration with local businesses, churches, clinics, and volunteers. Additionally, the DGA opened a center which provided services – including finding shelter and facilitating medical and mental health care services – to victims of general crimes, including trafficking. Trafficking victims were not detained in shelters. The Antiguan government ensured that identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked and offered foreign victims long-term residency as a legal alternative to their removal to countries where they may face retribution or hardship. During the year, one victim was granted permanent residence in the country. Authorities collaborated with IOM to repatriate other foreign victims safely and voluntarily.

Prevention

The government demonstrated significant trafficking prevention efforts during the reporting period. It continued to distribute and share with other officials in the region human trafficking public awareness materials and to air radio spots in English and Spanish that targeted victims as well as the general public. The DGA hosted community talks and distributed posters throughout Antigua and Barbuda to raise anti-trafficking awareness. The government continued to operate a hotline with operators trained to identify and assist human trafficking victims. The DGA led a national anti-trafficking coalition which met regularly and was comprised of representatives from the Ministries of Social Welfare, Social Transformation, Health, Labor, Immigration and Customs,

and Foreign Affairs, as well as officials from the Royal Antigua and Barbuda Police Force, members of various civil society groups, and community activists. The coalition has a national action plan that has not yet been formalized. Throughout the reporting period, the coalition held discussions on human trafficking with NGOs, faith-based organizations, members of the police force, and various interest groups within the Spanish-speaking community. The coalition also produced a public service announcement on trafficking that was specifically targeted to children. The minister of national security chaired a newly established committee of high-level officials to address trafficking prevention. The government did not report any initiatives aimed at reducing the demand for commercial sex. The government and local NGOs reported no evidence that child sex tourism occurs in Antigua and Barbuda.

ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Many sex trafficking victims from rural areas or northern provinces are forced into prostitution in urban centers or wealthier provinces in central and southern Argentina. A significant number of foreign women and children, primarily from Paraguay, Bolivia, and Peru, and, to a lesser extent, from the Dominican Republic, are subjected to sex trafficking in Argentina. A significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer northern provinces, are subjected to forced labor in sweatshops, in agriculture, and in domestic work. Officials report there could be some labor trafficking victims exploited as street vendors and in forced begging in the capital. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe, and some Argentine women and girls have been exploited in sex trafficking in other countries. Argentine officials reported that in 2011 the number of labor trafficking victims identified was over three times the number of sex trafficking victims identified during the same year.

The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the past year, the Government of Argentina reported identifying a record number of trafficking victims, the majority of whom were foreign labor trafficking victims. It increased prosecutions and convictions of trafficking offenders and issued numerous anti-trafficking protocols and guidelines for distinct government actors. Five shelters for trafficking victims received Argentine government support: one received funds from the federal government and others received resources from provincial or municipal authorities. Nevertheless, specialized services for trafficking victims remained uneven across the country, competing mandates and lack of coordination between federal and provincial authorities caused delays in some investigations, and significant allegations of trafficking-related complicity of government officials at the local and federal level prevented more comprehensive anti-trafficking efforts.



Recommendations for Argentina: Continue to implement vigorously the anti-trafficking law through increased efforts to investigate, prosecute, convict, and punish trafficking offenders, including public officials who may be complicit in trafficking crimes; increase funding for victim assistance, particularly through shelters and specialized services, at both the national and local level and in partnership with NGOs; continue anti-trafficking training for law enforcement and judicial personnel, and other public officials; develop and implement protocols for local-level officials to identify and assist trafficking victims; intensify law enforcement efforts to dismantle trafficking networks by investigating assets connected to trafficking crimes; continue to increase investigations of forced labor and domestic servitude crimes in both urban and rural areas, and hold responsible companies whose supply chains benefit from forced labor; continue to strengthen anti-trafficking coordination among the federal and provincial governments and between different actors on the federal level, possibly through development of a national anti-trafficking plan; and continue efforts to raise awareness about all forms of trafficking.

Prosecution

The Government of Argentina strengthened anti-trafficking law enforcement efforts last year, particularly through increased prosecutions and convictions, although NGOs, the media, and some officials continued to report significant and unaddressed levels of complicity in human trafficking by provincial and local officials. Argentina prohibits all forms of trafficking pursuant to Law 26,364, which prescribes penalties of three to 15 years' imprisonment. Such penalties are sufficiently stringent and are equal to or exceed those prescribed for other serious crimes, such as rape. The current anti-trafficking law does not expressly state that an adult victim's initial consent to engage in an activity is irrelevant once an element of force, fraud, or coercion has been established. The Senate approved an amendment to this law during the year, addressing, *inter alia*, the issue of a victim's initial consent. It awaited approval by the Chamber of Deputies at the end of the year. This proposed amendment also defined "human trafficking" as the initial component of a process that is distinct from the "exploitation" that is the end of that process. This language reflected a broader shift in Argentine officials' use of the term "human trafficking," which is narrower than the definition employed in the 2000 UN TIP Protocol. NGOs and officials noted that authorities often employed archaic statutes regarding condom use against individuals operating commercial sex sites when investigating and prosecuting sex trafficking cases; the NGOs and officials commented that these statutes prescribe inadequate criminal penalties and generally modest fines.

Authorities continued significant investigations of forced labor crimes during the reporting period. Law enforcement officials coordinated with the Office for Rescue and Caring of Victims during raids. In 2011, authorities carried out 196

preliminary investigations and, as of late 2011, there were 167 ongoing trafficking prosecutions nationwide. During the reporting period, the government obtained the convictions of 19 trafficking offenders, including three labor traffickers who exploited Bolivian victims in sweatshops, with sentences ranging from two to 17 years' imprisonment. In comparison, in 2010, authorities reported achieving 15 convictions of sex trafficking and no labor trafficking offenders.

NGOs and officials noted significant efforts by the new Ministry of Security, established in December 2010, to coordinate the efforts of different federal law enforcement entities, create a database system for human trafficking crimes, and establish protocols with other ministries to strengthen federal-level collaboration. The federal government maintained an anti-trafficking prosecutor's office (UFASE), which also assisted in prosecuting kidnapping cases. UFASE coordinated its work with the anti-trafficking units in the federal police, coast guard, and the gendarmerie. In addition, at least 10 provinces maintained their own specialized law enforcement units to investigate human trafficking offenses. Some NGOs reported that coordination between law enforcement officials and judicial officials was sometimes weak at the local level. Although trafficking remained a federal crime, some trafficking cases were investigated or prosecuted at the local level under other statutes – such as those penalizing servitude or the promotion of prostitution – due to lack of knowledge or to a desire to pursue cases at the local level, and were not immediately transferred to the appropriate federal authorities. Some officials and NGOs noted significant delays caused by confusion over which authorities had jurisdiction, and in some cases testimonies were discarded during this process. The government continued to provide anti-trafficking training to social workers and judicial and law enforcement officials, sometimes in partnership with international organizations. During the year, the federal prosecutor's office issued detailed guidelines on how to investigate labor trafficking cases, and the Ministry of Security issued written procedures for federal security forces on how to investigate trafficking cases.

According to NGOs and international organizations, some provincial, local, and, to a lesser extent, federal officials participated directly and indirectly in human trafficking crimes. Some police officers reportedly turned a blind eye to sex or labor trafficking activity or tipped off brothel owners about impending raids, and some judges reportedly did not adequately investigate signs of official complicity in trafficking cases. Authorities continued to investigate 75 federal police officers removed from their duties for trafficking-related complicity, and the former head of the anti-trafficking police unit remained under investigation for allegedly running brothels. The government, however, did not prosecute or convict any government officials involved in human trafficking in 2011.

Protection

The government reported identifying and assisting a record number of victims during the year, although services were uneven across the country. Several NGOs and some officials stated the resources the government devoted to the protection of trafficking victims seemed to be insufficient compared with the large number of victims identified. Some NGOs asserted that some officials errantly categorized cases of labor exploitation as human trafficking. The Ministry of Security reported identifying almost 1,000 victims; most of these

victims were Bolivian and Paraguayan adults exploited in forced labor. In contrast, in past years authorities identified more sex trafficking victims than forced labor victims. The government's Office for Rescue and Caring of Victims of Trafficking, with an interdisciplinary team located in Buenos Aires, took initial victim statements, generally within a week of identification, and reported providing emergency post-rescue care to some trafficking victims, including access to legal, medical, and psychological services. This office reported to the press that it assisted 1,597 trafficking victims in 2011. However, the Special Rapporteur and other officials noted this number represented the total number of individuals encountered in raids, not just victims, and NGOs gave mixed assessments of the office's effectiveness, with some asserting it used flawed procedures for victim interviews.

According to NGOs and some officials, the quality and level of victim care varied widely by province, and most provinces lacked dedicated resources to care for trafficking victims, particularly forced labor victims. After victims provided their initial testimony, the Secretariat for Childhood, Adolescence, and Family (SENAF) of the Ministry of Social Development was responsible for providing follow-up assistance to them, in coordination with provincial authorities. However, specialized services and reintegration efforts were limited. SENAF reported assisting 134 victims directly and over 500 additional victims in cooperation with other provincial agencies; 63 percent decided to return to their country of origin, while only three percent decided to stay and requested assistance from SENAF. Authorities did not report what specific services victims were offered or received from SENAF, and some officials and NGOs noted that victim assistance mechanisms were often unclear. It was also unclear to what extent foreign victims were fully informed of their options before their repatriation. Only five percent of the victims assisted were Argentine. NGOs stated that the federal government's *de facto* protocol of quickly returning victims to their country or province of origin was not always in the best interest of the victims, and asserted that federal entities do not consistently refer victims to specialized services in those victims' communities of origin.

The Office for Rescue and Caring of Victims of Trafficking maintained a shelter in the capital to care temporarily for trafficking victims before they give their initial statement, though it was unclear how many of the victims identified during the year stayed at this shelter, or where they were housed immediately following raids. Federal, provincial, and municipal authorities supported five shelters for women and child victims of sex trafficking across the country, some in partnership with a civil society organization. In areas without these dedicated shelters, trafficking victims could be referred to existing government-operated shelters for victims of domestic violence or for at-risk children, although it was unclear if any victims received services at these institutions during the reporting period.

Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers, and some victims did so during the year. There were no specific reports of identified victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Authorities reported providing temporary residency to some foreign victims during the reporting period. Long-term residency was available through Argentine immigration policy, though it was not trafficking-specific, and it was unclear how many foreign victims received this status during the year. The government

did not report identifying or assisting any repatriated Argentine victims of trafficking.

Prevention

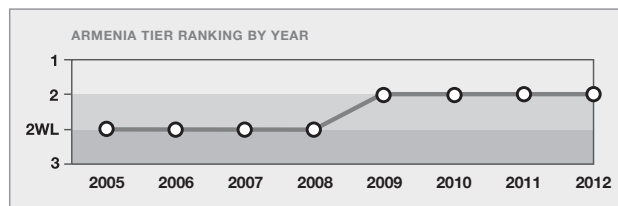
The Government of Argentina maintained prevention efforts during the year. The federal human rights secretariat chaired informal interagency meetings on a biweekly basis. However, NGOs and some officials asserted that poor coordination among the federal and provincial governments continued to hinder the effectiveness of anti-trafficking efforts, as did limited or nonexistent funding for provincial and local efforts to combat trafficking. Authorities reported funding public awareness-raising efforts, including public service announcements about trafficking shown on long distance buses and aired on television.

UFASE published a review of its anti-trafficking efforts in 2011. In July 2011, the president issued a decree to ban classified advertisements for sexual services in newspapers and magazines, and created a monitoring office to enforce this prohibition. Some NGOs and media outlets claimed this decree was unconstitutional, as prostitution remained legal in Argentina. In an effort to prevent the use of forced labor, the province of Mendoza passed a law barring any business found to employ child labor or slave labor from benefiting from provincial tax, economic, financial or any other benefits provided by the province for a period of two years. NGOs continued to report some isolated cases of child sex tourism, although there were no reported investigations or prosecutions for this crime. The government did not report providing anti-trafficking training to Argentine troops prior to their deployment abroad on international peacekeeping operations.

ARMENIA (Tier 2)

Armenia is a source country for women and girls subjected to sex trafficking, as well as a source country for women and men subjected to forced labor. To a lesser extent it has been a destination country for women subjected to forced labor. Women and girls from Armenia are subjected to sex trafficking in the United Arab Emirates and Turkey, and within the country. Armenian men and women are subjected to forced labor in Russia. Armenian boys have been subjected to forced labor within the country. An NGO reported a new trend of labor migrants withdrawing their children from school and taking them abroad as helpers; these children are vulnerable to conditions of forced labor.

The Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2011, the government convicted more trafficking offenders than during the previous year, continued to train hundreds of officials in partnership with NGOs and international organizations, and strengthened anti-trafficking public awareness campaigns. The number of victims identified by the government during the year continued to drop.



Recommendations for Armenia: Increase efforts to identify victims of forced labor and to investigate and prosecute labor trafficking offenses; further improve partnerships with NGOs, which would allow NGOs to regularly assist law enforcement with the victim identification process; further educate law enforcement and labor inspectors on distinguishing between labor trafficking and civil labor violations; continue to provide and expand funding for NGOs that provide victim assistance and ensure that all funding allocated for anti-trafficking programs and victim assistance is spent on designated programs; improve efforts to protect victims who consent to serve as witnesses in prosecutions, including by establishing a compensation mechanism for trafficking victims; regulate and educate local employment agencies so they can help prevent the forced labor of Armenians abroad; ensure that victims who are unable to assist in prosecutions have access to services and protection; continue to ensure that victims are provided with legally mandated assistance; improve efforts to identify child victims of forced labor among the population of working children; and expand awareness-raising campaigns to rural and border communities.

Prosecution

The Armenian government demonstrated progress in its law enforcement efforts against human trafficking during the reporting period. Armenia prohibits both sex trafficking and labor trafficking through articles 132 and 132-2 of its criminal code, which prescribe penalties of five to 15 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. The government investigated 16 sex trafficking cases and one labor trafficking case in 2011, compared with 15 sex trafficking and no labor trafficking cases in 2010. During 2011, the Armenian government prosecuted eight new cases against 15 individuals for sex trafficking offenses and no individuals for labor trafficking offenses, compared with prosecutions against six alleged sex traffickers and no alleged labor traffickers newly prosecuted in 2010. During the year, the government continued to prosecute an additional 11 defendants whose cases had begun in previous years; nine were charged with sex trafficking and two with labor trafficking. The government convicted 13 trafficking offenders in 2011 – including 11 individuals for sex trafficking and two for labor trafficking – up from a total of five convictions in 2010. All 13 convicted offenders in 2011 were given sentences ranging from four to nine years' imprisonment. Based on a request made by Armenian law enforcement agencies in 2010, in September 2011 Turkey extradited an alleged Armenian trafficker to Armenia; the alleged trafficker was escorted by Armenian law enforcement officers from Istanbul to Yerevan. The Armenian government sustained partnerships with anti-trafficking NGOs, international organizations, and foreign governments to provide anti-trafficking training to hundreds of government officials including prosecutors, police, border guards, members of the judicial system, and labor inspectors. Human trafficking

continued to be included in the curriculum of all education facilities of law enforcement bodies. There were no reports of government officials' complicity in trafficking during 2011.

Protection

The Government of Armenia demonstrated some progress in its efforts to identify and provide protection to victims of trafficking during the reporting period. The government officially identified 13 new trafficking victims in 2011 – two of whom were labor trafficking victims, and all of whom were female – and offered assistance, including referrals to NGO shelters, to all of them. This contrasts with 19 victims identified in 2010. The government continued to provide the equivalent of approximately \$17,000 to an NGO-run shelter, which assisted 31 female victims of trafficking in 2011. Victims were not detained at the shelter. Although extra employment assistance was made available to trafficking victims, no trafficking victims requested it during the reporting period. In practice, judges rejected sex trafficking victims' claims for civil damages, as the victims could not substantiate the financial damages they suffered. Law enforcement officials encouraged trafficking victims to cooperate in investigations and prosecutions. When requested to do so by victims' attorneys or NGOs, law enforcement officers provided security at court proceedings on an *ad hoc* basis. In 2011, all victims voluntarily assisted police with trafficking investigations. The absence of appropriate protections for victims who provide testimony continued to be of concern. The government did not penalize victims for unlawful acts committed as a direct result of their being trafficked. The government permitted foreign victims to stay in the country through temporary residency permits and to obtain temporary employment; however, no foreign victims were identified in the reporting period. The Ministry of Labor and Social Affairs created two new staff positions in the Family and Children Department dedicated to further improving assistance to trafficking victims.

Prevention

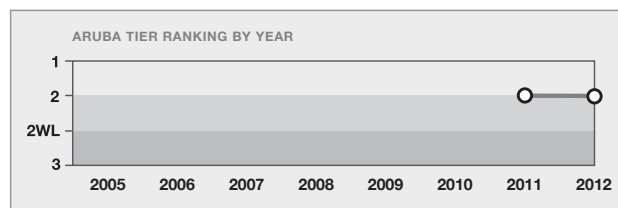
The Armenian government undertook strong trafficking prevention efforts during the reporting period. The government spent the equivalent of almost all of the \$23,000 devoted in the budgets of the Ministry of Labor and Social Affairs and Ministry of Youth and Sport Affairs to further increase public awareness of human trafficking. Many of these public awareness activities involved broadcasting anti-trafficking public service announcements and other programs on national and regional stations during peak viewing periods. Various government agencies undertook prevention activities. The Ministerial Council to Combat Trafficking in Persons and the Inter-Agency Working Group against Trafficking in Persons continued to meet regularly and coordinate the implementation of the 2010-2012 National Plan of Action addressing human trafficking, in collaboration with NGOs and international organizations, and began to work on the 2013-2015 National Plan of Action. The government regularly published reports on its anti-trafficking activities during the reporting period. During the year, the government took measures to identify and record the unregistered births of children. In an effort to reduce the demand for commercial sex,

the government publicized its efforts to combat prostitution. The government provided anti-trafficking training to Armenian troops before their deployment overseas on international peacekeeping missions.

ARUBA (Tier 2)*

Aruba is primarily a destination country for women and men subjected to sex trafficking and forced labor. Those at greatest risk of trafficking are foreign women in Aruba's commercial sex trade and foreign men and women in the service and construction industries. Also at risk are Chinese men and women working in supermarkets, Indian men in the jewelry sector, and Caribbean and South American women in domestic service. There are indications of Aruban children under 18 exploited in prostitution in Aruba.

The Government of Aruba does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government identified new labor trafficking victims, formalized a victim identification checklist for officials, and expanded extensive public awareness efforts during the reporting period. However, it has not yet successfully prosecuted a trafficking offender.



Recommendations for Aruba: Increase efforts to prosecute, convict, and punish perpetrators of forced labor and sex trafficking; boost efforts to identify victims of sex trafficking; consider providing the anti-trafficking committee with an independent budget as a means to ensure its effectiveness; continue multilingual public awareness efforts; and develop ways to educate clients of the sex trade about the causes and consequences of trafficking.

Prosecution

The Government of Aruba maintained its anti-trafficking law enforcement efforts during the reporting period. Aruba prohibits all forms of trafficking in persons through articles 203a and 286a of its criminal code, which prescribe penalties ranging from four to 15 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. The government initiated six new labor trafficking investigations during the reporting period, compared with seven investigations in the previous reporting period. There were no new prosecutions, and the three prosecutions from the previous reporting period remained ongoing. One defendant remained in detention in 2011. There were no investigations or prosecutions of officials complicit in human trafficking. The government reported that adequate funding and staffing for police remained a problem.

* Aruba is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the co-equal parts of the kingdom based on jurisdiction. For the purpose of this report, Aruba is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Aruba would be assessed if it were a separate, independent country.

The government provided a venue and staff time for a human trafficking seminar for police, justice, health, immigration, children's services, and victim assistance and women's affairs personnel. The seminar was funded by a foreign donor, as were most other anti-trafficking efforts. Aruba incorporated human trafficking awareness into the police academy curriculum during the reporting period.

Protection

The Government of Aruba continued to make progress in its victim protection efforts during the reporting period. The government identified three new adult victims of labor trafficking. Aruba's anti-trafficking task force provided law enforcement and social services officials with a checklist of the 10 most common signs of human trafficking and requested any possible cases to be reported to the national coordinator. During the reporting period, the government earmarked funds to assist trafficking victims and to fund projects of the interagency trafficking committee. The government had agreements with local NGOs or private sector accommodation for sheltering adult victims. The government provided legal assistance, medical assistance, and social and psychological assistance for identified trafficking victims during the reporting period, and arranged for one victim to move with her family to an undisclosed location due to possible threats from a suspected trafficker. The government encouraged trafficking victims to participate in investigations and prosecutions of trafficking offenders and did not charge victims for crimes committed as a direct result of being trafficked. According to Aruban officials, the government offered identified trafficking victims relief from immediate deportation and work permits for a maximum of six months; the three labor trafficking victims received immigration relief during the reporting period.

Prevention

The government made progress in its efforts to prevent human trafficking during the reporting period, particularly through awareness raising. It continued to promote its human trafficking awareness campaign in four languages targeted to both victims and the general public and linked to a hotline with operators trained to assist trafficking victims. The Minister of Justice spoke out publicly against trafficking several times during the reporting period, including at a press conference in October 2011 launching Aruba's first National Day Against Human Trafficking. The national coordinator gave several interviews on local radio and television to raise awareness about human trafficking and the hotline during the reporting period. Further demonstrating its commitment to address trafficking, the government forged a public-private partnership that resulted in a hotel chain training its employees in trafficking awareness. The government sustained the functions of its anti-trafficking committee and during the reporting period added a health ministry participant. Aruba's anti-trafficking coordinator and director of public prosecutions were required to provide written reports on anti-trafficking results every three months to Aruba's justice minister in preparation for kingdom justice meetings. The government did not have any awareness campaigns targeting potential clients of the sex trade in Aruba in an effort to reduce the demand for commercial sex acts. There were no known reports of child sex tourism occurring in Aruba, or of Arubans participating in international sex tourism.

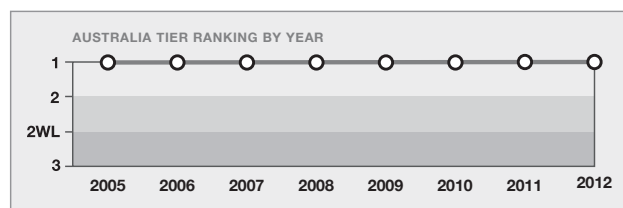
AUSTRALIA (Tier 1)

Australia is primarily a destination country for women subjected to forced prostitution and to a lesser extent, women and men subjected to forced labor. Child sex trafficking also occurs with a small number of Australian citizens, primarily teenage girls, exploited within the country, as well as some foreign victims. Some women from Thailand, Malaysia, South Korea, China, and, to a lesser extent, India, Vietnam, Eastern Europe, and Africa migrate to Australia voluntarily intending to work legally or illegally in a number of sectors, including the sex trade. Subsequent to their arrival, however, some of these women are coerced into prostitution in both legal and illegal brothels. There were news reports that some Asian organized crime groups recruit Asian women to migrate to Australia, sometimes on student visas, and then subsequently coerce them into the sex trade. The women and girls are sometimes held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers. Some victims of sex trafficking have also been exploited in domestic servitude.

Men and women from several Pacific Islands, India, China, South Korea, and the Philippines are recruited to work temporarily in Australia. After their arrival, some are subjected by unscrupulous employers and labor agencies to forced labor in agriculture, horticulture, construction, cleaning, hospitality, manufacturing, and other sectors, such as domestic service. They face confiscation of their travel documents, confinement on the employment site, threats of physical harm, and debt bondage through inflated debts imposed by employers or labor agencies. Most often, traffickers are part of small but highly sophisticated organized crime networks that frequently involve family and business connections between Australians and overseas contacts. During the year, one such syndicate relied on the established informal remittance system *hawala* as a means to launder its profits offshore. Some traffickers attempted to hide their foreign victims from official notice or prevented victims from receiving assistance by abusing the legal system in order to create difficulties for victims who contact authorities for help. Foreign workers in the nursing, meat processing, manufacturing, agricultural, domestic and seafaring industries, as well as international students, may be vulnerable to trafficking. During the year, NGOs and other informed observers reported that some individuals on student visas, typically from Asia, became victims of forced labor and forced prostitution in Australia. There are over 450,000 foreign students in Australia, many of whom spend up to the equivalent of tens of thousands of dollars in placement and academic fees, as completion of courses often leads to permanent residency in the country. Some of these foreign students work in the housekeeping and restaurant industries and are subject to a restriction of working a maximum of 20 hours per week under their visas. When some were pushed by employers to exceed the terms of their visas, they faced the risk of deportation, making them vulnerable to exploitation by unscrupulous employers; during the year there were reports of such exploitation in restaurants and grocery stores near Melbourne.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. During the year, the government continued to prosecute trafficking cases and obtained a conviction in one case of labor trafficking.

Australian Federal Police (AFP) investigators in Human Trafficking Teams (HTT) specialized in investigating trafficking offenses as well as the online sexual exploitation of children. The government increased funding for its victim support program, and continued to provide services to victims identified in previous years; however, it identified 11 victims – six of whom had been subjected to forced labor – during the year, a decrease from 31 victims identified in the previous reporting period. The government granted 48 Permanent Witness Protection Visas to victims and their family members, which allowed them to remain in Australia permanently, and it continued to undertake robust efforts to prevent trafficking in Australia and throughout the region.



Recommendations for Australia: Finalize draft amendments to Australia's criminal code to ensure that trafficking crimes are defined so as to effectively prohibit and punish all forms of trafficking as per the 2000 UN TIP Protocol; continue to expand efforts to proactively identify, criminally prosecute, convict, and stringently sentence offenders of labor trafficking; improve efforts to coordinate and refer trafficking case information between government agencies; continue efforts to train police, local councils, health inspectors, and other front-line officers to recognize indicators of trafficking and respond to suspected cases of both sex and labor trafficking; develop and implement a formal mechanism for government agencies to refer identified cases to law enforcement officials to pursue criminal prosecutions; further strengthen efforts to identify trafficking victims among vulnerable groups proactively, including foreign workers, foreign students in the country, and foreign and Australian women and children in prostitution; make efforts to further improve the access of trafficking victims to opportunities to seek financial compensation and civil remedies; consider additional ways to streamline and expedite visa processes for trafficking victims; ensure that victims of trafficking and vulnerable populations are informed about their legal rights under Australian immigration and labor law; continue campaigns to raise public awareness of all forms of trafficking, including labor trafficking and internal trafficking; develop a national plan of action for combating trafficking and include indicators for measuring progress; increase efforts to reduce the demand for forced prostitution through campaigns directed at clients of the sex trade; and continue to play an active role in educating countries in the Asia-Pacific region on the important distinction between trafficking and smuggling.

Prosecution

The Government of Australia continued anti-trafficking law enforcement efforts during the last year. Australia prohibits sex and labor trafficking and trafficking-related offenses through Divisions 270 and 271 of the Commonwealth criminal code, which prescribe maximum penalties of 12 to 25 years' imprisonment and fines of up to the equivalent of \$152,000. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape.

The Migration (Employer Sanctions Amendment) Act of 2007 prohibits exploiting migrant employees through forced labor, sexual servitude, or slavery, and prescribes penalties of up to five years' imprisonment and various fines; these also are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Existing criminal laws do not adequately prohibit deceptive recruitment for labor services and offenses related to receiving and harboring trafficking victims. Current law focuses on the movement of individuals with the use of physical force or threats of physical force, and does not cover non-physical forms of coercion or the use of fraud or deceit to exploit others. In some cases, it was difficult for prosecutors to prove that the defendant who allegedly engaged in exploitation had the necessary intent to exploit the victims during their movement. In 2011, the government drafted an amendment to its criminal code to address this deficiency. This draft amendment is available for public comment and the Australian government is currently reviewing stakeholder submissions.

The AFP initiated 45 investigations during the year. As in past years, the majority of police investigations, 69 percent, were for suspected transnational sex trafficking. Labor trafficking cases were usually addressed through civil mechanisms. During the year, however, the government criminally prosecuted one case and obtained its first conviction under Division 271 of the criminal code for a forced labor offense. The convicted offender received a minimal sentence of community service and a fine. The government did not initiate any additional prosecutions during the year, a notable decrease from 13 prosecutions and five convictions during the previous year. Six cases initiated in a previous year remained pending at the close of the reporting period. The government's anti-trafficking efforts remained primarily focused on transnational sex trafficking; it has never identified or prosecuted a domestic sex trafficking offense committed against an Australian citizen or resident. AFP investigators in the HTTs specialized in investigating trafficking offenses and the online sexual exploitation of children. The government provided two weeks of human trafficking investigations training to 20 police officers from across the country in May and June 2011. No government officials were investigated, prosecuted, or convicted for trafficking or trafficking-related criminal activities during the reporting period.

Protection

The Government of Australia sustained efforts to provide protection and care to victims of trafficking over the last year, though the number of victims identified decreased from the previous reporting period. Most of the 77 victims in government care during the year were identified in a previous year. The government and NGOs identified 11 trafficking victims in 2011: five victims of sex trafficking and six victims of forced labor. In 2011, the government increased funding for its victim support program by 26 percent – to the equivalent of approximately \$1.1 million – to meet increased needs among identified trafficking victims. All victims who received services during the year were foreigners; most were from Thailand, Malaysia, the Philippines, and Indonesia. The government's victim support program provided eligible victims of trafficking with access to accommodation, living expenses, legal advice, health services, and counseling. For the first time, more victims of labor trafficking were identified than victims of sex trafficking. The government encouraged victims to participate in trafficking investigations; 89 percent of identified

victims participated in an investigation or prosecution during the reporting period. In 2011, the government granted 48 Permanent Witness Protection (Trafficking) visas to victims and their immediate family members; permanent visas required the victims' contribution to an investigation or prosecution of an alleged trafficking offense. Victims identified by authorities were not incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. Officials followed formal procedures for proactively identifying victims involved in the legal sex trade, and referred them for services, though efforts to identify and assist victims of forced labor could be improved. To date, there have been few claims for compensation made on behalf of trafficking victims, and there are reports that victims are not always informed about visa options available to individuals who wish to remain in Australia to pursue compensation or civil remedies.

Prevention

The Government of Australia continued to demonstrate notable efforts to prevent trafficking in persons during the year. Government anti-trafficking efforts were coordinated by the Interdepartmental Committee, chaired by the Attorney General's Department, which produced an annual report on its efforts for Parliament. In May 2011, police endorsed the Australian Policing Strategy to Combat Trafficking in Persons 2011-2013. In September 2011, the government appointed a Global Ambassador for Women and Girls, whose formal duties include efforts to end the trafficking of women and girls. The government hosted a visit by the UN Special Rapporteur on trafficking in persons in November 2011; the Special Rapporteur stated that Australia has demonstrated strong leadership in combating trafficking in persons, but needs to increase victim support as well as efforts to combat labor trafficking. In May 2011, the government convened the first Senior Officials' Meeting, to supplement the National Roundtable on People Trafficking, a mechanism for coordinating among its agencies, NGOs, unions, and industry bodies. Human trafficking units within the Australian Federal Police hosted a training seminar in April 2011 for 50 governmental and non-governmental stakeholders, which resulted in the formation of local human trafficking community groups that held stakeholder meetings in Brisbane, Sydney, and Melbourne. The government continued to provide the equivalent of \$600,000 a year to fund the Australian Institute of Criminology to analyze human trafficking trends in Australia and the region, as well as four NGOs to provide *pro bono* legal services to trafficking victims, direct support for victims, and raise community awareness of trafficking. The Ministry for Home Affairs and Justice awarded the equivalent of more than \$500,000 from confiscated criminal assets to fund five NGOs to implement projects to raise awareness of labor trafficking among vulnerable groups; these programs are scheduled to be implemented in future years. The Fair Work Ombudsman continued to conduct awareness campaigns and pursue efforts through the courts for workplace violations such as underpayment of wages; however, none of the cases it investigated were referred to the AFP or the Department of Immigration and Citizenship for criminal investigation of potential forced labor. Officials continued to include the "Travel Smart: Hints for Australian Travelers," brochure with all passport issuances, which highlights Australian trafficking and child sex crime laws and details for reporting a possible violation of the child sex laws to the AFP. The Australian Institute of Criminology released several reports throughout the year on trafficking in persons, including reports focused on

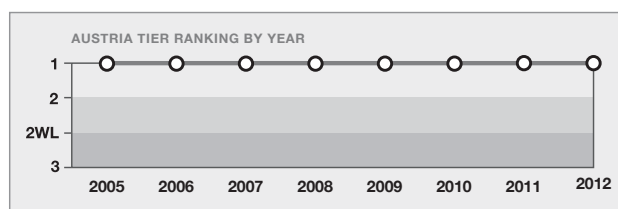
the trafficking of children in the Asia-Pacific region, Australia's Pacific Seasonal Worker Pilot Scheme, and vulnerabilities to trafficking in persons in the Pacific islands.

Australia is a regional leader in combating trafficking in persons. Australian diplomats and consular personnel received training on their obligations to report extraterritorial offenses of serious crimes, including child sex crimes and trafficking in persons. The government provided substantial funding for law enforcement training, victim assistance programs, and prevention activities throughout Southeast Asia. The Australian Agency for International Development continued to fund anti-trafficking activities in the Asia-Pacific region, including efforts to improve criminal justice systems to address trafficking, enhance efforts to identify and protect child soldiers, and implement anti-trafficking public awareness programs. In 2011, the government provided assistance to Cambodian authorities to prosecute and convict an Australian child sex offender; officials in Australia prosecuted two cases of alleged child sex tourism offenses, but did not obtain any convictions of such cases during the year. The government did not take significant steps to reduce the demand for commercial sex acts or forced labor during the reporting period. The Australian government educated troops and police officers on human trafficking prior to their deployments on international peacekeeping missions.

AUSTRIA (Tier 1)

Austria is a destination and transit country for women, men, and children subjected to forced labor and sex trafficking. Victims originate from Eastern Europe, Africa, and Asia. Some domestic servitude occurs at the hands of foreign diplomats from Asia, the Middle East, and Africa working in Austria. According to a March 2011 study funded by the European Commission, forced labor also occurs in the agricultural, construction, and catering sectors. The forced begging of Roma children and other children from Eastern Europe continues to be a problem. An NGO that works with Nigerian trafficking victims in Austria reports traffickers abuse the legal prostitution and asylum processes to control their victims.

The Government of Austria fully complies with the minimum standards for the elimination of trafficking. During the reporting period the government prosecuted its first forced labor case and significantly increased the number of trafficking victims it identified and referred for care. The government continued its proactive efforts to prevent domestic servitude in diplomatic households, and it identified victims subjected to domestic servitude by diplomats during the year. However, many convicted trafficking offenders continued to receive inadequate sentences of one year or less in prison. There were also reports that the government treated some trafficked children as offenders, particularly in areas outside of Vienna.



Recommendations for Austria: Aggressively prosecute and convict trafficking offenders to ensure that more of them receive sentences that are proportionate to the gravity of the crime; establish a case-based analysis of trafficking cases to help demonstrate vigorous prosecution of trafficking offenders; step up training and outreach efforts to proactively identify trafficking victims among children in prostitution and men working in agriculture, construction, and other sectors where foreign migrants are vulnerable to exploitation; expand the use of systematic procedures to identify indications of trafficking among women in the legalized prostitution sector; establish and formalize a nationwide trafficking identification and referral system, including in reception centers for asylum seekers; and continue to explore ways to increase victims' incentives to cooperate with law enforcement.

Prosecution

In 2011, the Austrian government demonstrated important progress in its anti-trafficking law enforcement efforts, including the first conviction for forced labor. However, courts continued to hand down suspended sentences and penalties of less than one year's imprisonment to trafficking offenders. The government prohibits both sex trafficking and labor trafficking under article 104(a) of the Austrian criminal code, but continued to use primarily article 217, which prohibits the transnational movement of persons for prostitution, to prosecute suspected traffickers. Paragraph 2 of article 217 prohibits the movement of people into Austria for prostitution. Article 104 criminalizes "trafficking for the purpose of slavery" and prescribes penalties ranging from 10 to 20 years in prison. Penalties prescribed in article 104(a) range up to 10 years' imprisonment, while penalties prescribed in article 217 range from six months' to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

In March 2011, the government successfully prosecuted its first labor trafficking case when a Serbian woman was sentenced to 10 months' imprisonment for subjecting Romanian women to forced labor in the cleaning sector. In September 2011, the government took an important step towards improving the handling of trafficking cases and increasing the penalties for traffickers when it established a human trafficking division within the Vienna criminal court staffed by a judge dedicated to trafficking cases. The government reportedly prosecuted 65 offenders using articles 217 and 104(a) in 2010 – the most recent year for which comprehensive data were available – which is the same number of offenders prosecuted under these statutes in 2009. Austrian courts convicted 14 offenders in 2010, the majority under article 217, a decrease from the 32 convicted trafficking offenders reported in 2009. Five offenders convicted under article 217 were sentenced to one to five years' imprisonment; one received a suspended sentence and no jail time, and six received partially suspended sentences resulting in jail time of one month to one year. Two offenders convicted under Article 104(a) received suspended sentences and no jail time.

The Council of Europe's Group of Experts on Trafficking (GRETA) September 2011 report on Austria noted the "dissuasiveness of penalties provided in article 104(a)" and urged the government to increase maximum penalties to reflect that trafficking is a serious human rights abuse. According to a media report, a trafficker received a 27-month sentence for the commercial sexual exploitation of a child. A case-based

analysis of trafficking cases prosecuted under 217 in 2011 and early 2012 demonstrates that the government used article 217 to convict at least nine human trafficking offenders. In March 2012, a court convicted six Bulgarian nationals under article 217 for subjecting 31 Bulgarian women to forced prostitution or forced begging. The ringleader received a full four-year prison sentence, the others five offenders received sentences of between 12 months' and four years' imprisonment. On April 3, 2012, a court convicted three Serbian nationals under article 217 for subjecting a Serbian woman to forced prostitution in the escort sector. Sentences for these three offenders ranged from 12 months' to two years' imprisonment. In 2011, the government reported it secured one conviction under its slavery law, article 104, which prescribes a minimum ten-year sentence; however, sentencing data was not available for this case. In October 2011, the government, in partnership with NGOs, conducted an anti-trafficking seminar for judges, prosecutors, and other officials. The government also addressed trafficking perpetrated by diplomats posted in Austria, despite challenges that diplomatic immunity posed to the prosecution of these offenders. The government reported that several diplomats left the country in 2011 due to pressure from the Austrian government, which included requiring diplomats suspected of trafficking to renew their diplomatic identification cards every three months. The government did not prosecute any acts of trafficking-related complicity.

Protection

The Government of Austria sustained effective partnerships with civil society to assist female victims of trafficking; these partnerships resulted in the identification of a significant number of trafficking victims in 2011. NGOs reported the police improved cooperation, particularly in referring victims to NGOs for the victims' recovery and reflection period. The government, in coordination with NGOs, identified 251 trafficking victims in 2011, compared to 63 identified in 2010. The GRETA report for Austria, however, noted shortcomings in the government's identification of child victims of trafficking. The report noted potential victims of child trafficking are sometimes treated as offenders and arrested for theft, drug trafficking, or prostitution-related offenses. The government's anti-trafficking police unit used a database to track when local law enforcement arrested a child for prostitution in order to check for indications of trafficking. The government's regulation of Austria's sizable, legal, commercial sex sector continued to include weekly health checks for sexually transmitted infections and periodic police checks of registration cards. In 2011, the police began screening women in prostitution for trafficking indicators. Police had at their disposal various manuals on trafficking and victim identification – including a pocket card developed in coordination with NGOs – that listed the main indicators for identifying victims of trafficking. In 2011, the government, in cooperation with an NGO, launched a pilot project in a reception center for asylum seekers to facilitate the identification of trafficking victims. During the reporting period, the government identified 12 victims of domestic servitude in the residences of Asian, Middle Eastern, and African diplomats working in Austria.

The Austrian government continued to fund a specialized anti-trafficking NGO that provided shelter, housing, and services in Vienna to female trafficking victims; victims provided such shelter were not detained involuntarily. The government provided the equivalent of \$744,000 to this NGO in 2011, compared with the equivalent of \$840,000

in 2010. During the year, the NGO provided counseling, outreach, and other assistance services, including responsible repatriation, to the 251 trafficking victims it identified in cooperation with the police. The government reported it provided foreign victims of trafficking with legal alternatives to their removal through its 2009 Residence and Settlement Act, which listed victims of trafficking as a special category with a right for temporary resident status of at least six months. The government reported that between April and December 2011, it issued 24 temporary residence permits or renewals to trafficking victims. Residence permits are generally granted for a period of one year. In July 2011, via an amendment to the Law on Foreigners, the government granted trafficking victims who hold residence permits access to the Austrian labor market. The government encouraged victims to assist with investigations and prosecutions, though NGOs reported that few victims assisted in prosecution of their traffickers due to fear of retaliation. The government continued to fund the city of Vienna's specialist center for unaccompanied minors, which accommodated approximately 17 child victims of trafficking in 2011, a decrease from the 40 it assisted in 2010. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked.

Prevention

Austria sustained strong efforts to prevent domestic servitude within diplomatic households, requiring all foreign domestic workers to appear in person at the Ministry of Foreign Affairs to receive information on how to get help if they become victims of forced labor. In addition, the government required diplomatic employers of domestic servants to provide evidence of direct salary transfers to accounts held in the domestic servant's name. In July 2011, it enhanced this oversight by requiring domestic workers to obtain their own ATM cards. The government continued its series of school exhibitions to sensitize Austrian youth to sex trafficking and continued to run an anti-trafficking hotline. Austria continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism; it reported it prosecuted three child sex tourists in 2011. The government demonstrated transparency in its anti-trafficking efforts in 2011 by drafting a report on the implementation of its 2009-2011 national action plan, released in March 2012. The government continued to fund courses conducted by an anti-trafficking NGO to sensitize troops prior to their deployment on peacekeeping missions.

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Men and boys from Azerbaijan are subjected to conditions of forced labor in Russia. Women and children from Azerbaijan are subjected to sex trafficking in the United Arab Emirates, Turkey, Russia, and Iran. Women and children from Azerbaijan are subjected to sex trafficking and children are subjected to forced labor, including forced begging, within the country. Azerbaijan is also a destination country for men from Turkey, Afghanistan, and China subjected to conditions of forced labor, primarily in the construction industry. Chinese women are subjected to forced labor as street vendors and in agriculture within Azerbaijan. In 2011, Azerbaijani victims were identified in Afghanistan

and Turkmenistan, and victims from Turkmenistan, Pakistan, Ukraine, and the Philippines were identified in Azerbaijan by civil society groups.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking. During the year, the government prosecuted fewer alleged trafficking cases and convicted fewer trafficking offenders than in the previous year, and it did not identify any labor trafficking victims; therefore, Azerbaijan is placed on Tier 2 Watch List for a fifth consecutive year. Azerbaijan was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the reporting period, the government did increase funding for protection services, implemented measures to protect at-risk children, made new efforts to inspect work places, and passed legislative amendments which, if implemented, could contribute to an increase in prosecutions and victim protection.



Recommendations for Azerbaijan: Strengthen efforts to identify victims of forced labor by improving implementation of the national victim referral mechanism and by training labor inspectors on proactive victim identification techniques; demonstrate and report on efforts to vigorously investigate, prosecute, convict, and criminally punish government officials complicit in both sex and labor trafficking; improve quality of labor inspections at construction sites in order to identify victims of forced labor; consider amending legislation governing labor migration to require work permits for migrant construction workers from all countries; enhance victim protection during court proceedings; send court verdicts to addresses chosen by the victims; enforce the law against passport withholding; increase provision of victim identification and victim sensitivity training to working-level law enforcement officials; and continue efforts to raise public awareness about both sex and labor trafficking.

Prosecution

The Government of Azerbaijan demonstrated some anti-trafficking law enforcement efforts during the reporting period. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits both forced prostitution and forced labor and prescribes penalties of five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported two new labor trafficking investigations and 17 new sex trafficking investigations in 2011, compared with three labor trafficking investigations and an unknown number of sex trafficking investigations in 2010. The government reported prosecuting 20 individuals – nine of which were new prosecutions – for sex trafficking crimes in 2011, compared with 38 individuals prosecuted for such crimes in 2010. The government convicted

10 sex trafficking offenders in 2011, a decrease from the 28 and 58 trafficking offenders convicted in 2010 and 2009, respectively.

Nine convicted offenders received sentences ranging from seven to eight years' imprisonment, and one offender received a two-year prison sentence. The government did not prosecute or convict any individuals for forced labor in 2011. The Ministry of Internal Affairs' Anti-Trafficking Department (MIA ATD) reported that it extradited three Azerbaijani citizens from the UAE to face sex trafficking charges in Azerbaijan. In March 2012, the government passed amendments to the criminal code to allow punitive measures – including criminal prosecution, imposition of fines, asset confiscation, and liquidation – to be taken against legal entities such as construction companies, which commit certain crimes, including using compulsory labor. Two NGOs alleged that police officers controlled or influenced the activities of certain saunas, motels, and massage parlors where forced prostitution likely occurred. They further stated that construction companies, including those that used forced labor, were protected by government officials. The government did not investigate allegations of government officials' involvement in sex or labor trafficking. Some civil society groups criticized the MIA ATD for being corrupt and ineffectual.

In 2011, the MIA ATD, in cooperation with NGOs, provided law enforcement authorities with anti-trafficking training on investigative techniques, public awareness raising, and sensitivity. The government provided in-kind assistance for a three-day conference, led and financed by international partners, in Baku; prosecutors, judges, and police investigators responsible for trafficking crimes participated in the event which focused on implementing the country's labor trafficking law, including through building cases.

Protection

The Government of Azerbaijan made progress during the reporting period to protect and assist victims of trafficking, although victim identification remained a concern. In 2011, the government identified 29 female victims of sex trafficking, including one child, and no male victims or victims of forced labor, while in 2010 the government identified 31 trafficking victims, including three male victims of forced labor. Labor inspectors and police officers inspected construction sites, rock quarries, cotton fields, and tobacco farms; these inspections included efforts to detect forced labor indicators, but did not result in the identification of trafficking victims.

During the year, the government continued to fund one trafficking shelter, which assisted 38 victims of trafficking, including one labor trafficking victim; 27 victims were assisted by the shelter in 2010. All government-identified victims were assisted in this shelter and were provided with medical and psychological assistance. Each of the 28 identified adult victims was provided with a one-time subsidy payment in the equivalent of \$243, an increase from the equivalent of approximately \$40 in 2010. Victims were not detained at the government-funded shelter and could enter and leave the premises freely. The government continued to provide initial assistance to domestic trafficking victims without requiring them to file a formal complaint with the police. In March 2012, the government amended the Law on Social Services to permit trafficking victims to receive social services from local governments.

In practice, most aid to victims was contingent upon their cooperation with law enforcement authorities, though this was not a legal requirement. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, there were allegations that sex and labor trafficking victims, who were not identified by the government, were deported. While the anti-trafficking law allowed victims to receive temporary relief from deportation, this was not applied in practice as no foreign victims were identified by the government.

Prevention

The Government of Azerbaijan sustained its trafficking prevention efforts during the reporting period. The National Referral Mechanism (NRM), which serves as the national coordinating body of relevant ministries responsible for fighting trafficking, met twice during the reporting period. Many working-level officials in the NRM appeared to be focused mainly on sex trafficking and to have a limited understanding of labor trafficking indicators.

The government provided the equivalent of \$62,000 in assistance to NGOs working on trafficking issues in 2011, compared with the equivalent of approximately \$56,700 provided in 2010. Additionally, the MIA recognized the work of 10 NGOs involved in anti-trafficking issues, awarding each organization the equivalent \$1,200. The government disseminated tens of thousands of anti-trafficking booklets, pocket cards, posters, and DVDs to teachers and students, as well as methodological guides to government and shelter officials; these materials were developed by international organizations. The government continued to run trafficking awareness public service announcements, developed by NGOs, on major TV networks, and the MIA ATD placed anti-trafficking messages in more than 50 newspapers. The government continued to fund an NGO-operated trafficking hotline that served to provide information to the public and assist potential victims of trafficking; seven of the 15,768 phone calls came from possible sex trafficking victims and all seven cases were investigated.

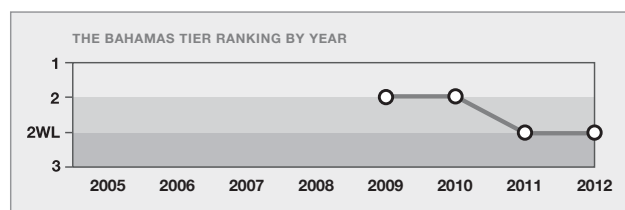
The government does not have an effective birth registration process for home births, leaving some Azerbaijani citizens without legitimate identification documents, thus vulnerable to trafficking. During the year, the government reported that it provided 16 undocumented children and 46 undocumented adults with identification documents. The government did not take actions to reduce the demand for commercial sex acts. The Government of Azerbaijan has a 2009-2013 action plan to combat trafficking.

THE BAHAMAS (Tier 2 Watch List)

The Bahamas is a destination, source, and transit country for men, women, and children subjected to forced labor and sex trafficking. Undocumented migrants, particularly the estimated 30,000 Haitians who largely arrive in The Bahamas voluntarily, are vulnerable to forced labor, especially in domestic servitude and in the agriculture sector. Experts also have raised concerns that some workers from Jamaica could be vulnerable to involuntary servitude. Media outlets have reported that Chinese workers in a large-scale Chinese

construction project in The Bahamas do not have freedom of movement – a human trafficking indicator. Groups especially vulnerable to sex trafficking in The Bahamas include foreign citizens in prostitution and local children engaging in sex with men for basics such as food, transportation, or material goods.

The Government of The Bahamas does not comply fully with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts – most notably the establishment of a high-level interagency committee and continued statements of commitment to address human trafficking – the government has not identified or assisted any victims of trafficking or initiated any forced labor or sex trafficking prosecutions; therefore, The Bahamas is placed on Tier 2 Watch List for a second consecutive year. In a positive development, in March 2012 the government announced the establishment of a working level interagency task force to handle specific allegations of human trafficking and a protocol to guide officials in handling trafficking cases. In addition, the government held a trafficking awareness event in March 2012 to express its commitment to addressing human trafficking.



Recommendations for The Bahamas: Implement formal procedures to guide police, immigration officials, child welfare officers, health officials and labor inspectors on how to identify victims of forced labor and forced prostitution among vulnerable groups, including migrant workers and people in prostitution, and refer them to available services; greatly improve efforts to investigate, prosecute, convict, and punish trafficking offenders, including any government employees complicit in human trafficking; when conducting trafficking investigations, ensure suspected victims are taken to a safe location, as victims of human trafficking often feel threatened and are reluctant to identify themselves as victims during a raid but are likely to reveal at least a portion of their true situations when they are interviewed in a non-confrontational, supportive setting; identify potential victims of forced labor and forced prostitution; and fund NGOs designated to assist victims.

Prosecution

The Government of The Bahamas demonstrated minimal anti-trafficking law enforcement efforts during the reporting period. All forms of human trafficking are prohibited through the country's Trafficking in Persons Prevention and Suppression Act of 2008, which prescribes penalties ranging from three years' to life imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government reported one new human trafficking investigation during the reporting period, compared with three investigations in the previous reporting period. There were no prosecutions or convictions of trafficking offenders during the reporting period. The government did not report any investigations or prosecutions of government officials for human trafficking complicity. The

government provided venues and required representatives from multiple agencies to attend training provided by foreign donors.

Protection

During the year, the Bahamian authorities identified no trafficking victims. Greatly hindering its ability to rescue victims, the government did not employ systematic procedures to assist law enforcement personnel, labor inspectors, child welfare officers, and health workers to proactively identify victims of forced prostitution and forced labor. The government launched an official witness care program that provides support programs and information to victims of crime in 2011, but the program reportedly has not yet assisted any trafficking victims. The government designated a domestic violence NGO as a "focal point" for female human trafficking victims and provided the NGO with the equivalent of \$25,000 to cover its primary mission as well as human trafficking services. Reportedly, the government made available facilities to assist child victims. There were no services, however, for adult male trafficking victims. The Bahamian trafficking law allows for temporary relief from deportation for foreign trafficking victims, although the government did not report any victims given such immigration relief. The Bahamian law also specifies that trafficking victims should not be penalized for immigration or prostitution violations committed as a result of being in a human trafficking situation.

Prevention

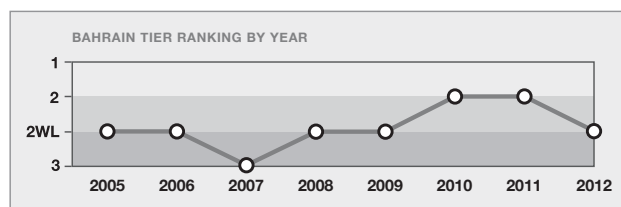
The government demonstrated some trafficking prevention efforts during the reporting period. Bahamian authorities conducted a large trafficking awareness forum in March 2012 that included government and non-government stakeholders in which officials expressed public commitment to address trafficking. Also in March 2012, the government spoke out on the radio to raise awareness of human trafficking. The government provided funding for an NGO that operated a hotline for domestic violence with operators trained to assist victims of trafficking. The government established a national committee chaired by a senior official to review the government's anti-trafficking efforts to date and make recommendations to the cabinet. This committee worked on a national action plan, the establishment of a task force – including law enforcement, social service, medical professionals, NGOs and religious leaders – to handle trafficking allegations, and a protocol to guide officials in the identification and appropriate handling of trafficking cases. The government did not undertake measures to reduce the demand for commercial sex acts. Authorities did not consider child sex tourism to be a problem in The Bahamas during the reporting period and reported no cases of it identified, investigated, or prosecuted.

BAHRAIN (Tier 2 Watch List)

Bahrain is a destination country for men and women subjected to forced labor and sex trafficking. Men and women from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, the Philippines, Ethiopia, and Eritrea migrate voluntarily to Bahrain to work as domestic workers or as unskilled laborers in the construction and service industries. Some, however, face conditions of forced labor after arriving in Bahrain, through the use of such practices as unlawful withholding of passports,

restrictions on movement, contract substitution, nonpayment of wages, threats, and physical or sexual abuse. NGOs report that Bangladeshi unskilled workers are in particularly high demand in Bahrain and are considered exploitable since they do not typically protest difficult work conditions or low pay. Domestic workers are also considered to be highly vulnerable to forced labor and sexual exploitation because they are not protected under the labor law. Government and NGO officials report that abuse and sexual assault of domestic workers are significant problems in Bahrain; however, strict confinement to the household and intimidation by employers prevent these workers from reporting abuse. A study by the Bahrain government's Labor Market Regulatory Authority (LMRA) found that 65 percent of migrant workers had not seen their employment contract and that 89 percent were unaware of their terms of employment upon arrival in Bahrain. Many labor recruitment agencies in Bahrain and source countries require workers to pay high recruitment fees – a practice that makes workers highly vulnerable to forced labor once in Bahrain. The LMRA study found that 70 percent of foreign workers borrowed money or sold property in their home countries in order to secure a job in Bahrain. Some Bahraini employers illegally charge workers exorbitant fees to remain in Bahrain working for third-party employers (under the “free visa” arrangement). In previous years, the LMRA has estimated that approximately 10 percent of migrant workers were in Bahrain under illegal “free visa” arrangements – a practice that can contribute to debt bondage – while the Bahrain Chamber of Commerce and Industry puts the figure at 25 percent. Women from Thailand, the Philippines, Morocco, Jordan, Syria, Lebanon, Russia, Ukraine, China, Vietnam, and Eastern European states are subjected to forced prostitution in Bahrain.

The Government of Bahrain does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of an overall increase in efforts to address human trafficking over the previous year, despite past commitments and pledges to proactively address and respond to human trafficking in Bahrain. The government did not reform the migrant worker sponsorship system, which continues to give employers inordinate power over foreign workers and contributes to forced labor and debt bondage. Indeed, rather than reforming this system, the government adopted a law that increases the minimum amount of time a worker must remain with an employer, thus expanding the length of time a worker could be held under conditions of forced labor. There was no indication that the Government of Bahrain took steps to institute a formal victim identification procedure, so few victims were assisted by the government. Nevertheless, the government continued to investigate and prosecute a few trafficking offenses during the reporting period. In addition, the government offered two amnesties for out-of-status foreign workers to return to their home countries with no fines or penalties against them.



Recommendations for Bahrain: Continue to enforce the 2008 anti-trafficking law, and significantly increase the investigation and prosecution of trafficking offenses – particularly those involving forced labor – and convictions and punishment of trafficking offenders; reform the sponsorship system to eliminate obstacles to migrant workers’ access to legal recourse for complaints of forced labor; vigorously investigate all credible trafficking tips secured through the anti-trafficking hotline; institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic workers who have fled from abusive employers and women in prostitution; refer identified victims to protection services; expand the government-run shelter to protect all victims of trafficking, including victims of forced labor and male victims of trafficking; ensure that the shelter does not inappropriately restrict victims’ movement and that shelter staff are qualified and speak the languages of expatriate workers; ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked, such as illegal migration or prostitution; continue to publicly raise awareness of trafficking issues and the anti-trafficking hotline number in the media and other outlets for foreign migrants, and specifically, domestic workers, and extend labor law protections to domestic workers to ensure that they have the same protections under the law as other expatriate workers.

Prosecution

The Government of Bahrain made limited efforts to investigate, prosecute, and convict trafficking offenses during the reporting period, but made no efforts to conduct and fund anti-trafficking training for government and police officials. The 2008 Law to Combat Trafficking in Persons prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 15 years’ imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Government of Bahrain investigated 18 trafficking cases, five of which resulted in convictions during the reporting period; however, given the government’s conflation of people smuggling and human trafficking, it is not known how many of these convictions, if any, involved human trafficking offenses. The media reported possibly negligent deaths of foreign workers in labor camps due to carbon monoxide poisoning and electrical fires; it is unclear whether the government investigated these deaths. The government also did not report efforts to investigate government complicity in trafficking offenses. The government did not provide funding for or conduct anti-trafficking training for its officials during the reporting period; however, officials participated in two foreign government-sponsored anti-trafficking trainings. Bahraini government officials indicate there is a general lack of awareness of trafficking crimes among working-level police.

Protection

The Government of Bahrain made minimal progress in improving protection for victims of trafficking over the last year, although the government continued to lack systematic procedures to identify victims among vulnerable groups, such as migrant domestic workers who have left their employers or women arrested for prostitution. As a result, potential trafficking victims may have been charged with employment or immigration violations, detained, and deported without adequate protection. Most migrant workers who were able

to flee their abusive employers were frequently charged as “runaways,” sentenced to two weeks’ detention, and deported. The government continued to fund a 120-bed NGO-run shelter called Dar al Aman, which is described as serving victims of family violence, but there is no evidence to suggest that this shelter served trafficking victims. NGOs reported knowledge of 128 victims of trafficking during the 2011 calendar year, some of which were referred by the government. The majority of victims continued to seek shelter at their embassies or at the shelter operated by an NGO. Many police officers remained unfamiliar with procedures for referring victims of labor abuse and human trafficking to these shelters. In previous years, an international NGO reported that the shelter restricted residents’ freedom of movement, was not staffed with qualified personnel, and did not provide long-term shelter or housing benefits to victims; it was not known whether this was the case during 2011. There remained no shelters or other protection services provided by the government for male trafficking victims. Human Rights Watch documented seven cases of foreign residents prohibited from leaving Bahrain due to debts or contractual obligations with their employers; moreover, these workers were barred from working to pay off their creditors or even pay for basic needs such as housing and health care. However, to attempt to remedy this situation, the LMRA organized two major amnesties for out-of-status migrant workers to be repatriated to their home countries with no fines or charges against them. The Government of Bahrain encouraged victims to participate in the investigation and prosecution of traffickers; however, workers typically did not file court cases against employers due to fear or ignorance of the law, distrust of the legal system, inability to afford legal representation, lack of interpretation and translation provided by courts, fear of losing residency permits during legal proceedings, and to avoid additional maltreatment at the hands of the employer. The government did not provide foreign victims with legal alternatives for their removal to countries where they faced retribution or hardship. The Ministry of Interior continued to operate a toll-free hotline for trafficking victims, but officials noted a significant drop in the number of calls the hotline received in 2011. The LMRA also operates an abuse hotline during working hours and coordinates with NGOs who staff 24-hour information lines to provide legal advice to workers.

Prevention

The government made some efforts to prevent trafficking in persons during the reporting period. In 2011, the government instituted an interagency committee to monitor and identify human trafficking issues. The LMRA disseminates trafficking-related information to vulnerable workers through media outlets, including through local and satellite television channels; it also conducts radio shows in Hindi and English to educate workers on their rights and how they can resolve issues. While Bahrain’s Ministry of Labor has pledged for several years to end the sponsorship (*kafala*) system – which contributes greatly to forced labor and debt bondage – it has not abolished this structure to meaningfully prevent trafficking in persons. Earlier reforms of the sponsorship system to regulate labor recruitment and expand worker mobility continue to exclude Bahrain’s approximately 70,000 domestic workers, the group that is most vulnerable to trafficking. In addition, the 2010 labor law does not afford basic protections to domestic workers. Moreover, the law against withholding workers’ passports – a common practice that restricts the mobility of migrant workers and contributes to forced labor – was not enforced effectively.

In June 2011, the government issued Law 15, which mandates a foreign worker must complete a minimum of one year of work with an employer before transferring to a different employer. This law lengthens the minimum amount of time a worker must remain with an employer, which also expands the length of time a worker could be held under conditions of forced labor. The government reported no efforts to reduce the demand for commercial sex.

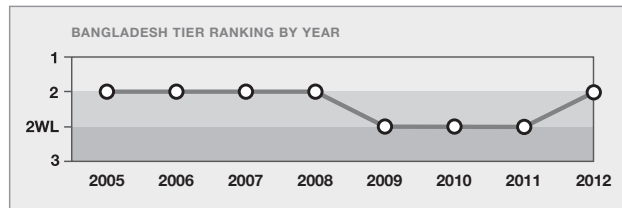
BANGLADESH (Tier 2)

Bangladesh is a source country for men, women, and children subjected to forced labor and sex trafficking. Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, the Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Europe, and other countries for work, often legally via some of the more than 1,000 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA). These agencies are permitted legally to charge workers recruitment fees that are the equivalent of a year’s salary, but these recruiting agencies often charge additional amounts in contravention of government regulations. These exorbitant fees place migrant workers in a condition of debt bondage, in which they are compelled to work out of fear of otherwise incurring serious financial harm. Many Bangladeshi migrant laborers are victims of recruitment fraud, including additional and illegal exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. These victims may also experience restrictions on their movements, nonpayment of wages, threats, and physical or sexual abuse. There are reports of an increased number of Bangladeshis transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf; some are trafficking victims.

Bangladeshi children and adults are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labor, including forced begging. In some instances, children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking within the country often occurs from poorer, more rural regions, to cities. Internationally, women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labor. Some Rohingya refugees from Burma have been subjected to human trafficking. Many brothel owners and pimps coerce Bangladeshi girls to take steroids to make them more attractive to clients, with devastating side effects; the drug is reported to be used by 90 percent of girls and women between the ages of 15 and 35 in Bangladeshi brothels. In 2012, nine South African labor trafficking victims were found in Bangladesh.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In December 2011, the government enacted a comprehensive anti-trafficking law which addressed legislative gaps such as the absence of a prohibition on the trafficking of men. The government also approved a new anti-trafficking action plan which incorporated necessary steps to implement the new law. Although the

law does not include a specific prohibition on fraudulent recruitment, it cites the concept of fraud as a possible element of human trafficking. The number of prosecutions increased, but the number of convictions declined as compared to the previous year. The government did not take sufficient steps to protect trafficking victims. Official complicity in trafficking remained a problem.



Recommendations for Bangladesh: Draft and disseminate the implementing rules for the Human Trafficking Deterrence and Suppression Act; increase efforts to prosecute trafficking cases and convict trafficking offenders; use the new trafficking law to prosecute fraudulent labor recruiters; become a party to the 2000 UN TIP Protocol; take steps to address the allegations concerning the complicity of public officials in trafficking, particularly through criminal prosecution and punishment of those involved in or abetting human trafficking; improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; reduce exorbitant legal recruitment fees, per the Vigilance Task Force's mandate; expand the roles and responsibilities of existing labor attaches in destination countries to include anti-trafficking monitoring, reporting, and engagement with destination countries; provide support services for adult male trafficking victims and victims of forced labor; and work with civil society to improve anti-trafficking messaging in awareness campaigns.

Prosecution

The Government of Bangladesh made clear anti-trafficking law enforcement progress over the reporting period by passing a comprehensive counter-trafficking law and increasing the number of investigations and prosecutions, although the number of convictions declined compared to the previous year. In December 2011, the president put the law into effect as an ordinance, and in February 2012 the parliament passed the ordinance as law: the Human Trafficking Deterrence and Suppression Act. This Act generally prohibits and punishes all forms of human trafficking, though it does not flatly prohibit the fraudulent recruitment of labor migrants; rather, the Act requires the recruiter to have known that the recruited workers would be subject to forced labor. Prescribed penalties for labor trafficking offenses are five to 12 years' imprisonment and a fine of not less than approximately the equivalent of \$600, and prescribed penalties for sex trafficking offenses range from five years' imprisonment to the death sentence. These penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. The new law supersedes sections of the Repression of Women and Children Act of 2000 (amended in 2003), which had prohibited the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude.

During the reporting period, the government reported the convictions of 14 trafficking offenders and the sentencing of eight of them to life imprisonment under Sections 5

(prohibiting "women trafficking") and Section 6(1) (prohibiting "girl trafficking") of the Repression of Women and Children Act; six were sentenced to lesser prison terms. This is a decrease from the 42 convictions obtained in 2010, with 24 offenders sentenced to life imprisonment. The government prosecuted 129 cases involving suspected trafficking offenders and conducted 143 investigations, compared with 80 prosecutions and 101 investigations during the previous year. Twenty-nine prosecutions resulted in acquittals.

The alleged human trafficking complicity of some Bangladeshi government officials remained a serious problem and the government made no discernible efforts to address it. Several NGOs reported a nexus among members of parliament, corrupt recruiting agencies, and village level brokers, and also reported that politicians and regional gangs were involved in human trafficking. NGOs and the media reported that registered recruitment agencies in Dhaka have links with employers – some of which have subjected migrant workers to trafficking – and brokers in destination countries and help facilitate fraudulent recruitment. The Government of Bangladesh did not investigate or prosecute government officials suspected of trafficking-related complicity. Government officials continued to receive training from civil society groups and foreign governments.

Protection

The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. The government did not have a systematic procedure to identify trafficking victims among vulnerable populations, and to refer victims of trafficking to protective services. The government reported that immigration police, working with the Ministry of Expatriate Welfare's Vigilance Taskforce, identified trafficking victims at international airports by checking passports and questioning potential trafficking victims; it is not known how many victims were identified through this process. The government identified 181 victims in the reporting period. While the government did not provide or fund shelter or other services specifically dedicated to trafficking victims, it continued to run nine homes for women and children who were victims of violence, which could be accessed by trafficking victims; the government also ran a "one-stop crisis center" for women and children in the Dhaka general hospital – also accessible to trafficking victims. The government continued to run one shelter in the Bangladeshi Embassy in Riyadh for female Bangladeshi domestic workers fleeing abusive employers. The government did not compile statistics on the number of trafficking victims, if any, assisted through these establishments. An NGO noted that adult female victims could leave the shelters in Bangladesh at will. The government did not provide protective services to male victims of trafficking. Law enforcement personnel occasionally encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers by providing transportation to courts, but there was no information on the number of victims who did so. Some trafficking victims were detained, fined, or jailed for unlawful acts committed as a direct result of their being trafficked. Victims were often detained when they returned to Bangladesh after migrating irregularly to another country. Government officials detained women in prostitution without determining whether they were trafficking victims. Female trafficking victims were placed in divisional custody facilities at government-run prisons when no space was available in shelter homes. Unregistered Rohingya refugees who were

trafficking victims were detained indefinitely for their lack of documentation. The government did not provide temporary or permanent residency status for Rohingya victims of trafficking – the only foreign victims of human trafficking identified in Bangladesh.

When Bangladeshi migrant workers lodged complaints of labor and recruitment violations, they most often resorted to arbitration by BAIRA, which did not provide sufficient financial compensation and rarely addressed the illegal activities of some BAIRA-affiliated recruitment agents. NGOs and news reports alleged instances of officials working at some Bangladeshi embassies abroad were mostly unresponsive to complaints; attempts to seek restitution abroad were rare.

Prevention

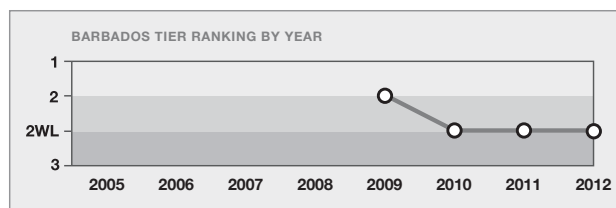
The Bangladeshi government made efforts to prevent trafficking over the reporting period. In January 2012, the Ministry of Home Affairs promulgated a new National Plan of Action for Combating Human Trafficking for 2012-2014, which includes plans to implement the new law. The Ministries of Social Welfare, Women and Children Affairs, and Primary and Mass Education, continued to raise awareness on the trafficking of women and children. The Ministry of Expatriate Welfare's Vigilance Task Force continued its work to improve the oversight of Bangladesh's labor recruiting process ahead of a future merge with a Monitoring Wing. This wing lacks the funding or professional capacity to address fraudulent recruitment. The government continued to allow BAIRA to set fees, license individual agencies, certify workers for overseas labor, and handle most complaints of expatriate laborers, while exercising inadequate oversight over this consortium of labor recruiters to ensure their practices did not facilitate debt bondage of Bangladeshi workers abroad. The Home Secretary continued to chair the interministerial National Anti-Trafficking Committee meetings, which met regularly. The government did not implement any campaigns in the reporting period to establish the identity of undocumented and vulnerable local populations, such as street children or rural women. Training, including awareness about human trafficking, was provided to Bangladeshi soldiers prior to their deployment abroad on international peacekeeping missions. During the year, the government did not demonstrate measures to reduce the demand for commercial sex acts. Bangladesh is not a party to the 2000 UN TIP Protocol.

BARBADOS (Tier 2 Watch List)

Barbados is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. The profile of human trafficking in Barbados is similar to those of other countries in the region. Evidence suggests there are foreign women forced into prostitution in Barbados. Legal and illegal immigrants from Jamaica, the Dominican Republic, and Guyana appear to be the most vulnerable to trafficking. The prostitution of children is known to exist in Barbados; a high-risk group is Barbadian and immigrant children engaging in transactional sex with older men for material goods. In the past, foreigners reportedly have been subjected to forced labor in Barbados, with the highest risk sectors being domestic service, agriculture, and construction.

The Government of Barbados does not fully comply with the minimum standards for the elimination of trafficking. The

government has not shown evidence of increasing efforts to address human trafficking over the previous year; therefore, Barbados is placed on Tier 2 Watch List for a third consecutive year. Barbados was granted a waiver of an otherwise required downgrade to Tier 3 because its government has developed a written plan that, if implemented, would constitute significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. In March 2012, the Barbadian government issued a national action plan on human trafficking, containing specific deadlines and implementing agencies, addressing prosecution, protection, and prevention measures, and demonstrating its commitment to addressing human trafficking in a substantive way.



Recommendations for Barbados: Amend the 2011 legislation to prohibit all forms of human trafficking and prescribe penalties that are commensurate with those prescribed for other serious crimes; implement procedures for law enforcement officers to identify proactively trafficking victims among vulnerable populations, such as people in prostitution and migrant workers; when conducting trafficking investigations, ensure suspected victims are taken to a safe location, as victims of human trafficking often feel threatened and are reluctant to identify themselves as victims during a raid; enact protections for victims of trafficking, including provisions that provide foreign victims with relief from immediate deportation and ensure victims are not punished for crimes committed as a direct result of being trafficked; increase funding to the NGO shelter and crisis center to ensure adequate assistance is available to human trafficking victims; and continue to develop awareness programs on all forms of human trafficking – including domestic servitude, other forms of forced labor, and commercial sexual exploitation of children – in partnership with NGOs through the use of radio or other media.

Prosecution

The Government of Barbados made little discernible progress in its law enforcement response to human trafficking during the reporting period. Barbadian law does not prohibit all forms of human trafficking. The Transnational Crime Bill (Part III), enacted in February 2011, prohibits some forms of trafficking, though it is inconsistent with international standards because it requires migration as a necessary element of human trafficking offenses. Moreover, it appears not to prohibit the forced labor or forced prostitution of Barbadian citizens and residents, but rather prohibits only the prosecution of persons who enter, exit, or are received into Barbados. This 2011 law prescribes maximum penalties of 15 years' imprisonment, which are sufficiently stringent, but are not commensurate with penalties for other serious crimes, such as rape, and are lower than the penalties prescribed for the separate crime of human smuggling. The government did not report data on any investigations, prosecutions, convictions, or sentences of trafficking offenders under the 2011 Transnational Crime Bill

or any other statute. It also did not report any actions taken against government employees complicit in human trafficking during the year. Barbados did not provide specialized training for government officials on how to recognize, investigate, and prosecute instances of trafficking, although the Gender Affairs Bureau conducted a presentation on human trafficking to Barbadian foreign service officers in July 2011.

Protection

The government did not demonstrate progress in protecting victims during the reporting period. Greatly hindering its ability to rescue victims, the government did not develop or employ systematic procedures to guide officials in proactively identifying victims of sex trafficking and forced labor and referring them to available services. The government did not report identifying any victims during the year or referring any potential victims to protection services, despite conducting raids on prostitution establishments. Officials drafted a formal protocol that outlines protections for trafficking victims, which the cabinet approved in February 2012. The government provided funding for an NGO shelter and crisis center providing security and services primarily for domestic violence victims, but also for women and children who had been trafficked. Despite significant financial strain, this organization provided very high quality services, had staff trained to handle trafficking cases, and had assisted trafficking victims in the past. There were no services available for possible male victims. The government did not have in place any specific policies to encourage victims' assistance in the investigation and prosecution of trafficking. It also did not offer foreign trafficking victims legal alternatives to their removal to countries where they would face hardship or retribution. The government did not have formal provisions in place to ensure identified victims would not be inappropriately penalized for unlawful offenses committed solely as a direct result of being in a human trafficking situation.

Prevention

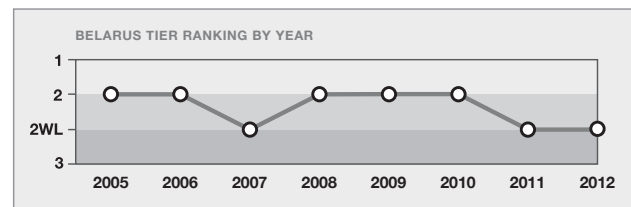
The government made some efforts to prevent human trafficking in Barbados. In March 2012, the government established a high level interministerial group that included NGOs to coordinate the government's anti-trafficking efforts. The Gender Affairs Bureau director raised public awareness of trafficking indicators in two five-minute radio programs that the government information service aired multiple times throughout the year. The Bureau of Gender Affairs also presented a seminar on human trafficking to the members of a local government during the reporting period. The government funded the operation of a hotline staffed by professionals from the women's crisis center trained to identify human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism. Barbados is not a party to the 2000 UN TIP Protocol.

BELARUS (Tier 2 Watch List)

Belarus is a source and transit country for women, men, and children subjected to sex trafficking and forced labor. Belarusian women and children are subjected to sex trafficking in Russia, Germany, Poland, Cyprus, Italy, Egypt, the Czech Republic, Lithuania, Spain, Greece, Belgium, Turkey, Israel,

Lebanon, the United Arab Emirates, and within Belarus. Reports continued of women from low-income families in Belarus being subjected to forced prostitution in Minsk. Belarusian men, women, and children are found in forced labor, including forced begging in foreign countries, such as Sweden, as well as in forced labor in the construction industry and other sectors in Russia and Belarus. Belarusian single, unemployed females between the ages of 16 and 30 and without higher education are at the greatest risk of becoming victims of human trafficking. Belarusian children aged 16 and 17 are found in sex trafficking within Belarus and in Russia. Belarusian men seeking work abroad are increasingly subjected to forced labor. Traffickers often used informal social networks to approach potential victims.

The Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing anti-trafficking efforts over the previous reporting period; therefore, Belarus is placed on Tier 2 Watch List for a second consecutive year. During the reporting period, the government's emphasis on anti-trafficking efforts shifted from prosecution and protection efforts to prevention. Over the same period, there was a continued steep decline in victim identification, trafficking investigations, prosecutions and convictions. The decline in victim identification, vigorous investigation, and prosecution of trafficking cases left trafficking victims unprotected. Although over 100 Belarusian victims were reported repatriated after being trafficking abroad, the Belarusian government did not report investigations commensurate with the extent of those victims identified, nor did it report government-funded services provided to more than three victims. The government did improve its prevention activities, making efforts to oppose child sex tourism and to raise public awareness; however, many of these campaigns blurred trafficking and illegal migration.



Recommendations for Belarus: Improve victim identification, including of teenagers in prostitution inside Belarus and forced labor victims; certify individuals as trafficking victims in cases in which a criminal case has not been opened in order to ensure that victims receive appropriate victim assistance; increase investigation, prosecution, and conviction of trafficking cases; increase use of Article 181 of the criminal code to prosecute trafficking cases, even in cases also charged under other statutes; increase resources devoted to victim assistance and protection within Belarus; ensure all victims, including children, are provided with appropriate assistance and protection; establish a program to ensure that repatriated victims are given care; cultivate a climate of cooperation with NGO partners providing critical victim protection services; distinguish prevention activities focused on curbing forced labor and forced prostitution from those focused on illegal migration, and increase the former; adopt and implement victim protection action plans; implement the new counter-trafficking law.

Prosecution

The Government of Belarus demonstrated decreased law enforcement efforts during the reporting period. Belarusian law prohibits both sex and labor trafficking through Article 181 of its criminal code, which prescribes penalties ranging from five to 15 years' imprisonment in addition to asset forfeiture. These penalties are sufficiently stringent and are commensurate with penalties prescribed for other serious crimes. The Government of Belarus reported nine sex trafficking investigations in 2011, a 77 percent decrease compared with 39 human trafficking investigations reported in 2010. Belarusian authorities prosecuted 14 trafficking cases in 2011, but did not disaggregate the prosecutions between sex and labor trafficking. Belarusian authorities convicted seven trafficking offenders under Article 181 in 2011, in contrast to 12 trafficking offenders convicted in 2010. Six offenders were given sentences of imprisonment; one was given "restriction of freedom." The government did not provide data on specific sentences imposed on any of the convicted offenders; other sources reported that imposed sentences ranged from four to 11 years in prison. According to international experts, the government's efforts against trafficking focused more on sex trafficking than on labor trafficking. There were no reports of government officials' complicity in trafficking in persons during the reporting period; however, a trafficking-related complicity investigation initiated in 2010 remained pending in 2011. The government did not otherwise report the investigation, conviction, or sentencing of any official for complicity in trafficking in persons. The government reported that, with the collaboration of NGOs and international organizations, its international anti-trafficking training center trained over 200 Belarusian officials from the Ministry of Interior and officials from the prosecutor's office and the state border committee. The training center also conducted anti-trafficking trainings for Belarusian and foreign government law enforcement officials. Law enforcement authorities reported jointly investigating several trafficking cases with counterparts from the United Kingdom, Turkey, Poland, and Italy.

Protection

The government demonstrated decreased efforts to protect trafficking victims during the reporting period, identifying and providing care to fewer victims of trafficking. The government's victim identification efforts continued to decrease significantly. In 2011, the Belarusian government identified 14 victims of trafficking under article 181, compared with 64 victims of trafficking in 2010, and 147 victims in 2009. The continual decline corresponded with the decrease in trafficking investigations and demonstrated a reduced capacity to ensure that human trafficking offenses were recognized and victims were appropriately referred to care. Experts observed that the number of trafficking victims identified by the government was not commensurate with the number of Belarusian victims identified by NGOs and other sources outside of the country, particularly with regard to the increase in labor migration to Russia. The government does not have trafficking-specific facilities available to care for victims, but its anti-trafficking law indicates that the following assistance would be available to trafficking victims: temporary shelter, legal aid, medical care, psychological assistance, employment assistance, and financial support. The Government of Belarus operated 41 non-trafficking-specific "crisis rooms," for emergency assistance of victims. Corresponding with the government's decline in

proactive victim identification, however, the government's efforts to care for trafficking victims were modest. One female trafficking victim received seven days of shelter in a "crisis room" in 2011. The Belarusian government reported that an *oblast*-level health facility offered medical care and psychological assistance to two victims of trafficking in 2011. In 2011, as in 2010, most trafficking victims declined assistance from government sources. Experts observe that actual provision of services to victims is limited. The government reported that NGOs assisted 142 victims of trafficking during the reporting period, in contrast to 159 in 2011. The government did not provide financial assistance to these NGOs that provided care, although it did give limited in-kind assistance to some anti-trafficking programs. Although the government reported that it had the regulatory structure necessary for foreign victims to receive temporary residence permits, it did not grant any such permits in 2011, stating that it had not identified any foreign trafficking victims. The government reported that it had measures available to encourage victims to participate in the prosecution of the trafficking offenders, including witness protection methods such as closed hearings; the government did not report applying these measures in any trafficking cases. The government did note that all trafficking victims cooperated with investigations and prosecutions in 2011. An NGO reported that at least 13 trafficking victims participated in the prosecutions of the trafficking offenders. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked.

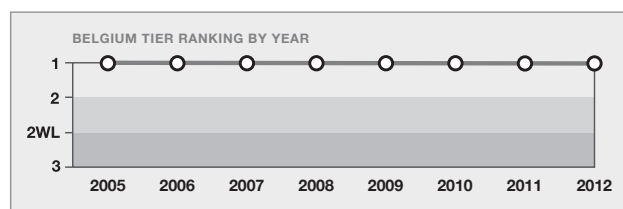
Prevention

The Government of Belarus emphasized anti-trafficking prevention activities over protection and prosecution activities during the reporting period. The government reported that it broadcast over 200 television advertisements, over 300 radio spots, and over 900 print advertisements against trafficking. The Ministry of Education conducted a survey of high school students to study the extent of their awareness of trafficking in persons and addressed trafficking issues and illegal migration in publications to students. It was difficult to discern whether many of the Belarusian government public awareness campaigns emphasized illegal migration or human trafficking. The Government of Belarus provided a "911 style" number for two NGO-operated anti-trafficking hotlines in different regions. The government reported that, in 2011, it conducted research to discern the best policy responses to address the demand for sexual services. The Belarusian government made efforts to oppose sex tourism in the reporting period. After liaising with Interpol and a foreign government to gather law enforcement information, the government denied a visa to an individual with a history of sex tourism. The government reported that it had adopted an interagency plan of actions on granting assistance to victims of trafficking for 2011-2012. The government enhanced transparency by analyzing anti-trafficking data and publishing information about its anti-trafficking efforts on the Ministry of Interior website. In January 2012, the Belarusian government adopted a new law to address human trafficking which reorganized government responsibilities on trafficking, addressed the provision of victim services, and established a national rapporteur on trafficking in persons; the law will come into effect in summer 2012.

BELGIUM (Tier 1)

Belgium is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims originate in Eastern Europe, Africa, East Asia, as well as Brazil and India. Prominent source countries for victims exploited in Belgium include Bulgaria, Romania, Albania, Nigeria, China, and Turkey. Male victims are subjected to forced labor in restaurants, bars, sweatshops, horticulture sites, fruit farms, construction sites, cleaning businesses, and retail shops. The main source countries for labor trafficking include China, India, Brazil, and Bulgaria. Belgian underage girls are recruited by local pimps and then subjected to sex trafficking within the country, and foreign children, including ethnic Roma, are subjected to sex trafficking. Forced begging within the Roma community in Belgium also occurs. Foreign workers continued to be subjected to forced domestic service, some involving members of the international diplomatic community assigned to Belgium.

The Government of Belgium fully complies with the minimum standards for the elimination of trafficking. The government continued to pursue a multi-disciplinary, case-based approach to trafficking during the reporting period. The government aggressively investigated alleged forced labor involving the diplomatic community, despite immunity challenges posed by these specific offenders. The government continued to issue residency permits for trafficking victims and provide them with comprehensive care. Despite reports of a significant number of children in prostitution in the country, the government failed to identify many child trafficking victims.



Recommendations for Belgium: Demonstrate vigorous prosecution of forced labor and forced prostitution offenders; pursue criminal sentences of imprisonment for convicted trafficking offenders; continue efforts to engage more front-line responders in victim identification to increase detection of trafficking victims in Belgium; continue to examine ways to balance human rights of trafficking victims and their need for assistance with law enforcement priorities; tighten the statutory regime to more clearly track with international definitions of trafficking, with coercion as a core component; and ensure more intensive outreach to unaccompanied minors who are potential victims of trafficking in Belgium.

Prosecution

The government continued to investigate and vigorously prosecute trafficking offenders during the reporting period. Belgium prohibits all forms of trafficking through a 2005 amendment to its 1995 Act Containing Measures to Repress Trafficking in Persons. As amended, the law's maximum prescribed penalty for all forms of trafficking – 30 years' imprisonment – is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government's 2010 *de facto* rapporteur's report noted that

some anti-trafficking reformers in Belgium acknowledge that the current definition of trafficking under Belgium law "leads to ideological dilution of the concept of trafficking in human beings," and requested that the law "take greater account of the coercion component" involved in human trafficking crimes. The failure of an employer to meet prevailing wage, hours, and working conditions can constitute "exploitation" under Belgium's anti-trafficking law; these cases are included as trafficking offenses in the government's prosecution data. The government reported it prosecuted 358 suspected human trafficking offenders in 2011; it prosecuted 170 offenders for sex trafficking offenses, 165 for labor trafficking or economic exploitation offenses, 14 for coerced criminality, and eight suspects in cases of forced begging. The government provided preliminary conviction and sentencing data for 2010, the most recent year for which data was available and for which approximately 80 percent of the data for 2010 had been analyzed. The 2010 data was the first time the government reported trafficking convictions as separate from smuggling cases. The preliminary 2010 data demonstrate that the government secured convictions for at least 64 trafficking offenders in 2010, involving 107 instances of aggravated circumstances. The most common aggravating circumstance (34 instances) was the abuse of a particularly vulnerable situation, followed by the repetitiveness of the trafficking (20 cases) and the use of fraudulent maneuvers in the conduct of trafficking (19 cases). In 16 cases, the aggravating circumstance was that the victim was a child. In 2009, aggregate trafficking and smuggling convictions totaled 132. There were no cases involving government officers or civil servants in 2010.

The 60 prison sentences for convicted traffickers in 2010 ranged from less than one year to five years' imprisonment; nine were sentenced to less than one year, 30 were sentenced to between one and three years, 18 were sentenced to three to five years and three were sentenced to five years or more. Thirty-two of the 60 sentenced traffickers received suspended sentences; in most cases these were partially, not entirely suspended sentences. During the reporting period, Belgium filed a request for extradition for two trafficking offenders. Both were represented by their legal advisors and were sentenced to seven and five years of prison and fines. However, the country in question had not ratified the UN Treaty on Organized Crime and the 2000 UN TIP Protocol and the bilateral extradition treaty did not include trafficking, so the extradition was denied.

In September 2011, a labor court in Liege convicted four members of a Romanian family for the enslavement of a Romanian child in domestic service. The offenders were sentenced to three to five and a half years' imprisonment; the court suspended half of all four sentences. In June 2011, the government initiated a criminal investigation into a Sierra Leonean diplomat posted in Belgium for subjecting his three domestic workers to forced labor and torture while posted in the country; the government suspended the recruitment of new staff members at the Sierra Leonean mission. Even though a trafficking perpetrator enjoying diplomatic immunity could not be subject to criminal prosecution, the government reported that launching a criminal investigation serves several purposes; first, it will render the victims eligible for government protection; second, the victims can still file a civil court claim for compensation for damages; finally, the Protocol Department of the Ministry of Foreign Affairs can use the investigation as a basis for action to prevent future cases. The government reported that it prosecuted some trafficking offenders who subjected women to forced prostitution in the

legalized commercial sex industry in the country. During the year, the government continued to train police officers on how to identify labor trafficking. The government did not report any investigations, prosecutions, convictions, or sentences of any Belgian government employees for trafficking-related complicity in 2011.

Protection

The government sustained its efforts to protect victims of trafficking in 2011. During the year, the government issued or renewed 614 residence permits to trafficking victims; some of these permits issued were for an indefinite length of time. According to a 2011 government report, 2010 marked an increase in the number of trafficking victims who obtained victim status in Belgium. The government continued to fully fund three NGOs that provided shelter and comprehensive assistance to trafficking victims. These shelters assisted 150 new victims in 2011. The majority were victims of labor trafficking or economic exploitation, the second largest group were victims of sex trafficking or sexual exploitation. Child victims are not allowed in these adult centers and are redirected to centers dedicated to children – not only victims of trafficking, but all unaccompanied minors. The government used systematic procedures to proactively identify and refer victims for care based on a 2008 interagency directive on coordination and assistance to trafficking victims; the government conducted an evaluation of the effectiveness of this directive in 2011. Key stakeholders from the Ministry of Justice, the police, social institutions, shelters, the Foreigners Office and Office of Social Inspection participated in the evaluation, which noted good cooperation between actors, but added that it could be improved. The evaluation's main recommendation was to expand awareness of the directive through training and information sessions. The evaluation praised the focus on the trafficking of diplomats' domestic personnel, but recommended that the procedures be accelerated because diplomats are often gone by the time an investigation starts. The evaluation noted the use of a victim translation assistance questionnaire from UNODC and a pilot project in Liege to sensitize the medical sector about trafficking and encourage referral of potential trafficking victims as best practices in victim identification. During the year, the government identified and provided assistance to at least three Sierra Leonean victims subjected to forced labor by diplomatic staff. According to the government, front-line responders other than police, including social workers and hospital staff, increasingly referred victims to specialized NGO trafficking shelters during the reporting period. In order to qualify for victim status, victims must fulfill three conditions: they must have broken off all contact with their traffickers; they must agree to counseling at a specialized trafficking shelter; and they must agree to cooperate with authorities in the investigation and prosecution of their traffickers. A 2009 ECPAT report noted that these conditions for victim assistance are too high for child victims to meet. Children who were victims of trafficking reportedly were granted three months in which to decide whether to testify against their traffickers. According to the government, if children do not qualify for victim status, they may still qualify for protection under the government's rules for unaccompanied minors. According to the government, victims are granted immunity from fines, detention, or deportation only if they assist in the prosecution of their trafficker. The government acknowledged that the level of protection afforded to victims was dependent on the legal status of the victim's right to be in Belgium. Victims' whose cases do not

result in a conviction or who do not pursue criminal charges against their traffickers remained vulnerable to deportation or criminalization. Victim-witnesses were granted access to the Belgian labor market during legal proceedings. Victims may obtain permanent residency in Belgium after the sentencing of their traffickers, and victims may be eligible for residence permits for indefinite lengths of time without the conviction of their traffickers, provided that authorities first establish a formal charge of trafficking. However, in some cases, if a trafficking offender is not convicted, a victim may have to return to his or her country of origin.

Prevention

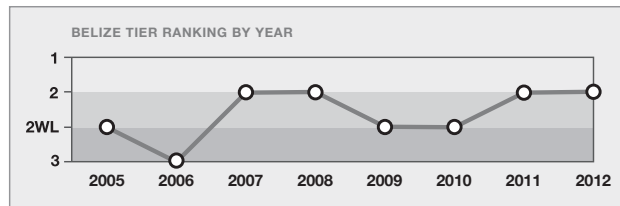
The Government of Belgium continued its efforts to prevent trafficking in 2011. The government's *de facto* rapporteur's office continued to publish an annual self-critical report on the government's anti-trafficking activities. The government continued to co-sponsor the nationwide campaign, "Stop Child Prostitution" in 2011 and continued to distribute a multilingual flyer on visas for potential trafficking victims from common source countries of trafficking victims in Belgium. The government continued its proactive outreach to domestic employees to inform them of their rights and provide them with avenues to report abuse. Among other measures, the government required domestic workers to appear in person once a year to renew their identification cards. Furthermore, the government has expelled foreign diplomats found to be engaged in trafficking or exploitation and, despite pressure from foreign diplomatic interlocutors, remained committed to this course of action. The government's inter-departmental coordination unit on trafficking, chaired by the Justice Minister, met twice during the year; this coordination unit created an awareness leaflet to assist hospital staff in identifying trafficking victims during the reporting period. During the reporting period, Belgian authorities developed a campaign tailored to identify and assist Brazilian nationals vulnerable to labor trafficking in the country. Belgian authorities identified child sex tourism as a serious problem among Belgian nationals, but reported no prosecutions of such activity. The government provided specific anti-trafficking training to Belgian troops prior to their deployment abroad on international peacekeeping missions.

BELIZE (Tier 2)

Belize is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. A common form of human trafficking in Belize is the coerced prostitution of children, often occurring through poor parents pushing their children to provide sexual favors to older men in exchange for school fees, money, and gifts. Child sex tourism, involving primarily U.S. citizens, has been identified as an emerging trend in Belize. Additionally, sex trafficking and forced labor of Belizean and foreign women and girls – primarily from Central America – occurs in bars, nightclubs, and brothels throughout the country. Foreign men, women, and children, particularly from Central America and Asian countries, migrate voluntarily to Belize in search of work; some may fall victim to forced labor. Children and adults working in the agricultural and fishing sectors in Belize are vulnerable to forced labor. Forced labor has been identified in the service sector among the South Asian and Chinese communities in Belize, primarily in restaurants and shops with owners from

the same country. There has been at least one case of a Belizean trafficking victim identified in the United States.

The Government of Belize does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, government officials demonstrated a sustained commitment to addressing trafficking in persons by achieving two convictions of trafficking offenders, devoting resources toward victim protection, and raising public awareness. Flaws in current legislation, a very low victim identification rate, and official complicity remain challenges.



Recommendations for Belize: Enact legislation that would prescribe penalties for human trafficking that are commensurate with those for other serious crimes, such as rape; demonstrate more vigorous efforts to investigate, prosecute, and convict government officials complicit in sex trafficking and forced labor, and seek criminal punishment of any guilty official; demonstrate transparency and appropriate follow-through regarding the prosecution of the police officer allegedly linked with human trafficking; employ formal procedures to guide officials in identifying victims of sex trafficking and forced labor among vulnerable populations, including migrant laborers and people in prostitution, and refer them to the government's anti-trafficking committee; continue to identify and assist domestic and foreign labor and sex trafficking victims and ensure identified foreign victims are not penalized for crimes, such as immigration violations, committed as a direct result of being in a human trafficking situation; develop a strategic plan to enhance effectiveness of the government's anti-trafficking initiatives over the coming years; continue to develop targeted campaigns educating domestic and foreign communities about forced domestic service and other types of forced labor, in addition to commercial sexual exploitation of children, and other forms of human trafficking.

Prosecution

Despite resource constraints, the government made progress in law enforcement efforts during the reporting period. Belize's government prohibits all forms of trafficking through its Trafficking in Persons Prohibition Act of 2003, which prescribes punishments of from one and five years' imprisonment and a fine the equivalent of \$5,000. These penalties are sufficiently stringent, but are not commensurate with penalties prescribed for other serious crimes such as rape, for which penalties from eight years' to life imprisonment are prescribed. Under existing law, trafficking is a "summary offence," tried in the lower courts, where cases are often dismissed, which is problematic as it treats trafficking as a less than significant crime. Draft legislation, which the government announced in 2011 it was committed to passing, would lead to significant improvements, including elevating trafficking offenses above "summary" status. However, this legislation was not enacted during the reporting period. In an effort to address some of the shortcomings of current law, the director of public prosecutions

began handling the prosecution of trafficking cases, and the chief magistrate assumed the responsibility of hearing all human trafficking cases. These initiatives led to the country's first sex trafficking convictions in several years: one offender received an 18 month prison sentence, and another received a one year prison sentence. The government reported at least eight new sex trafficking investigations during the reporting period, but no new prosecutions. Seven human trafficking prosecutions from previous years remained pending, and eight were dismissed. Trafficking-related complicity reportedly remained a serious problem. The case reported in the 2011 TIP Report involving a government official charged with rape resulting from human trafficking investigations remained pending. The government provided anti-trafficking training for officials from many different ministries during the reporting period.

Protection

The Belizean government made some progress in the protection of trafficking victims during the reporting period. Its officials reported the provision of services to 12 trafficking victims, though the government identified only two new sex trafficking victims and no forced labor victims during the year, compared with its identification of 10 sex trafficking victims and three forced labor victims in 2010. Law enforcement and other officials do not systematically employ formal mechanisms to guide them in identifying victims of sex trafficking and forced labor among vulnerable populations, such as migrant laborers or foreign citizens in prostitution. However, Belize's anti-trafficking committee, comprised of 13 agencies and NGOs, reportedly developed formal procedures to guide officials and NGOs in referring trafficking victims to available services. The government spent approximately \$125,000 in 2011 in services for trafficking victims. Through direct services and funding of NGOs, the government provided housing (including 24-hour security protection in some cases), health care, counseling, stipends, case management, and reintegration services to adult and child victims of trafficking in Belize during the reporting period. The government funded two NGO-operated shelters that assisted adult victims; the government has placed child victims in foster care or with relatives. There were no reports that victims were detained involuntarily in these shelters. Authorities in Belize reportedly encouraged victims to assist with the investigation and prosecution of trafficking offenders, although court delays caused victims to become discouraged and often led them to cease cooperation with law enforcement authorities, despite their interest in seeking justice. Authorities provided temporary residency for foreign trafficking victims participating in court cases. After the conclusion of court cases, foreign victims could remain in the country by applying for residency; however, the government did not cover the costs of the application, presenting a barrier to those victims without funds. Also, there were reports the government deported or punished some foreign victims before they were able to receive assistance due to lack of identification procedures to guide immigration authorities and prison officials.

Prevention

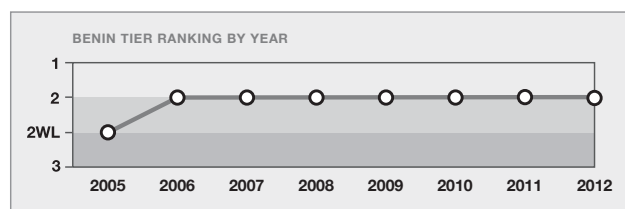
The government made progress in prevention efforts during the reporting period. The government continued to coordinate Belize's anti-trafficking programs through an anti-trafficking committee of 13 agencies and NGOs chaired by a senior Ministry of Human Development official. During the year, the committee sustained a multimedia trafficking awareness

campaign in English, Spanish, Mandarin, and Hindi. In addition, the Belize Tourism Board led a campaign during the reporting period in schools to raise awareness about the commercial sexual exploitation of children that reached nearly 500 people throughout the country. The government's Office of the Special Envoy for Women and Children launched a public service message to encourage the public to report commercial sexual exploitation of children and child sex tourism. In August 2011 the government held a symposium on the commercial sexual exploitation of children, and in October the government hosted a workshop for persons working in the tourism industry to examine sex tourism. The government did not have any awareness campaigns targeted at either the root causes of commercial sexual exploitation or the clients of the sex trade to reduce the demand for commercial sex. The government did not have a formal mechanism to monitor its anti-trafficking efforts or a current national action plan.

BENIN (Tier 2)

Benin is a country of origin, transit, and destination for women and children, and possibly men, subjected to forced labor and sex trafficking. The majority of identified victims are girls subjected to domestic servitude or sex trafficking in Cotonou, the administrative capital. Children are forced to labor on farms, in commercial agriculture – particularly in the cotton sector – in artisanal mines, at construction sites, or as street vendors to produce or hawk items. The majority of child trafficking victims are from the northern regions of Benin, and many are recruited and transported to Republic of the Congo, Nigeria, and Gabon, and to a lesser extent Cote d'Ivoire, Ghana, and Guinea-Bissau, where they are forced to labor in mines, quarries, restaurants, street vending, and on cocoa farms. Guinean and Nigerian women are trafficked into domestic servitude and forced prostitution in Benin. Beninese adult and child trafficking victims have been identified in neighboring West African countries, as well as in the United Kingdom.

The Government of Benin does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledges that child labor trafficking is a problem in Benin; however its efforts to address the trafficking of adults remained weak and, despite reports of children held in commercial sexual exploitation, it neither investigated nor prosecuted any suspected sex traffickers during the year. In 2011, the government identified 249 child labor trafficking victims and convicted 25 trafficking offenders for child labor trafficking offenses.



Recommendations for Benin: Finalize and enact draft legislation to criminalize all forms of adult trafficking; increase efforts to convict and punish trafficking offenders, including using existing statutes to successfully prosecute trafficking

crimes committed against adults and sex trafficking of children; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women and children in prostitution and children in the informal labor sector, and refer them to protective services; and improve efforts to collect law enforcement data on trafficking offenses, including cases involving the trafficking of adults prosecuted under separate statutes in the penal or labor code, and make these data available to other government agencies and the public.

Prosecution

The government maintained its anti-trafficking law enforcement efforts aimed at combating child labor trafficking during the reporting period; however, it took no discernable prosecutorial action against traffickers engaged in commercial sexual exploitation of women and children. Existing laws do not prohibit all forms of trafficking. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking criminalizes all forms of child trafficking and prescribes penalties of 10 to 20 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The country's penal code outlaws pimping and the facilitation of prostitution and prescribes a sentence of six months' to two years' imprisonment, while the labor code prohibits forced labor and prescribes a penalty of two months' to one year's imprisonment or a fine. These punishments are not sufficiently stringent.

During the year, the Ministry of the Interior's Office for the Protection of Minors (OCPM) charged nine suspected traffickers with the illegal movement of children and forced child labor. Eight courts in Cotonou convicted 25 individuals of child labor trafficking under Act 2006-04, handing down sentences ranging from a three-month suspended prison term to a five years prison term and fines of \$20 to \$1,000; some of these sentences were neither sufficiently stringent nor commensurate to the penalty for other serious crimes, such as rape. Seven trafficking prosecutions remained pending at year's end. In January 2012, gendarmes intercepted two boats transporting 85 children *en route* to Gbadagry, Nigeria for forced labor. They apprehended five suspected traffickers and transferred the suspects to the court of Porto-Novo for prosecution, which remained pending at the close of the reporting period. Through Benin's National Police Academy, the government provided senior police officers with training on counteracting child trafficking. The government did not report other efforts to investigate, prosecute, convict, or sentence government officials complicit in human trafficking; however, there were reports that individuals in the Benin diplomatic corps protected traffickers and sought to hinder the repatriation of child trafficking victims to Benin.

Protection

The Government of Benin sustained efforts to protect child labor victims during the year, but did not identify or provide protective services to any adult victims of trafficking and did not disaggregate data to indicate if care was provided to child victims of commercial sexual exploitation. The Ministries of Family, Interior, Justice, and Foreign Affairs collaboratively provided services to 164 victims and referred them to NGOs to receive additional care. The OCPM identified 249 child labor trafficking victims by interviewing the children it took into custody. It provided 164 trafficking victims with temporary shelter, as well as legal, medical, and psychological services in

a transit center staffed by government and NGO personnel, but located on police premises in Cotonou, before referring them to long-term NGO shelters. In 2011, the OCPM transferred custody over five trafficking victims to officials from their countries of origin, including Ghana, Togo, and Nigeria. The OCPM did not encourage child victims to take part in an investigation or trial unless a judge required it, preferring not to expose them to the potential for additional trauma. There were no reports that victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make efforts to identify adult trafficking victims, nor did it have a mechanism for screening individuals in prostitution, which may have left victims unidentified in the law enforcement system.

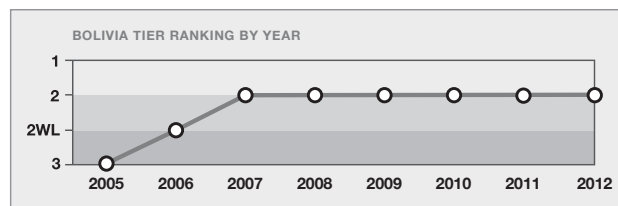
Prevention

The government took moderate steps to prevent trafficking in persons during the year. In October 2011, the Ministry of Labor and the Ministry of Family conducted outreach programs at quarries in the areas of Lokossa, in southwest Benin in an effort to prevent child labor trafficking. In November 2011, local authorities in the southeast coordinated outreach campaigns aimed at raising awareness of the practice of child sex trafficking. The Ministries of Family and Justice held sessions across the country to publicize child anti-trafficking legislation, including the January 2011 decree on the list of hazardous work prohibited for children. The Joint Nigeria-Benin Committee to Combat Child Trafficking met in February 2012 and continued its coordinating efforts aimed at reducing child labor trafficking from Zakpota, Benin to quarries in Abeokuta, Nigeria. In September 2011, the Beninese government signed a bilateral agreement with the Republic of the Congo to prevent transnational child trafficking. The government took no systematic steps to reduce the demand for commercial sex or forced labor during the reporting period. The government provided Beninese troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though such training was conducted by a foreign donor.

BOLIVIA (Tier 2)

Bolivia is principally a source country for men, women, and children who are exploited in sex trafficking and forced labor within the country or abroad. A significant number of Bolivians are found in conditions of forced labor in Argentina, Brazil, Chile, Peru, Spain, the United States, and other countries, usually in sweatshops and agriculture, as well as in domestic service. Within Bolivia, women and girls are subjected to sex trafficking, often in urban areas. Bolivian women and girls are also exploited in sex trafficking in neighboring countries, including Argentina, Peru, and Chile. To a more limited extent, women from other nearby countries, including Brazil and Paraguay, have been identified in sex trafficking in Bolivia. Members of indigenous communities are vulnerable to forced labor and sex trafficking. Within the country, Bolivian children are found in forced labor in mining, agriculture, and as domestic servants, and some women and girls are forced to work as hostesses. Reports also indicate some families lease out their children for forced labor in mining and agriculture near border areas with Peru. In Chile and Brazil, authorities have identified some Bolivian children forced to courier drugs.

The Government of Bolivia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, authorities achieved the first forced labor conviction in Bolivia and established a new office to coordinate trafficking prosecution efforts. However, despite the large number of possible trafficking cases identified by dedicated trafficking and smuggling units around the country, authorities did not report how many victims it identified or assisted during the year, and victim services, including for the large number of repatriated Bolivian victims, were inadequate.



Recommendations for Bolivia: Enhance victim services across the country through increased resources designated for specialized assistance for trafficking victims, including for victims of forced labor; strengthen efforts to prosecute trafficking offenses, and convict and punish trafficking offenders and fraudulent labor recruiters; increase resources for dedicated anti-trafficking prosecutorial and police units to address the challenges in moving from investigation to successful prosecution; enhance efforts to identify trafficking victims proactively through developing formal procedures for identifying trafficking victims among vulnerable populations; intensify law enforcement efforts against the forced labor of adults and children, including domestic servitude and the forced prostitution of adults; work with destination countries to ensure that returning Bolivian trafficking victims receive care services; enhance ongoing training opportunities for police officers, judicial officials, social workers, and other government officials; and increase public awareness about human trafficking, particularly among Bolivians seeking work abroad.

Prosecution

The government made uneven progress in its law enforcement efforts against human trafficking during the year. While authorities achieved the country's first forced labor conviction, successful prosecutions remained low given the large number of cases identified. Bolivia prohibits all forms of human trafficking through Law 3325, a 2006 human trafficking and smuggling law that prescribes penalties of eight to 12 years' imprisonment for both internal and transnational trafficking offenses. These penalties are sufficiently stringent and commensurate with penalties prescribed under Bolivian law for other serious crimes, such as rape. This law also prohibits illegal adoption as a form of human trafficking, a crime that does not fall within the 2000 UN TIP Protocol.

The Bolivian National Police reported investigating over 250 cases of potential human trafficking in 2011, and prosecutors reported that almost 300 trafficking cases remained pending. There was no information available regarding how many of these cases involved forced labor or illegal adoption. There continued to be a significant disparity between the large number of cases investigated and the low number of cases successfully prosecuted. Authorities did not report the number of prosecutions initiated during the year. With substantial civil

society assistance, authorities prosecuted and convicted two labor trafficking offenders in 2011 under smuggling statutes, with sentences of 13 years and 4 months, sentences the traffickers appealed. The government also reported convicting seven sex trafficking offenders through plea bargains under the trafficking law: reported sentences ranged from eight to 10 years' imprisonment. In comparison, in 2010, the government reported prosecuting 31 trafficking offenders and convicting seven under pimping and sexual exploitation statutes.

The government maintained 13 specialized trafficking and smuggling units with funding from a foreign government; two of the units opened during the year. The dedicated anti-trafficking prosecutorial unit in the capital was underfunded and understaffed. During the year, the lack of data-tracking mechanisms for trafficking crimes made it difficult for officials to coordinate or track cases through the judicial process. In September 2011, the Attorney General announced the creation of a national coordination office responsible for sexual crimes, human trafficking, and human smuggling. During the reporting period, this office centralized information, drafted victim care protocols, and designated one prosecutor in each department as a regional coordinator on these issues. Law enforcement officials and prosecutors received anti-trafficking training funded by NGOs, international organizations, and a foreign government, but the Bolivian government did not report funding any training of its officials. Some judges reportedly were reluctant to use the anti-trafficking law. Authorities reported no investigation, prosecutions, or convictions of government officials for trafficking-related complicity. There were no reports of cooperative international investigations with the governments of receiving countries during the year.

Protection

Bolivian government efforts to protect trafficking victims remained limited, and civil society organizations provided the vast majority of specialized care without government funding. The government lacked formal procedures for identifying trafficking victims among vulnerable populations, though some police and prosecutors reportedly referred victims to services and shelters during the year. In past years, the Bolivian police have reported the number of possible trafficking victims identified by officers, and the number of victims that were referred to care services; authorities did not report this data for 2011. The government of La Paz provided some funding to one NGO shelter for female sex trafficking victims and victims of sexual abuse; the shelter reported assisting 38 trafficking victims during the year. A special victims unit in Santa Cruz reported providing medical attention, shelter, food, and clothing to 18 victims in 2011. Two civil society organizations in Potosi received limited government funding to assist six female trafficking victims. NGOs and religious groups without government funding provided the majority of shelter care and reintegration programs to trafficking victims; most of these services were targeted at female victims of abuse, and some shelters also housed juvenile offenders. Temporary and long-term services for victims remained unavailable in parts of the country. Services for adult female victims and for male victims were virtually non-existent. Argentine officials reported identifying hundreds of Bolivian victims of trafficking during the year, many of whom reportedly chose to return to Bolivia. There were no reports that the government provided assistance to Bolivian victims repatriated from other countries.

The government encouraged victims to participate in investigations and prosecutions of trafficking offenders, although victims often chose not to cooperate because of their fear of reprisals from traffickers, and their lack of faith in the judicial system. A special victims unit in Santa Cruz provided legal assistance to 39 victims in 2011. An NGO reported that officials often fail to record initial victim statements that can be used during trials in lieu of a victim testifying in court. Furthermore, as courts maintain open records, no mechanisms existed to protect information about trafficking victims, and the legal structure often provided greater safeguards to accused trafficking offenders than to victims. The government did not provide foreign trafficking victims with legal alternatives to deportation to countries where they may face retribution or hardship.

Prevention

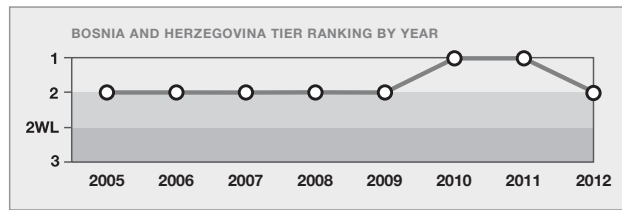
The government sustained limited prevention and public awareness efforts, largely in collaboration with international donors. The National Anti-Trafficking Council did not report meeting during the year, and effective coordination between government agencies was low. Investigators from the specialized trafficking and smuggling units reported that they spoke at schools to raise awareness of human trafficking. No efforts to reduce demand for commercial sex acts or forced labor were reported during the year. The government provided human rights training with anti-trafficking content for its troops before they deployed on international peacekeeping missions.

BOSNIA AND HERZEGOVINA (Tier 2)

Bosnia and Herzegovina is a source, destination and transit country for men, women, and children who are subjected to sex trafficking and forced labor. Bosnian victims are subjected to sex trafficking and forced labor in Azerbaijan, Slovenia, Croatia, Spain and other countries in Europe. Bosnian women and young girls, as well as women and girls from Ukraine, Albania, Serbia, Kosovo, and Germany are subjected to sex trafficking within Bosnia. Local girls, particularly Roma, and girls from other countries in the region were trafficked for forced marriage or for domestic servitude. Experts reported a significant number of Roma boys and girls, some as young as four years old, were forced into begging by organized crime groups. An NGO reported children as young as 12 years old are subjected to sex trafficking by traffickers who use blackmail, gang rape, and drugs as tools of coercion and control.

The Government of Bosnia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Bosnia's government failed to demonstrate appreciable progress in its prosecution and protection efforts during the year, partly due to a lack of political support for anti-trafficking activities and NGOs and lack of a national budget during the reporting period. While courts in local jurisdictions convicted some trafficking offenders under trafficking-related laws, the Bosnian government did not investigate, prosecute, or convict any trafficking offenders in 2011. The Bosnian government did not demonstrate concrete improvements in the identification or protection of trafficking victims during the year, and it provided little support to NGOs providing critical care and assistance to trafficking victims. Finally, the government did

not prosecute any cases of officials' complicity with trafficking, which some country experts and NGOs report significantly hampered the government's overall anti-trafficking efforts.



Recommendations for Bosnia and Herzegovina: Vigorously investigate sex and labor trafficking cases and aggressively prosecute and punish trafficking offenders; continue efforts to harmonize state and sub-state laws to explicitly criminalize all forms of trafficking; vigorously investigate and prosecute trafficking-related complicity; ensure identified victims, including Bosnian children older than 14 and children subjected to forced begging, are not punished as a direct result of being trafficked; empower and institutionalize support for monitoring teams, as well as other front-line responders in Bosnia, to increase detection and referral of trafficking victims, including victims of forced begging and adult men; continue steps to intensify partnerships with NGOs and formalize their role in the Anti-Trafficking Strike Force; ensure adequate funding for NGOs to facilitate their ability to provide critical care and assistance, including specialized legal assistance, for domestic and foreign victims; ensure potential trafficking victims arrested for prostitution are identified and referred for care; carry out anti-trafficking training to sensitize law enforcement, the judiciary, and social workers to victims of this serious human rights abuse; and develop national campaigns to educate Bosnian officials and the public about all forms of trafficking, and to reduce demand for commercial sex.

Prosecution

The Government of Bosnia's anti-trafficking law enforcement efforts diminished significantly in 2011. The national government prohibits trafficking for sexual and labor exploitation through Article 186 of its criminal code, which prescribes penalties of up to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2011, the state-level government failed to convict any trafficking offenders; this represents a decline from the seven convictions of trafficking offenders in 2010 and 11 in 2009. In the absence of sub-national trafficking laws, courts in local jurisdictions used "enticement to prostitution" laws to address these cases. The Federation convicted two traffickers for the commercial sexual exploitation of eight children, some under 14 years of age, and sentenced them to one year and three months and two years and four months imprisonment. Courts in the Brcko District prosecuted six other child prostitution offenders, under an "enticement to prostitution" statute, convicting five offenders with sentences ranging from six months to three and a half years. Local jurisdictions convicted nine offenders in 2010. During the year, the government developed draft amendments to harmonize national and sub-national trafficking laws to explicitly criminalize all forms of trafficking; however, it has yet to officially amend these laws. In August 2011, the Deputy State Prosecutor requested local law enforcement agencies not to prosecute any victims

for crimes committed as a result of their being trafficked and to refer all trafficking cases to the national government; local law enforcement entities referred 19 cases involving 22 suspects to national authorities. The national government, however, did not initiate any new trafficking investigations and experts reported that national prosecutors demonstrated a reluctance to pursue trafficking charges or identify trafficking victims during the year. Most trafficking cases continued to be prosecuted at the local level; these local prosecutors and courts lack understanding of trafficking and community actors report that sentencing is influenced at the local level by local judges' familiarity with the trafficking suspects.

There were continued reports of police and other government employees' facilitation of trafficking, including by willfully ignoring trafficking offenses, exploiting trafficking victims, and actively protecting traffickers or exploiters of trafficking victims in return for payoffs. The national government did not vigorously prosecute any cases of trafficking complicity in 2011. Moreover, the government did not report any progress in an investigation of two local officials started by the state prosecutor for their December 2007 involvement in the forced prostitution of three children.

Protection

The Government of Bosnia did not demonstrate appreciable progress in the identification or protection of trafficking victims in 2011. Furthermore, it provided limited assistance to victims and did not provide any financial support for one of Bosnia's major trafficking shelters. Authorities identified 34 trafficking victims in 2011, compared with 37 in 2010 and 46 victims in 2009. Local experts report that the actual number of trafficking victims in Bosnia is increasing and that police are not using proactive identification techniques to locate victims. Local level authorities' misunderstanding of and prejudice towards trafficking victims contributed to low levels of victim identification, as well as likely inadvertent punishment of victims for crimes committed as a result of their being trafficked. Monitoring teams established by an outside donor in a prior year to improve victim identification and referral received no funding or support from the government; these teams did not increase victim identification. Children in prostitution over 14 years of age continued to be treated as juvenile offenders, and were likely punished for crimes committed as a direct result of being trafficked. During the year, a Macedonian child allegedly subjected to forced marriage was detained by the Aliens Unit for several months. One NGO reported that children, who are likely forced into begging by their parents and criminal groups, were treated as offenders rather than being treated as trafficking victims. During the year, two NGO shelters assisted a combined 21 Bosnian trafficking victims, 18 of whom were children. Authorities reported that victims were not permitted to leave the shelters unchaperoned, purportedly due to safety concerns. The government reported that it used a general fund for all victims of sexual violence – funding in the amount of \$46,000 – to assist trafficking victims. However, country experts report the government did not provide sufficient funds to NGOs providing critical and comprehensive care to trafficking victims in 2011. Additionally, the government failed to provide any funding for the care and assistance of foreign trafficking victims in 2011; NGOs assisting seven foreign victims funded the assistance for these victims.

The government reported it provided legal alternatives to foreign trafficking victims' removal to countries where they

face hardship or retribution, by providing short- and long-term residence permits to victims. However, prosecutors reportedly continued to initiate deportation procedures for foreign trafficking victims without arranging for their safe and responsible return after deciding there was a lack of evidence or if the victim's testimony was not needed. Also, the government failed to refer foreign trafficking victims to NGO service providers. The government provided four trafficking victims with temporary residency permits in 2011 in order to facilitate their assistance in criminal investigations and prosecutions. The government reportedly encouraged victims to assist in the investigation and prosecution of traffickers, however local experts continued to report that legal assistance and overall protection of witnesses in Bosnia was limited and inadequate. Some anti-trafficking NGOs with a history of providing assistance to trafficking victims continued to report the need for more effective partnering with the government to improve victim identification, referral and care.

Prevention

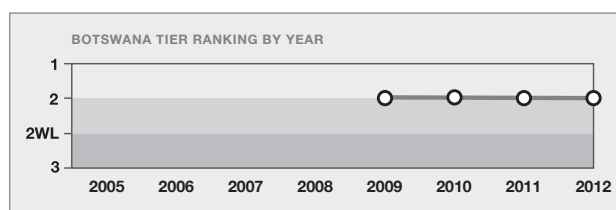
The Bosnian government's limited trafficking prevention efforts depended on a few key motivated actors, including the National Anti-trafficking Coordinator, whose office failed to receive adequate funding due to the lack of a regular national budget during the year. The Office of the State Coordinator continued to serve as a general point of contact for anti-trafficking stakeholders; during the year, the Coordinator took important steps to increase partnerships with civil society. Furthermore, the Coordinator, in partnership with an NGO, continued to provide victim identification training to staff members in day centers frequented by Roma and other vulnerable groups to trafficking. In honor of Europe's anti-trafficking day, the National Coordinator and NGOs set up awareness exhibits and radio and television ads in Tuzla, Mostar, and Sarajevo aimed at decreasing demand for commercial sex acts. During the year, the government initiated a draft of its third National Action Plan (NAP) on trafficking. The government did not report transparently on its anti-trafficking efforts, but commissioned a university with donor funds to evaluate its anti-trafficking efforts; the resulting recommendations will inform its new NAP. The government also continued specialized anti-trafficking training of Bosnian troops prior to their deployment abroad on international peacekeeping missions.

BOTSWANA (Tier 2)

Botswana is a source and destination country for women and children subjected to forced labor and sex trafficking. Residents in Botswana most susceptible to trafficking are illegal immigrants from Zimbabwe, unemployed men and women, those living in rural poverty, agricultural workers, and children orphaned by HIV/AIDS. Some parents in poor rural communities send their children to work for wealthier families as domestic servants in cities, or as herders at remote cattle posts, where some become victims of forced labor. Young Batswana, serving as domestic workers for extended family or friends of family, in some cases may be subjected to confinement, verbal, physical, or sexual abuse and denied access to education and basic necessities, conditions indicative of forced labor. Batswana girls are exploited in prostitution within the country, including in bars and by truck drivers along major highways. The ILO and child welfare organizations

in Botswana confirm that a significant minority of persons in prostitution are children. Batswana families who employ Zimbabwean women as domestic workers at times restrict or control the movements of these workers, or threaten to have them deported to Zimbabwe as a means to maintain their labor. Indians and Pakistanis are brought into Botswana under false pretenses for forced labor in the agricultural sector by traffickers of the same nationalities; recently identified victims reported non-payment of wages and withholding of passports. NGOs report forced labor of San people – including adults and children – on private farms and cattle posts.

The Government of Botswana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government appointed a lead ministry – the Ministry of Defense, Justice, and Security (MDJS) – to coordinate national anti-trafficking efforts and the drafting of comprehensive anti-trafficking legislation. Additionally, the government convicted and administratively penalized one trafficking offender – the first trafficking conviction in Botswana – under the Employment of Non-Citizens Act, and rescued two trafficking victims and two additional potential victims. Despite these efforts, the government has yet to criminally prosecute a trafficking offender for trafficking violations, it has not developed formal identification and referral procedures, and it did not continue awareness campaigns started in the previous reporting period.



Recommendations for Botswana: Begin drafting comprehensive legislation criminalizing all forms of trafficking in persons and incorporating a broader definition of trafficking in persons consistent with the 2000 UN TIP Protocol; increase efforts to investigate and criminally prosecute suspected traffickers under existing laws in both transnational and internal trafficking cases; develop a formal system to identify proactively trafficking victims and continue to train law enforcement, immigration, and social welfare officials to use this system to identify victims among vulnerable populations; launch public awareness campaigns to educate the general public on the nature of human trafficking; and institute a unified system for documenting and collecting data on human trafficking cases.

Prosecution

The Government of Botswana demonstrated progress in its anti-trafficking law enforcement efforts over the last year. Drafting of anti-trafficking legislation has not begun. It provided data on potential trafficking prosecutions for the first time, including evidence of its first conviction of a trafficking offender on a labor violation, for which the offender was penalized by a fine. Although Botswana does not have a law specifically prohibiting trafficking in persons, provisions in the Penal Code of 1998, such as those in sections 155-158 (forced prostitution) and sections 260-262 (slavery and forced labor), prohibit some forms of trafficking. The sufficiently stringent penalties

prescribed for offenses under these sections range from seven to 10 years' imprisonment, and are commensurate with those prescribed for other serious crimes, such as rape. Sections 57 and 114 of the 2009 Children's Act prohibit child prostitution and child trafficking, respectively; section 57 prescribes penalties of two to five years' imprisonment for facilitation or coercion of children into prostitution, while section 114 prescribes penalties of five to 15 years' imprisonment for child trafficking. The Children's Act, however, fails to define child trafficking, potentially limiting its utility. In December 2011, the cabinet approved a memo directing the attorney general to begin drafting anti-trafficking legislation.

In January 2012, MDJS produced a document containing law enforcement statistics – the government's first effort to report trafficking data – which noted the investigation of several potential trafficking cases and the first known enforcement actions taken against labor traffickers in Botswana. In August 2011 the Botswana Police Service (BPS) arrested a Motswana individual, and in November 2011 deported an Indian national suspected of forcing two Indians to labor on a farm. Charged with the administrative violation of employing non-citizens without a proper work permit under the Employment of Non-Citizens Act, the Motswana pled guilty and paid a \$133 fine in August 2011; along with the Indian national suspect, he also paid the \$2,500 salary arrears for each victim and provided them return tickets home. The government failed to seek criminal prosecution and imprisonment of the offenders under Penal Code section 262 (forced labor), and the administrative fines were insufficient to serve as a deterrent to trafficking crimes. In a potential transnational labor trafficking case detected by airport authorities, an immigration officer facilitated the illegal movement of Ethiopian nationals to South Africa, as authorities believe, for the purpose of forced labor. The government declared this official unfit for service and she resigned from the Immigration Service in March 2012; it also arrested and deported a Zimbabwean national in October 2011 for his suspected role. A trafficking prosecution initiated in 2010 remained ongoing. During the reporting period, 81 police officers received training at the Botswana Police College on the identification of trafficking victims.

Protection

Although the government demonstrated modest efforts to protect victims of transnational trafficking, it did not identify any victims of internal trafficking during the year. Botswana has no social services specifically to assist victims of human trafficking. The BPS rescued two Indian trafficking victims and two potential Ethiopian trafficking victims; all four victims were repatriated to their countries of origin, but not provided with additional protective services. The government did not penalize those rescued for crimes committed as a result of their being trafficked, including immigration violations; however, Botswana's laws do not specifically protect trafficking victims from penalization for unlawful acts committed as a direct result of being trafficked. In one case, the government facilitated the victims' repatriation by sentencing their traffickers to pay for their return tickets; however, the government did not provide foreign victims with temporary residency or legal alternatives to their removal to countries where they could face hardship or retribution. The government deports undocumented foreign migrants within 24 hours of arrest and, due to limited time and resources, provides only informal screening for trafficking victimization for the 300 undocumented foreign migrants

deported each day. This informal screening has never resulted in the identification of a trafficking victim.

The government funded NGO-operated shelters, which provided general services to children, including children in prostitution. One child victim of domestic servitude, identified during the previous reporting period, remained within the care of one such shelter for a second year and government social workers continued to oversee her case. The government has yet to develop a systematic process for the proactive identification and referral of victims among vulnerable populations, such as irregular migrants and women and children in prostitution; however, in March 2011, the government began training border police in victim identification.

Prevention

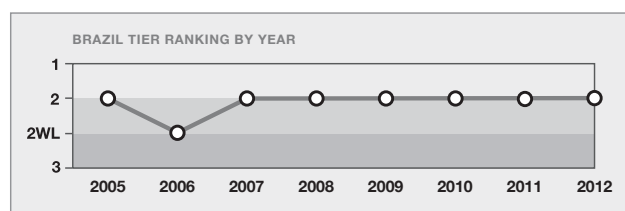
Although the government built its capacity to address the country's human trafficking problem through the identification of a lead ministry, it made minimal efforts to prevent trafficking during the year. In August 2011, the minister of presidential affairs and public administration designated the minister of defense, justice, and security as the lead on anti-trafficking issues. Despite official recognition of the need to increase the understanding of trafficking among Botswana, the government neither launched any prevention campaigns during the year, nor continued those started in the previous reporting period. In partnership with the ILO, the government implemented its Program for the Elimination of the Worst Forms of Child Labor and began compiling a list of hazardous forms of work, both of which cover some forms of trafficking. During the year, the Department of Labor partnered with the Department of Social Services to advocate against and raise awareness of exploitative child labor on Radio Botswana and Botswana TV. The government did not make efforts to reduce the demand for commercial sex acts during the reporting period.

BRAZIL (Tier 2)

Brazil is a large source country for men, women, and children subjected to sex trafficking within the country and abroad, as well as a source country for men and children in forced labor within the country. To a more limited extent, Brazil is a destination and transit country for men, women, and children in forced labor and sex trafficking. A significant number of Brazilian women and children are exploited in sex trafficking within the country, and federal police report higher rates of child prostitution in the Northeast. A large number of Brazilian women are found in sex trafficking abroad, often in European countries, including Spain, Italy, Portugal, the United Kingdom, the Netherlands, Switzerland, France, and Germany, as well as in the United States, and as far away as Japan. Some Brazilian women and children also are subjected to sex trafficking in neighboring countries, such as Suriname, French Guiana, Guyana, and Venezuela. To a lesser extent, some women from neighboring countries have been exploited in sex trafficking in Brazil. Some transgender Brazilians are forced into prostitution within the country, and Brazilian men and transgender Brazilians have been exploited in sex trafficking in Spain and Italy. Child sex tourism remains a serious problem, particularly in resort and coastal areas in Brazil's northeast. Child sex tourists typically arrive from Europe and, to a lesser extent, the United States.

Under Brazilian law, the term *trabalho escravo*, or slave labor, can signify forced labor or labor performed during exhausting work days or in degrading working conditions. It is unclear how many individuals identified in *trabalho escravo* are trafficking victims: however, a study published during the year noted that 60 percent of workers interviewed in rural *trabalho escravo* had experienced key indicators of forced labor. Thousands of Brazilian men are subjected to *trabalho escravo* within the country, often on cattle ranches, logging and mining camps, sugar-cane plantations, and large farms producing corn, cotton, soy, and charcoal, as well as in construction and deforestation. Some children have been identified in *trabalho escravo* in cattle ranching, deforestation, mining, and agriculture. Civil society organizations identified a strong link between environmental degradation and deforestation, particularly of the Amazon, and incidence of *trabalho escravo*. Forced labor victims are commonly lured with promises of good pay by local recruiters – known as *gatos* – in northeastern states, such as Maranhao, Piaui, Tocantins, to other locations, particularly Para, Mato Grosso, Goias, and Sao Paulo, where many victims are subjected to debt bondage. While many of these victims were migratory workers, in one case victims were subjected to a system of debt bondage in brick making for more than 30 years. Domestic servitude, particularly of teenage girls, also remains a problem in the country. To a lesser extent, Brazil is a destination for men, women, and children from Bolivia, Paraguay, Peru, and China in situations of *trabalho escravo* in garment factories and textile sweatshops in metropolitan centers, particularly Sao Paulo. Some of these sweatshops are sub-contractors for large companies, a number of which are international.

The Government of Brazil does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities continued efforts to investigate sex and labor trafficking crimes, but data collection on trafficking prosecutions and convictions continued to be a challenge. There were nine reported human trafficking convictions during the reporting period, while over 2,800 potential trafficking victims were identified in 2011 through continued mobile labor inspection operations to identify *trabalho escravo* and by anti-trafficking offices in 14 states. Government-provided specialized shelter and services for victims of all forms of trafficking victims remained inadequate. Authorities continued to partner with civil society and international organizations to raise awareness about sex trafficking and *trabalho escravo*. Despite continued prevention efforts on child sex tourism and investigations of commercial sexual exploitation of children, there were no reported prosecutions or convictions of child sex tourists.



Recommendations for Brazil: Increase efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including those involved in internal cases of sex trafficking; increase dedicated funding for specialized assistance, shelters, and protection for victims of sex trafficking and of forced labor, in partnership with civil society; vigorously investigate and prosecute those who engage

in the prostitution of children, including through child sex tourism; amend legislation to apply more stringent sentences for trafficking offenders; strengthen the interagency mechanisms at the federal, state, and local level and enhance collaboration between government entities involved in combating *trabalho escravo*, sex trafficking, and child prostitution, in order to ensure coordinated efforts against all forms of human trafficking; continue to increase training for local-level law enforcement officers, judicial officials and labor officials, and social workers; pass and implement a second national plan to combat trafficking; and strengthen partnerships between the government and the business sector to encourage voluntary efforts made by companies to eliminate forced labor.

Prosecution

The Brazilian government maintained law enforcement efforts to confront internal forced labor and transnational forced prostitution during the past year. There was limited public information on government efforts to prosecute and convict internal sex trafficking offenders, including those involved in the prostitution of children. In some *trabalho escravo* convictions achieved during the year, federal judges commuted sentences of less than four years' imprisonment to community service, thus undercutting in practice the otherwise stringent penalties set forth in the relevant anti-trafficking statutes. Brazilian laws prohibit most forms of trafficking in persons. Articles 231 and 231-A of the penal code prohibit some forms of sex trafficking – the promoting or facilitating movement to, from, or within the country for the purposes of prostitution or other forms of sexual exploitation, with violence, threats, or fraud as aggravating elements, as opposed to necessary elements of the offense. These articles prescribe penalties of three to 12 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. These statutes prohibit movement of a person for the purpose of prostitution, which is not a trafficking crime as defined in the 2000 UN TIP Protocol. Other statutes prohibit sex trafficking that does not involve moving the victim.

Some labor trafficking offenses are criminalized pursuant to article 149 of the penal code, which prohibits *trabalho escravo*, or reducing a person to a condition analogous to slavery. Article 149, however, goes beyond situations in which people are held in service through force, fraud or coercion and includes situations in which persons were subjected to exhausting work days or degrading working conditions. This statute, therefore, prohibits some activities that are considered human trafficking, such as forced labor, as well as other conditions, such as poor labor conditions, that are not considered human trafficking. In practice few convicted labor trafficking offenders have served jail time in Brazil. Brazilian law does not appear to adequately criminalize non-physical coercion or fraud used to subject workers to forced labor, such as threatening foreign victims with deportation unless they continue to work. Article 207 of the penal code does, however, prohibit fraudulent recruitment of workers, with sentences of one to three years' imprisonment.

During the year, legislators presented several draft federal trafficking laws, as well as new draft *trabalho escravo* laws, and legislators called for higher sentences for trafficking crimes. Some Ministry of Justice officials echoed the need for increased penalties, noting that under current statutes many convicted traffickers can serve their sentences under house arrest. During the reporting period, both houses of Congress established

official committees to investigate sex trafficking in Brazil. Officials noted that delays in the justice system made it difficult to hold traffickers accountable for their crimes. The federal judiciary partnered with the Ministry of Justice, Ministry of Labor, the Federal Prosecutor's office, state representatives and several diplomatic missions to launch a working group on developing a judicial strategy against trafficking.

In 2011, there were no reports of prosecutions or convictions for internal sex trafficking under Article 231-A, nor were there any reported convictions for this crime in 2010 or 2009. The federal police reported investigating 67 transnational sex trafficking cases, compared with 74 such investigations during the previous year. Authorities reported prosecuting five transnational sex trafficking cases and two convictions under Article 231, with sentences of five years' imprisonment; the traffickers were free to appeal their convictions while out on bail. In comparison, four transnational trafficking offenders were convicted under Article 231 during the previous year. In January 2012, Brazilian authorities worked with Mexican officials to extradite a German citizen previously convicted of transnational sex trafficking in Brazil in 2010.

To investigate potential cases of *trabalho escravo*, the Ministry of Labor conducted 164 operations targeting 331 properties in 2011, compared with 142 operations involving 310 properties in 2010. The federal police reported investigating 63 potential cases of *trabalho escravo* in 2011, in comparison with 142 cases in 2010. In most cases, these investigations were in tandem with Ministry of Labor operations. Many investigations were the result of complaints filed by civil society organizations or by labor authorities; the NGO that filed the most of these complaints noted that only half of the cases they referred to authorities were investigated. There was no information available regarding the total number of *trabalho escravo* civil and criminal suits filed in federal and labor courts in 2011; 177 cases were filed in 2010. There were no comprehensive data on how many labor traffickers federal and labor courts prosecuted during the reporting period; however, media reports indicated that authorities convicted seven possible labor trafficking offenders, including one former congressman, under the *trabalho escravo* statute. Sentences for these seven convicted offenders ranged from four to seven years and ten months' imprisonment. Three of these sentences were commuted to community service, which in one case was fulfilled by the payment of one month's minimum wage salary to a health center; other labor traffickers convicted in 2011 were eligible to appeal their convictions while out on bail or to serve sentences in a half-way home. In comparison, authorities reported eight convictions for *trabalho escravo* during the previous year. One NGO noted that only ten percent of *trabalho escravo* cases were criminally prosecuted. Civil society actors reported that there continued to be occasional confusion about which authorities were responsible for prosecuting *trabalho escravo* cases, which resulted in delays in prosecutions. Furthermore, NGOs identified several cases of individuals and companies with multiple accusations and investigations involving *trabalho escravo* against them, indicating the difficulty in preventing recurrence of this crime.

The Ministry of Labor's anti-*trabalho escravo* mobile units, created in 1995, continued to free laborers and require those responsible to pay fines. Fines varied significantly in amount, and some were invested in anti-trafficking infrastructure. It was unclear how many fines were levied in 2011 and there is no public information on how many fines were paid. In some

cases, mobile unit inspectors did not seize physical evidence or attempt to interview witnesses with the goal of developing a criminal investigation or prosecution; labor inspectors and labor prosecutors can only apply civil penalties, and their efforts were not always coordinated with public ministry prosecutors, who initiate criminal cases in federal court, though federal prosecutors can use labor inspectors' reports as valid evidence in indictments. Local political pressure and the remoteness of areas in which rural *trabalho escravo* was prevalent have been cited as impediments in the investigation of these cases. Since the murder of three labor inspectors in 2004, a case in which the accused have yet to be tried, mobile inspection teams were to be accompanied by federal police for physical protection. This did not always occur, and in some cases state labor prosecutors reported being unable to investigate cases due to a lack of federal police officers to accompany them. The Ministry of Labor released a manual on fighting *trabalho escravo* for inspectors. In urban areas, particularly Sao Paulo, the shortage of labor inspectors, as well as difficulties in prosecuting companies who subcontracted with sweatshops using *trabalho escravo*, were cited as impediments to criminal prosecution of trafficking offenders, and in most cases inspectors only levied administrative fines.

Credible NGOs continued to report instances of serious official complicity in trafficking crimes at the local level, alleging that police continued to turn a blind eye to child prostitution and potential human trafficking activity in commercial sex sites. There were no reports of investigations, prosecutions, or convictions for official complicity involving sex trafficking during the year. Some elected officials were reported to own property where *trabalho escravo* occurred, and the Supreme Court accepted cases against two congressmen under Article 149 during the reporting period. Authorities trained law enforcement officials and labor inspectors on how to identify trafficking cases and assist victims, often in collaboration with civil society organizations or foreign governments. Authorities reported launching an integrated national database that has been in development for three years, but implementation was uneven. This database collects information on sex trafficking and *trabalho escravo*, as well as other federal-level crimes, from law enforcement, the judicial branch, and anti-trafficking offices around the country.

Protection

The Brazilian government maintained limited efforts to ensure that trafficking victims had access to specialized services during the year; although authorities operated regional anti-trafficking offices in 14 states, funding for victim services was limited, and there were few specialized services or shelters for victims of sex trafficking or forced labor. Authorities continued to use mobile inspection teams to identify forced laborers, but did not report systematic procedures for identifying sex trafficking victims among other vulnerable populations, such as people in prostitution. There were no comprehensive statistics regarding the number of sex trafficking victims identified and assisted during the year. The federal government did not fund specialized shelters for trafficking victims. The Ministry of Social Development provided generalized shelter, counseling, and medical aid to women through its nationwide network of 187 centers and 72 shelters for victims of domestic violence and sexual abuse, though it is unclear how many trafficking victims received services at these centers. These centers do not receive additional funding and some do not receive training to handle trafficking cases, and many services

were limited due to lack of funding. Brazilian police continued to refer child sex trafficking victims to the government-run specialized social service centers for care, where they could be referred to legal and health services and offered temporary shelter for 24 hours, after which the children were referred to families or to an alternate shelter. The only government-funded shelter specifically for trafficking victims is in Salvador; it cared for female minors and was funded by the state government with civil society support. NGOs noted some government-run centers were not prepared or willing to handle trafficking cases and were underfunded. NGOs and international organizations provided additional victim services, and authorities referred victims to NGOs during the reporting period for specialized care. A few NGOs received limited funding from local governments, but most provided these services without this support. Services for male and transgender sex trafficking victims were lacking. Long-term shelter options for sex trafficking victims were generally unavailable.

The federal government, with assistance from an international organization, continued to fund regional anti-trafficking offices in partnership with state governments in Sao Paulo, Rio de Janeiro, Goias, Pernambuco, Ceara, Para, Acre, and Bahia, and opened offices in Alagoas, Amapa, the Federal District, Minas Gerais, Parana, Rio Grande do Sul, and a second office in Sao Paulo during the reporting period. These offices are responsible preventing and combating human trafficking, as well as coordinating victim assistance. NGOs reported that the quality of services varied, and that some centers focused on public awareness as opposed to victim care. During 2011, the Sao Paulo office reported assisting 179 victims, 114 of which were transgender Brazilians. The office in Fortaleza reported assisting 241 victims during the year. Authorities continued to fund assistance posts at airports in Sao Paulo, Belem, Rio de Janeiro and Fortaleza, to aid repatriated citizens who might be trafficking victims. It also opened posts in Acre and Amazonas during the year; some of these posts functioned with limited schedules.

In 2011, the Ministry of Labor's mobile units conducted 164 operations that identified and freed 2,428 laborers in situations of *trabalho escravo*: it is unclear how many of these laborers were victims of forced labor. In comparison, authorities identified and freed 2,628 workers in 2010 with 142 operations. A study published during the year reported that only 13 percent of workers that had experienced strong indicators of forced labor were rescued by mobile units during their exploitative experience, suggesting that many exploited workers and forced labor victims remain unidentified. The government did not generally encourage victims of *trabalho escravo* to participate in criminal investigations or prosecutions. Forced labor victims were not eligible for government-provided shelter assistance, though victims who were Brazilian citizens were provided with unpaid wages plus three months' salary at minimum wage, as well as job training and assistance when available. Although the Ministry of Labor reported awarding some victims monetary compensation from fines levied against employers, in some cases authorities did not file for these indemnities, and in other cases the victims did not receive them due to non-payment by traffickers. However, authorities reported that rescued workers received approximately \$3.4 million in back-pay and damages in 2011. The state of Mato Grosso continued to fund a program to provide vocational training in construction skills and other services to freed slave laborers, and was one of the only states to do so. In partnership

with a university and an NGO, the press reported that over 25 workers received jobs building stadiums for the upcoming large events through this program. According to NGOs and international organizations, a significant percentage of rescued slave laborers have been re-trafficked, due to few alternate forms of employment and a lack of substantive assistance and services. An NGO working with forced labor victims in Maranhao noted that none of the 70 rescued victims it assisted between 2009 and 2011 received any government assistance with job training, lodging, or education.

The government encouraged sex trafficking victims to participate in investigations and prosecutions of trafficking, although it did not report if any did so in 2011. Some victims were reluctant to testify due to fear of reprisals from traffickers and corrupt law enforcement officials. NGOs allege that police often dismissed cases involving sex trafficking victims, and some victims reported prejudicial treatment due to the fact that they had engaged in prostitution prior to being subjected to coercive conditions. In some states, victims of sex trafficking were eligible for short-term protection under a program for witnesses, but this program was generally regarded as lacking sufficient resources. The government generally did not detain, fine, or otherwise penalize identified victims of trafficking for unlawful acts committed as a direct result of being trafficked. Foreign victims of trafficking were eligible for permanent visa status; however, authorities did not report if any victims received this status in 2011. Brazilian consular officers received guidance on how to report trafficking cases and assist trafficking victims; however, a report released during the year noted that Brazilian victims exploited in Europe were afraid to seek the assistance of consulate officials and, when they did so, were sometimes disappointed in the assistance they received.

Prevention

The Brazilian government maintained efforts to prevent human trafficking last year in partnership with state governments, international organizations and NGOs. Authorities gathered extensive civil society and federal, state, and local government input to draft a second national plan for 2012-2016, as the first national plan ended in January 2010. As of April 2012, the plan awaited the President's signature. There was no permanent interagency committee to address trafficking, but the National Secretary of Justice was responsible for coordinating anti-trafficking activities, including coordinating the interagency group developing the second national plan. Some states or municipalities had local-level anti-trafficking coalitions or committees. The national Commission to Eradicate Slave Labor, a permanent council composed of government agencies, NGOs and international organizations, continued to coordinate efforts against *trabalho escravo*, and eight states had local commissions displaying varying degrees of activity. Civil society organizations, religious officials, foreign governments and various federal, state, and municipal agencies collaborated on anti-trafficking initiatives. The federal police provided training to law enforcement officials in other Lusophone countries.

The Ministry of Labor publishes a "dirty list," which publicly identifies individuals and corporate entities the government has determined to have been responsible for *trabalho escravo* and are subject to civil penalties. While some NGOs, an international organization, and the Ministry of Labor cite the "dirty list" as an effective tool against *trabalho escravo*, a study

has found that many companies on the list were not subjected to criminal prosecutions. The most recent version of the list, released in December 2011, added 52 new entries for a total of 294 total employers, some of whom were denied access to credit by public and private financial institutions because of this designation. Only two companies were taken off the list; the others were not deemed to have addressed irregularities, paid fines, and or avoided reoccurrence of *trabalho escravo* during a two-year monitoring period.

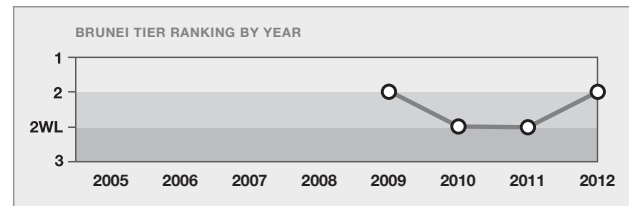
A hotline for victims of gender-based violence was expanded to receive toll-free calls from Italy, Spain, and Portugal; the vast majority of calls received by the hotline in 2011 related to domestic violence. Authorities continued partnerships with civil society and the business sector to provide vocational training to adolescents who were vulnerable to sexual exploitation. The government took public measures to reduce demand for commercial sexual exploitation of children by conducting a multi-media campaign during the 2012 Carnival holiday period. There were no reported efforts to reduce the demand for commercial sexual activity involving adults. Despite the significant number of child sex tourists visiting Brazil, there were no reports of prosecutions or convictions for child sex tourism during the reporting period. The Brazilian government provided anti-trafficking training to its military troops prior to their deployment abroad on international peacekeeping missions.

BRUNEI (Tier 2)

Brunei is a destination country and, to a much lesser extent, a source and transit country for men and women who are subjected to forced labor and forced prostitution. Men and women from countries within the region, such as Indonesia, Bangladesh, China, the Philippines, and Malaysia, migrate to Brunei primarily for domestic work and are sometimes subjected to conditions of involuntary servitude after arrival. There are approximately 100,000 migrant workers in Brunei, some of whom face debt bondage, nonpayment of wages, passport confiscation, abusive employers, and confinement to the home – conditions widely recognized as indicators of human trafficking. Although it is illegal for employers in Brunei to withhold wages of domestic workers for more than 10 days, some employers are known to withhold wages in order to recoup labor broker or recruitment fees or as a tool with which to maintain the service of the workers. While officials attempt to ensure that workers understand the contracts by reviewing the details and witnessing the signatures, foreign nationals continue to have difficulties understanding the contract stipulations as many do not speak the local language or lack basic literacy skills. Many victims enter the country on social visit passes or tourist visas.

The Government of Brunei does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its anti-trafficking efforts, particularly in the areas of law enforcement and public awareness. It investigated eight human trafficking cases using its 2004 anti-trafficking law, in comparison with zero cases investigated during the previous year. From among these investigations, the Government of Brunei prosecuted its first two trafficking cases. In addition, authorities established an anti-trafficking unit within the Royal Brunei Police Force in

August 2011. During the year, the government identified and assisted one trafficking victim, in contrast to the previous year when no victims were identified. However, the Bruneian government has failed to fully implement formal procedures to proactively identify victims of trafficking. The government allocated resources toward a new unit within the police force dedicated to trafficking investigations and enforcement, increased training and assistance from outside experts, and conducted anti-trafficking prevention campaigns. New efforts related to the monitoring of fraudulent labor recruitment and the exploitation of forced labor were implemented but remained insufficient; the issues of confiscation of travel documents and nonpayment of wages were not adequately addressed.



Recommendations for Brunei: Differentiate between human trafficking and smuggling in legal protocol and trainings, and disaggregate data collection on law enforcement efforts to combat these separate crimes; continue to increase the number of investigations and prosecutions of both sex and labor trafficking offenses using the anti-trafficking law and convict and punish trafficking offenders; adopt and implement proactive procedures to identify victims of trafficking among vulnerable groups, such as migrant workers and females in prostitution; enforce stringent criminal penalties against those involved in fraudulent labor recruitment or exploitation of forced labor; prosecute employers and employment agencies who unlawfully confiscate workers' passports as a means of extracting forced labor; continue cooperative exchanges of information about trafficking cases with foreign governments in order to arrest and prosecute traffickers who enter Brunei; continue to ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a direct result of being trafficked; develop a national plan of action for anti-trafficking matters; become a party to the 2000 UN TIP Protocol; and continue to support comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and clients of the sex trade.

Prosecution

The government demonstrated increased progress in its anti-trafficking law enforcement efforts during the past year. The Government of Brunei prohibits both sex and labor trafficking through its Trafficking and Smuggling Persons Order of 2004, which prescribes punishments of up to 30 years' imprisonment. These punishments are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In February 2012, the government initiated the prosecution of its first trafficking case, which involved a Malaysian couple who allegedly recruited and received an Indonesian adult domestic maid for the purposes of forced labor, extracted by means of physical abuse and deception. The government initiated prosecution of a second trafficking case in March 2012, which involved a Thai national who allegedly subjected three Thai women to forced prostitution. The Bruneian government officially

formed a dedicated anti-trafficking law enforcement unit – the Heads of Specialist Trafficking Unit within the Royal Brunei Police Force – in August 2011. During the year, the government continued to rely on mediation or administrative action rather than criminal penalties in labor-related offenses. One military officer received a punishment of a fine and license cancellation for failure to pay wages to his employees. Authorities also investigated and concluded two other cases regarding the same offense, but they did not provide information regarding prosecutions or prescribed punishments or report investigating these labor cases to collect trafficking evidence. The Government of Brunei collaborated with the Association of Southeast Asian Nations' law enforcement organization, ASEANAPOL, participated in the Bali Process on trafficking in persons, and sent 10 police officials to an anti-trafficking training hosted by French police officials.

Protection

The Government of Brunei's efforts to identify and protect trafficking victims during the reporting period were modest. In early 2012, the government enacted several amendments to the penal code in order to further curb commercial sexual exploitation among children. In collaboration with the Royal Brunei Police Force, these additions and changes to the laws provide prosecutors with the capacities to prosecute and convict a wider array of sexual offenses. For example, stricter penalties are imposed for utilizing technology or traveling abroad to exhibit crude sexual behavior involving children under the age of 18. The government has not widely implemented proactive procedures to systematically identify victims of trafficking among vulnerable groups, such as foreign workers and individuals in prostitution, but it has increased training and interagency coordination, and sought technical assistance from outside experts in order to do so. Authorities made minimal efforts to proactively identify suspected trafficking victims, identifying one victim, to whom medical assistance was provided. While immigration authorities actively identified and charged violators of immigration laws, there were no cases reported of authorities screening for, identifying, or assisting trafficking victims among immigration violators during the reporting period. During the year, police reported that women found in prostitution were allowed to stay at a government-run shelter and were not fined or convicted of any charges, representing significant improvement over prior years. Three foreign nationals were initially arrested for prostitution offenses but were subsequently treated as trafficking victims; Bruneian authorities provided the victims with shelter and repatriation at their request before they were deported. However, there continued to be no safeguards in place to reduce the risk of hardship, retribution, or re-trafficking of those deported. Police officials reported that while judicial proceedings are ongoing, victims are no longer detained in prison in close proximity to their traffickers and are encouraged to assist in investigations. The government maintained three general-purpose shelters that could be used to assist trafficking victims, but it continued to coordinate with and rely on shelters run by foreign embassies to house their own nationals; victims were not specifically notified of other options. The Ministry of Home Affairs provided funding for a shelter to accommodate trafficking victims and individuals found in prostitution; however, men were not protected under this provision. Bruneian officials have begun to issue special immigration passes to suspected trafficking victims, which permit them to remain in Brunei during investigations.

Prevention

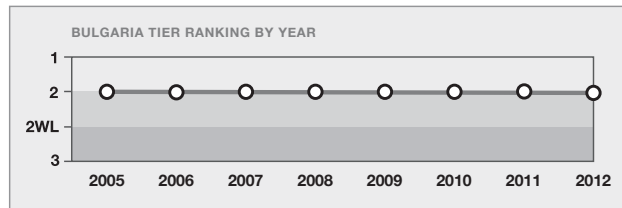
The Bruneian government expanded prevention efforts during the reporting period. In an effort to prevent labor trafficking, the Labor Department began enforcing licensing requirements for all labor recruitment agencies in early 2012, requiring a monetary deposit and company-wide as well as individual background checks. Recruiters were also required to register with the government, and the government installed posters to raise awareness of and encourage compliance with labor and immigration laws. The government continued to publicize, through the local media, a confidential hotline for reporting trafficking and labor issues; however, the number of calls received through this hotline has never been reported. During the reporting year, the Department of Labor and the Immigration Department conducted nationwide road shows to publicize workers' rights and various indicators of forced labor, such as nonpayment of wages. In addition, the anti-trafficking police unit led a poster campaign to inform the general public about possible human trafficking indicators; however, no specific populations were targeted, and the campaigns were not solely related to trafficking in persons. The public awareness campaign also included frequent television public service announcements. The government-influenced press disseminated stories regarding the prosecution of the first two Bruneian trafficking cases. Authorities issued a poster and bumper sticker discouraging child sex tourism, along with a phone number to call to report such offenses. The government has not drafted a national action plan against trafficking in persons, and sufficient resources have not been designated or allotted to this regard. Brunei is not a party to the 2000 UN TIP Protocol.

BULGARIA (Tier 2)

Bulgaria is a source and, to a lesser extent, a transit and destination country for women and children who are subjected to sex trafficking, and men, women, and children subjected to conditions of forced labor. Bulgarian women and children are subjected to sex trafficking within the country, particularly in resort areas and border towns, as well as in the Netherlands, Belgium, France, Austria, Italy, Germany, the United States, the Czech Republic, Finland, Greece, Spain, Norway, Poland, Switzerland, Turkey, Cyprus, Macedonia, and South Africa. Ethnic Roma men, women, and children are particularly vulnerable to becoming trafficking victims and represent a significant share of identified trafficking victims. Bulgarian men, women, and children are subjected to conditions of forced labor in Greece, Italy, Spain, the Czech Republic, Sweden, Norway, Cyprus, and Iraq. Some Bulgarian children are forced into street begging and petty theft within Bulgaria and also in Greece, Italy, and the United Kingdom.

The Government of Bulgaria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the Government of Bulgaria sustained its high conviction rate and sent a larger percentage of convicted trafficking offenders to prison. While the government prosecuted roughly the same number of individuals for trafficking crimes as 2010, it investigated fewer cases in 2011. Prosecutors initiated prosecutions of two police officers in the reporting period, although they investigated fewer public officials overall. Although the government identified fewer victims, it continued to make effective use of its national

referral mechanism, adopted in late 2010, to assist more victims. The government improved the operation of its two shelters for adult trafficking victims, providing services to significantly greater numbers of women than in previous years. The Government of Bulgaria continued its robust prevention efforts such as outreach campaigns targeting vulnerable populations, including Roma communities.



Recommendations for Bulgaria: Continue efforts to investigate, prosecute, and convict government officials complicit in trafficking, and ensure that guilty officials receive criminal punishment; continue efforts to investigate, prosecute, and convict trafficking offenders and ensure that a majority of convicted offenders serve time in prison; sustain efforts to ensure that no victims of trafficking are punished for acts committed as a direct result of being trafficked; continue efforts to reduce human trafficking, including extending prevention activities to more schools with a majority of Roma children; continue to increase the number of victims referred by government officials to service providers for assistance; take legislative action to prohibit the prosecution of trafficking victims for acts committed as a direct result of their being trafficking.

Prosecution

The Government of Bulgaria demonstrated increased overall law enforcement efforts during the reporting period. Bulgaria prohibits trafficking for both sexual exploitation and forced labor through Article 159 of its Criminal Code, which prescribes penalties of between two and 15 years' imprisonment for convicted offenders. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2011, police conducted 119 sex trafficking investigations and nine labor trafficking investigations, compared with 149 sex trafficking and 11 labor trafficking investigations conducted in 2010. Authorities prosecuted 102 individuals for sex trafficking and 13 for labor trafficking in 2011, compared with 113 persons prosecuted for sex trafficking and five for labor trafficking in 2010. A total of 112 trafficking offenders were convicted in 2011 – 95 for sex trafficking and 17 for labor trafficking offenses – compared with 112 sex trafficking offenders and five labor trafficking offenders convicted in 2010. Only 54 of the 112 convicted trafficking offenders were sentenced to any time in prison, however, with sentences ranging from three to 13 years' imprisonment, compared with 43 of 117 convicted trafficking offenders sentenced to imprisonment in 2010. In 2011, the National Institute of Justice provided trafficking-specific training to 10 police officers, 14 investigators, 37 prosecutors, and 22 judges. In November, with the support of an NGO, the government held a seminar for 60 police officers, local officials, and NGO representatives on forms of international police cooperation and best practices in countering trafficking for both sexual and labor exploitation. Bulgarian law enforcement officials also collaborated on joint human trafficking investigations with law enforcement counterparts from nine other governments.

There were continued reports of trafficking-related complicity of government officials during the reporting period, including reports of government officials who provided sensitive law enforcement information to traffickers and intentionally hindered the investigations of high-level traffickers. The government demonstrated inadequate efforts in combating this complicity. Seven police officers were investigated for potential complicity in human trafficking in 2011, compared with 12 officers investigated in 2010. While the government prosecuted other officials for crimes related to facilitating the acquisition of fraudulent identity documents, it did not sufficiently investigate these cases to determine if the crimes entailed human trafficking as opposed to human smuggling.

Protection

The Government of Bulgaria made modest progress in protecting victims of trafficking in the reporting period. The government spent \$27,000 in 2011 on victim assistance programs. The government continued implementing a national referral mechanism, adopted in 2010, to ensure that trafficking victims were identified and referred to specialized services. This mechanism divides victim identification into formal and informal stages, allowing victims to be identified and provided with assistance regardless of their readiness to cooperate with police investigations. In 2011, the government's prosecution service identified a total of 512 victims of trafficking, including 70 child victims, compared with 558 identified victims in 2010, 89 of which were children. Of the 512 victims, 404 were victims of sex trafficking and 108 suffered from labor exploitation. The government identified no foreign victims in 2011, compared to one foreign victim identified in 2010. NGOs identified an additional 55 to 91 victims in 2011, compared to 55 victims in 2010. Victims who did not cooperate with police investigations were not included in the official government statistics; however, law enforcement did not discriminate against those who did not cooperate and routinely referred them to NGOs. The government assisted a total of 150 victims of trafficking through its national referral mechanism, an increase from 110 in 2010. The national government, in cooperation with local governments, continued to fund two state-run trafficking shelters that provided long-term assistance, including medical and reintegration services for adult women; the shelters accommodated nine victims during the reporting period. Trafficking victims were permitted to enter and leave the shelters freely. No trafficking-specific government or NGO shelters were available to male victims of trafficking. The government continued to operate 11 crisis centers for child victims of violence that provided shelter and psychological and medical assistance to approximately 67 child victims of trafficking in 2011, compared to 79 in 2010. Foreign victims of trafficking were eligible for all assistance available to Bulgarian victims of trafficking. The government encouraged victims to assist in trafficking investigations and prosecutions; all 512 victims identified by the prosecution chose to cooperate with law enforcement in 2011. At least two women were placed in witness protection in 2011. Foreign victims who cooperated with law enforcement were eligible to stay in Bulgaria for the duration of the criminal proceedings before deportation or mandatory repatriation. Foreign victims who chose not to cooperate in trafficking investigations are permitted to remain in Bulgaria for 40 days for recovery before being returned to their country of origin; the recovery period for foreign child victims was 70 days. There were no reports of trafficking victims punished for unlawful acts that they committed as part of their being trafficked.

Prevention

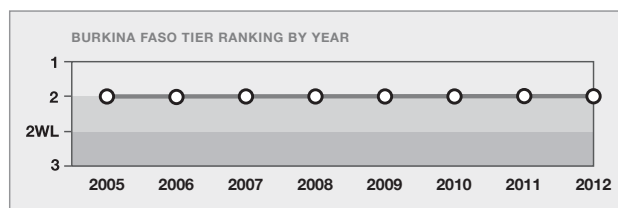
The Bulgarian government demonstrated significant efforts to prevent human trafficking during the reporting period. The government spent approximately \$37,000 in 2011 on prevention activities. In October, the government implemented its annual major campaign, "Human Trafficking – Time for Action," which in 2011 cost \$27,000 and utilized booklets, postcards, book separators, CDs, video and audio spots on major radio and television stations, outdoor advertisements, and campaign branding of three central metro stations in Sofia. The government also trained 180 teachers in engaging students in interactive discussions on trafficking. The National Commission for the Fight against Trafficking in Persons continued to serve as the government's focal point for coordinating anti-trafficking efforts. Six regional commissions operating under the national commission carried out trafficking prevention campaigns during the year. For instance, in July, the local commission in Pazardzhik organized a prevention campaign targeting the local Romani community during which it distributed information brochures, T-shirts, and hats. The National Commission routinely referred information of potentially fraudulent job offers to the Labor Ministry's Inspectorate for investigation and administrative punishment; in 2011, the Commission referred 11 such cases. The government operated mobile child protection units to identify vulnerable street children. The government also demonstrated efforts to reduce demand for commercial sex acts by emphasizing the punishments for offenders in its awareness campaigns. The Bulgarian government participated in a number of regional conferences, including hosting a seminar on labor trafficking in June 2011 that was attended by representatives from nine European countries. At the close of the reporting period, the Government of Bulgaria had developed but not yet adopted its 2012 national action plan for combating human trafficking.

BURKINA FASO (Tier 2)

Burkina Faso is a country of origin, transit, and destination for women and children subjected to forced labor and sex trafficking. Burkinabe children are subjected to forced labor as farm hands, gold panners and washers, street vendors, domestic servants, and beggars recruited as pupils by individuals posing as religious teachers. Girls are exploited in the commercial sex trade. Burkinabe children are transported to Cote d'Ivoire, Mali, or Niger for subsequent forced labor or sex trafficking. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire, and is a destination for children trafficked from other countries in the region, such as Ghana, Guinea, Mali, and Nigeria. To a lesser extent, traffickers recruit women for ostensibly legitimate employment in Europe and subsequently subject them to forced prostitution. Women from other West African countries are fraudulently recruited for employment in Burkina Faso and subsequently subjected to situations of forced prostitution, forced labor in restaurants, or domestic servitude in private homes.

The Government of Burkina Faso does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government recognizes that sex trafficking and forced labor are a problem in the country, and continued efforts to identify child victims. In 2011, it identified 1,282 child trafficking victims. Despite this achievement, the government did not take

steps to identify adult victims of trafficking among vulnerable populations. The government sustained anti-trafficking law enforcement efforts which led to the arrest of 13 suspected traffickers and the conviction of three trafficking offenders. However, the government struggled to compile complete data on its law enforcement efforts.



Recommendations for Burkina Faso: Strengthen the system for collecting anti-trafficking law enforcement data and ensure that authorities responsible for data collection are supplied with adequate means for accessing and compiling this information; while distinguishing between human trafficking and the separate crimes of abduction and child selling, increase efforts to prosecute and convict trafficking offenders and apply appropriate penalties as prescribed by the May 2008 anti-trafficking law; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and children working in agriculture and mining, and refer them to protective services; include adults in the Ministry of Social Action's yearly victim identification targets; and while continuing to fund transit centers and vocational training programs, develop a formal referral mechanism for coordinating with NGOs to provide victims with long-term care.

Prosecution

The government sustained its anti-trafficking law enforcement efforts during the year, though the number of cases investigated and prosecuted continued to be few compared with the significant number of victims identified in 2011. The government also struggled to compile complete data on such efforts. The May 2008 anti-trafficking law prohibits all forms of trafficking and prescribes maximum penalties of 10 years' imprisonment; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. The government reported investigating 10 suspected trafficking cases in 2011. Thirteen individual prosecutions were initiated and three persons were convicted, a decrease in investigations and convictions compared with the previous year. A Nigerian man and woman were convicted of trafficking 11 Nigerian girls for forced prostitution and received sentences of 24 and 36 months' imprisonment, respectively. The government did not provide information on the status of the 11 additional prosecutions initiated in 2011, or the investigations that remained pending at the close of the previous reporting period. The Ministry of Social Action disseminated anti-trafficking policies and procedures to law enforcement and border officials throughout the country, and in December 2011, government officials finished a year-long IOM-supported anti-trafficking program, during which Burkinabe officials presented best practices observed throughout West Africa to counterparts from Cote d'Ivoire and Niger. There were no reports of government officials' complicity in trafficking cases; however, law enforcement efforts remain hindered by limited human and financial resources and general corruption in the judiciary.

Protection

The Government of Burkina Faso sustained its efforts to identify and provide protective services to large numbers of child trafficking victims during the year, but did not identify or provide services to any trafficked adults. In 2011, the Ministry of Social Action (MSA) identified 1,112 child victims of Burkinabe origin – 662 boys and 450 girls. The government also reported another 170 child victims from other countries. The MSA worked with donors and the diplomatic representatives of neighboring countries to repatriate victims of non-Burkinabe origin. The Government of Burkina Faso collaborated on two cases with the Governments of Cote d'Ivoire and Mali to repatriate victims to Burkina Faso. During the year, the government continued to operate 23 multi-purpose transit centers, in collaboration with UNICEF, and referred an unknown number of victims to these centers to receive food, medical care, and clothing before being reunited with their families. To complement funding from UNICEF and other donors, the government allocated \$20,000 to assist the police border patrol's anti-trafficking activities and to provide ongoing funding for the transit centers. The government allows foreign citizens to apply for asylum if they fear they will face hardship or retribution if returned to their country of origin, although no trafficking victims sought this protection during the year. The aforementioned Nigerian trafficking victims worked with Burkinabe law enforcement to provide information during the investigation, which enabled authorities to arrest and prosecute the traffickers. There were no reports that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Burkina Faso sustained moderate efforts to prevent trafficking in persons. The MSA printed and distributed 3,000 informational flyers in four local languages on the risks of human trafficking. The government hosted lectures, film discussions, and theater forums focused on child labor and trafficking, and also used nationwide radio and television stations to broadcast anti-trafficking programs. The Ministry of Territorial Administration, Decentralization, and Security conducted periodic raids of sites vulnerable to trafficking, such as brothels and farms. The country's national committee for the coordination of anti-trafficking activities, led by the Minister of Social Action, held its inaugural meeting in October 2011 during which it set out its goals for the coming year. Regional vigilance and surveillance committees, comprised of local officials and community leaders who defend children from various forms of exploitation, met during the year to coordinate activities to identify and assist potential victims, although it is unclear if they assisted any trafficking victims. The government undertook measures to decrease the demand for forced labor by increasing the number of labor inspectors it trained and employed to 170. The government did not take steps to reduce the demand for commercial sex acts. The government provided Burkinabe troops with anti-trafficking and human rights training prior to their deployment abroad on international peacekeeping missions.

BURMA (Tier 2 Watch List)

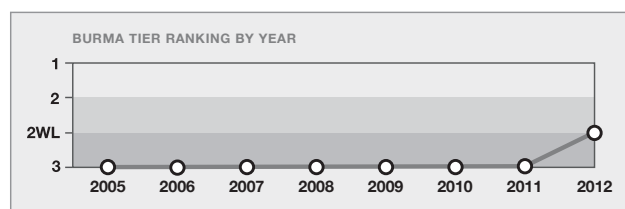
Burma is a source country for men, women, and children who are subjected to forced labor and for women and children subjected to sex trafficking in other countries. Many Burmese

men, women, and children who migrate for work in Thailand, Malaysia, China, Bangladesh, India, and South Korea are subjected to conditions of forced labor or sex trafficking in these countries. Poor economic conditions within Burma have led to increased legal and illegal migration of Burmese men, women, and children throughout East Asia and to destinations in the Middle East, where they are subject to forced labor and sex trafficking. For example, men are subjected to forced labor in the fishing and construction industries abroad. Some Bangladeshi trafficking victims transit Burma *en route* to Malaysia, while Chinese victims transit Burma *en route* to Thailand. The government is beginning to address the systemic political and economic factors that cause many Burmese to seek employment through both legal and illegal means in neighboring countries, where some become victims of trafficking.

Trafficking within Burma both by government officials and private actors continues to be a significant problem. Military personnel and insurgent militia engage in the unlawful conscription of child soldiers and they continue to be the leading perpetrators of forced labor inside the country, particularly in conflict-prone ethnic areas. Since the dissolution of a ceasefire with the Kachin Independence Army in June 2011, fighting has displaced an estimated 60,000 Kachin residents, who are highly vulnerable to forced labor and sex trafficking. An NGO study published in 2010 found an acute problem in Chin State, where a survey of over 600 households indicated that over 92 percent experienced at least one instance of a household member subjected to forced labor; the Burmese military reportedly imposed two-thirds of these forced labor demands. Because authorities refuse to recognize members of certain ethnic minority groups (including the Rohingyas) as citizens and do not provide them with identification documentation, members of these communities are more vulnerable to trafficking. Military and civilian officials have for years systematically forced men, women, and children into working for the development of infrastructure, in state-run agricultural and commercial ventures, and as porters for the military. Government authorities use various forms of coercion, including threats of financial and physical harm, to compel households to provide forced labor. Those living in areas with the highest military presence, including remote border areas populated by minority ethnic groups, are most at risk for forced labor. The Kachin ethnic minority are particularly vulnerable to trafficking due to an ongoing conflict between the Burma Army and the Kachin Independence Army. Military and civilian officials subject men, women, and children to forced labor, and men and boys as young as 11 years old are forced through intimidation, coercion, threats, and violence to serve in the Burma Army as well as the armed wings of ethnic minority groups. Some observers estimate that thousands of children are forced to serve in Burma's national army in part as a way of offsetting desertions. Children of the urban poor are at particular risk of conscription. Past UN reports indicate that the army has targeted orphans and children on the streets and in railway stations, and young novice monks from monasteries for recruitment. Anecdotal reports indicate that children are threatened with jail if they do not agree to join the army, and are sometimes physically abused. Children are also subjected to forced labor by private individuals and groups, in tea shops, home industries, agricultural plantations, and as beggars. Exploiters subject girls to sex trafficking, particularly in urban areas. Anecdotal evidence suggests that a small number of foreign pedophiles occasionally exploit Burmese children in

the country, and observers expressed concern over a possible increase in this problem as tourism increases.

The Government of Burma does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Burmese government took a number of unprecedented steps to address forced labor and the conscription of child soldiers; these steps amount to a credible commitment to undertake anti-trafficking reforms over the coming year. Authorities continued significant efforts to address the cross-border sex trafficking of women and girls, and inaugurated a national hotline to respond better to public complaints of all forms of human trafficking. The government repealed antiquated laws that sanctioned its use of forced labor; enacted new legislation that clearly prohibits forced labor imposed by any entity; and embarked on an ambitious new plan of action with the ILO to eradicate forced labor by 2015. Nevertheless, forced labor of civilians and the recruitment of child soldiers by both military officials and private entities remained serious problems. Previous government human rights abuses and economic mismanagement, coupled with the Burma military's continued widespread use of forced and child labor as well as recruitment of child soldiers, underpinned Burma's significant trafficking problem, both within the country and abroad. The climate of impunity and repression and the government's lack of accountability in forced labor and the recruitment of child soldiers represent the top casual factors for Burma's significant trafficking problem.



Recommendations for Burma: Complete and implement the terms of the ILO action plan for the elimination of forced labor offenses perpetrated by government employees, particularly military personnel; take additional measures to confront the unlawful conscription of children into the military and ethnic armed groups, including the criminal prosecution and punishment of offenders; increase efforts to investigate and sanction, including through criminal prosecution, government and military perpetrators of internal trafficking offenses, including child soldier recruitment and other such crimes; actively identify and demobilize all children serving in the armed forces; continue improving UN access to inspect recruitment centers, training centers, and military camps in order to identify and support the reintegration and rehabilitation of child soldiers; cease the arrest and imprisonment of children for desertion or attempting to leave the army and release imprisoned former child soldiers; enhance partnerships with local and international NGOs to improve victim identification and protection efforts, including victim shelters; develop and implement formal victim identification and referral procedures; and focus more attention on the internal trafficking of women and children for commercial sexual exploitation.

Prosecution

The Government of Burma reported continued law enforcement efforts against trafficking of women and girls across international borders during the year, including for forced marriages. It failed to demonstrate discernible progress in investigating, prosecuting, and convicting perpetrators of internal trafficking – particularly the military's forced conscription of soldiers, including child soldiers, and use of forced labor. The government continued to detain nine individuals arrested in prior years for labor activism and other labor activities. The ILO continued to voice its concern over the detention of these nine individuals. In February 2012, parliament repealed two antiquated colonial-era laws that had provided explicit legal sanction for government employees' use of forced labor among the citizenry – the 1907 Villages and Towns Acts. At the same time these antiquated laws were repealed, the government enacted the Wards and Village Tracts Administration Act which, after its amendment in March 2012, explicitly prohibits and punishes the use of forced labor by any entity.

Burma prohibits sex trafficking and labor trafficking through its 2005 Anti-Trafficking in Persons Law, which prescribes criminal penalties that are sufficiently stringent and commensurate with those prescribed for rape. Engaging in forced labor, including the recruitment of children into the army, is a criminal offense under both the new Wards and Village Tracts Administration Act and Penal Code Section 374, which could result in imprisonment for up to one year, or a fine, or both. In addition, forced labor is prohibited under Section 359 of Burma's 2008 Constitution. The power and influence of the Burmese military continued to limit the ability of civilian police and courts to address cases of forced labor and the recruitment of child soldiers by the armed forces. Without assent from high-ranking military officers, law enforcement officials generally were not able to investigate or prosecute such cases. During the year, however, the Ministry of Defense reported its own efforts to investigate and punish military personnel for their involvement in recruiting children for military service.

Through 26 Anti-Trafficking Task Forces operating in key cities and at international border crossings, the police continued to identify and investigate trafficking offenses and to arrest suspected trafficking offenders. The Government of Burma reported investigating 136 cases of trafficking, and prosecuting 231 offenders in 2011 – 160 of whom were female – compared to 234 convicted in 2010. Burmese court proceedings continued to lack transparency and due process for defendants. Burma's judiciary lacks sufficient independence from military authorities; international organizations and NGOs were often unable to verify court statistics provided by the government. Additionally, limited capacity and training of the police coupled with the lack of transparency in the justice system make it uncertain whether all trafficking statistics provided by authorities were indeed for trafficking crimes.

Corruption and lack of accountability remain pervasive in Burma, affecting all aspects of society; officials frequently engage in corrupt practices with impunity. Police can be expected to self-limit investigations when well-connected individuals are involved in forced labor cases. Although the Ministry of Defense reported its discipline of some personnel for trafficking offenses, the government did not report any criminal prosecutions, convictions or serious punishment of government officials for their complicity in human trafficking.

During the year, a foreign donor provided some training to police officials on human trafficking.

During the year, the government showed unprecedented cooperation with the ILO and other international partners in discussing remedies for the long-standing problems of forced labor and child soldier conscription committed by members of the military or civilian administrators. The ILO continued to receive and investigate forced labor complaints; 324 were received in 2011, of which 236 involved alleged conscription of children for military service. The ILO submitted 145 cases to the Burmese government for action in 2011. The government resolved 80 cases; 65 cases are pending resolution by the government and six cases were closed with an “unsatisfactory outcome,” according to the ILO. For the first time in several years, the Ministry of Defense provided data on military personnel disciplined for forced labor offenses: four officers and 37 enlisted personnel were punished for “improper recruitment,” though none of these offenders were imprisoned. The four officers received official reprimands and, of the 37 enlisted personnel, 22 received reprimands, nine were suspended without pay for seven days, five were suspended without pay for 14 days, and one was reduced in rank.

Protection

The Burmese government made progress in ensuring that victims of trafficking were identified and received access to services. In September 2011, the government inaugurated a national trafficking hotline that has since led to the rescue of 57 victims of trafficking. In addition, the government launched an anti-trafficking website in February 2012. Government officials in 2011 identified 177 victims of trafficking, including 14 males. Sixty-nine percent of the victims identified were women and girls subjected to forced marriage in China (in contrast to the 82 percent of victims identified in 2010 who were subject to this form of trafficking). The remaining 31 percent of victims identified and assisted in 2011 consisted of internal labor and sex trafficking and the forced labor of Burmese nationals in other countries. During a presentation of these statistics, a senior Burmese official remarked that – though the figures depict a growing share of labor trafficking victims – the government’s data still underrepresented the true magnitude of forced labor problem. The government in March 2012 established a Human Trafficking Fund to support improved assistance to victims of trafficking, and in 2011 it disbursed a total of \$5,400 to 16 victims in compensation from the seized property of traffickers. As part of its joint implementation of the ILO complaints mechanism for forced labor, the government identified and released 57 children who had been recruited into military ranks. UN sources reported nearly complete success in securing the release of all children identified as having been recruited. The Burmese military, however, has not yet proactively collected evidence of child soldiering or initiated investigations on its own. In another positive development, there were no new cases in 2011 of complainants being harassed, detained, or otherwise penalized for making accusations against officials who had forced them into labor. Furthermore, most complainants who had been imprisoned during the previous year were released during the reporting period.

Authorities reported assisting 229 Burmese victims identified and repatriated by foreign governments in 2011, including 147 from China and 72 from Thailand. This represented a decrease from 348 victims repatriated to Burma by foreign authorities

in 2010. In previous years, repatriated Burmese victims were involuntarily placed in Department of Social Welfare (DSW) rehabilitation centers for a mandatory minimum of two weeks, which stretched into months if authorities could not find an adult family member to accept responsibility for the victim. The government ceased this practice in late 2011, in line with international norms on trafficking victim protections. Victims repatriated since September 2011 have been given the option of going to a government rehabilitation center or returning to their communities immediately. In late 2011, the government also produced and disseminated, with IOM assistance, a set of government guidelines for social service providers on the appropriate handling and care of trafficking victims. Nevertheless, the government’s provision of resources to longer-term support for trafficking victims remained meager. While in government facilities, victims received basic medical care and had access to counseling, which was often substandard. Victims had very limited access to psychosocial counselors. There remained no shelter facilities available to male victims of trafficking. NGOs were sometimes allowed access to victims in government shelters, but the government continued to bar NGOs from operating shelters for trafficking victims. The government has employed formal victim identification procedures in place since 2006. While the government reported that it encouraged victims to assist in investigations and prosecutions, there was no evidence that officials provided financial support or other assistance to victims as incentives to participate in the prosecution of their traffickers. Although victims have the right to file civil suits against their traffickers, the government did not provide access to legal assistance to enable victims to do so.

Prevention

The Government of Burma increased its efforts to prevent all forms of human trafficking over the last year. The government’s Central Body for the Suppression of Trafficking in Persons (CB-TIP), comprising representatives from 26 agencies and some NGOs, increased its activity in coordinating the government’s anti-trafficking programs and policies. In 2011, two organizations considered government-affiliated were dropped from the CB-TIP’s membership – the Women’s Affairs Federation and the Union Solidarity Development Association. The CB-TIP met regularly throughout the year and in March 2012 released a new five-year (2012-2016) national plan of action on human trafficking at a gathering of government, NGOs and foreign diplomats. In late 2011, the CB-TIP oversaw the establishment of 16,589 community-based anti-trafficking watch groups, although the vast majority of these groups have not yet received any training.

During the reporting period, the Ministry of Labor took a number of unprecedented steps to improve the prevention of forced labor of Burmese citizens at home and abroad. In late 2011, the deputy minister of labor negotiated with the Thai government for the placement of a labor attaché at the Burmese embassy in Thailand and the opening of five labor assistance centers in Thailand, to be staffed by Burmese labor ministry personnel. The centers, which the Thai government has not yet approved for opening, will help expatriate Burmese workers with obtaining Burmese identity documents and other assistance. The Burmese labor ministry also collaborated with the Thai government in attempting to increase the number of Burmese workers sent to Thailand through the framework of the 2003 Burma-Thailand MOU on migrant labor.

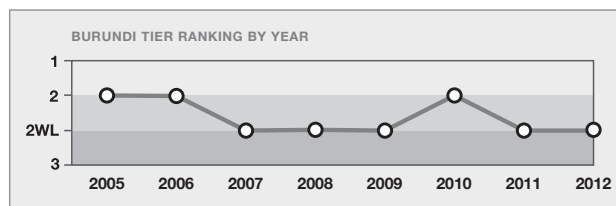
The government continued awareness campaigns through billboards, flyers, and public talks during the reporting period. The CB-TIP held coordination meetings among domestic and international organizations throughout the year. As part of its partnership with the ILO, the government disseminated throughout the country a brochure on forced labor printed in a number of indigenous languages. Additionally, informational billboards and booths were posted at bus and railway stations and at airports to increase public awareness. UN sources report they were allowed increased access to military recruitment centers, where they conducted training courses for military and civilian officials throughout the year. During the year, Burmese authorities reported they had convicted one foreigner of conspiring to procure children for sexual exploitation, and sentenced him to 10 years' imprisonment. The government did not make any discernible efforts to reduce the demand for forced labor inside Burma during the reporting period.

BURUNDI (Tier 2 Watch List)

Burundi is a source country for children and possibly women subjected to forced labor and sex trafficking. Children and young adults are coerced into forced labor on plantations or small farms in southern Burundi, small-scale menial labor in gold mines in Cibitoke, labor intensive tasks such as fetching river stones for construction in Bujumbura, or informal commerce in the streets of larger cities. Some traffickers are the victims' family members, neighbors, or friends who, under the pretext of assisting with education or employment opportunities, obtain them for forced labor. Some families are complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. Young women offer vulnerable girls room and board within their homes, eventually pushing some of them into prostitution to pay for living expenses; these brothels are located in poorer areas of Bujumbura, as well as along the lake and trucking routes. Extended family members sometimes also financially profit from the prostitution of young relatives residing with them. Male tourists from the Middle East, particularly Lebanon, exploit Burundian girls in prostitution, mainly in newly constructed high-end neighborhoods. Business people recruit Burundian girls for prostitution in Bujumbura, as well as in Rwanda, Kenya, and Uganda, and recruit boys and girls for various types of forced labor in southern Burundi and Tanzania. During the reporting period, Burundian girls were fraudulently recruited for prostitution in Oman; the offenders originally promised the intended victims transport to the Democratic Republic of the Congo for religious purposes.

The Government of Burundi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government demonstrated a renewed interest in combating trafficking in persons, as shown through its ratification of the 2000 UN TIP Protocol. The Commander of the Children and Ethics Brigade, the Burundian government's leading anti-trafficking agency, continued her nationwide awareness-raising campaign for a third year. Despite these efforts, the government did not demonstrate evidence of overall increasing efforts to address human trafficking compared to the previous year, particularly in regard to prosecution of trafficking offenses and protection of victims; therefore, Burundi is placed on Tier 2 Watch List for a second consecutive year. While the government arrested four suspected traffickers and

began prosecuting two of them, it failed to convict a trafficking offender during the reporting period. The Ministries of Health and Solidarity provided *ad hoc* support to victims through the provision of medical care vouchers and limited funding to service providers, though most victim assistance continued to be provided by NGOs without government support. The government could greatly enhance the coordination of its anti-trafficking efforts through the designation of a lead ministry or the formation of an inter-ministerial body.



Recommendations for Burundi: Finalize and enact draft anti-trafficking legislation; enforce the trafficking provisions in the 2009 Criminal Code amendments through increased prosecution of trafficking offenses and conviction and punishment of trafficking offenders; ensure all units of the police, as well as prosecutors, judges, and border guards receive anti-trafficking training to include how to refer cases for investigation; establish standardized policies and procedures for government officials to identify and interview proactively potential trafficking victims and transfer them to the care, when appropriate, of local organizations; continue the anti-trafficking public awareness campaign currently underway by the police; establish mechanisms for increasing protective services to victims, possibly through partnerships with NGOs or international organizations; and establish broad-based institutional capacity to combat trafficking by forming an inter-ministerial committee to coordinate and guide government efforts.

Prosecution

The Government of Burundi maintained its anti-trafficking law enforcement efforts during the reporting period. Articles 242 and 243 of Burundi's Criminal Code prohibit human trafficking and smuggling and prescribe sentences of five to 20 years' imprisonment; the code does not, however, provide a definition of human trafficking, potentially impeding investigators' or prosecutors' ability to identify and prosecute trafficking offenses. Sex trafficking offenses can also be addressed using penal code articles on brothel-keeping and pimping, which prescribe penalties of one to five years' imprisonment, and child prostitution, with prescribed penalties of five to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Forced labor is prohibited by Article 2 of the Labor Law, though the Criminal Code prescribes no explicit penalties for a violation; officials cite this as a weakness in combating trafficking crimes, especially in addressing forced child labor. The government made no efforts to complete its draft comprehensive anti-trafficking legislation intended to rectify this and other gaps in existing laws.

In 2011, the government did not collect aggregate data on its anti-trafficking law enforcement efforts. The Children and Ethics Brigade, under the Burundian National Police, was the sole government entity that made specific anti-trafficking efforts during the year. Police arrested four suspected trafficking

offenders; two remain in prison pending the government's appeal of the dismissal of their case and two remain in pre-trial detention. The overall number of investigations and prosecutions remain inadequate. In late 2011, police in Makamba province, near the Tanzanian border, arrested one Omani and one Rwandan for alleged sex trafficking of three Burundian girls; when police arrested the suspects, four other girls had already been sent to Oman authorities have not yet attempted to recover them. The two offenders were charged with conspiring to engage in trafficking, but the charges were dismissed after the victims refused to testify; the offenders remain in prison while a prosecutor appeals the decision. In 2011, Kenyan Interpol repatriated 60 Burundian children and women who were *en route* to Australia, though they had been promised jobs in Kenya; Burundian authorities charged one suspected trafficker who remains in pre-trial detention. Although the government continued to focus law enforcement efforts on transnational trafficking cases, police in Buganda arrested a suspected trafficker for transporting 11 children, one only six years old, from Karuzi province to Cibitoke province for domestic servitude in December 2011; the suspect remains in pre-trial detention. During raids on hotels functioning as brothels in 2010, police discovered government officials soliciting people in prostitution, including children; however, two years later, the government has yet to prosecute or convict any officials for their complicity in trafficking. The government provided no anti-trafficking training to law enforcement officials in 2011.

Protection

The government made minimal efforts to protect victims during the reporting period. It lacks the financial, human, and institutional resources to assist victims directly or provide adequate support to the organizations that provide such support. Although the government reported its identification and referral to services of trafficking victims during the year, it did not quantify or provide information on these cases; NGOs reported their organizations' identification of 99 victims, at least one of whom was identified and referred by a police officer. The care centers in Burundi are operated by NGOs, religious organizations, and women's or children's associations, largely funded by UN agencies; none are specifically focused on providing assistance to trafficking victims. The Ministry of National Solidarity provided funding to some local NGOs to assist victims of gender-based violence and trafficking, while the Ministry of Health provided vouchers for hospital care to an unspecified number of trafficking victims. The government operated two centers in Kigobe and Buyenzi Communes to assist street children, including an unknown number of victims of forced child labor. Police provided limited shelter and food assistance to child victims in temporary custody, kept in a holding area separate from adult detainees, while authorities attempted to locate their families. In some instances, the police provided counseling to children in prostitution and mediated between these victims and their parents. The Ministry of National Solidarity's Department of Childhood provided small grants to victims of child labor, who may have included trafficking victims. The government completed family tracing and paid for the return transport of 11 child trafficking victims during the year. In 2011, the Minister of National Solidarity established the Department for the Protection of Children, intended to protect vulnerable children, including child trafficking victims. Additionally, in December 2011, the Senate passed a resolution to increase resources to combat trafficking; however, additional funding has not yet been disbursed.

The government has not yet developed a system to proactively identify trafficking victims among vulnerable populations or to refer victims to service-providing organizations. Without standardized procedures for identifying trafficking victims, some may have been penalized for unlawful acts committed as a direct result of their being trafficked; the brigade did not attempt to identify trafficking victims among women in prostitution who were arrested, jailed, or fined. The government did not encourage victims to assist in the investigation or prosecution of trafficking cases. Burundian law does not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

Prevention

The government maintained its efforts to prevent trafficking during the year, though it remained without a ministry or national committee to coordinate and lead its anti-trafficking efforts. In 2011, the Children and Ethics Brigade continued its national awareness-raising campaign throughout the country to sensitize officials and local populations about the dangers of human trafficking, encouraging citizens to report trafficking cases to local authorities. The Office of the Second Vice President assumed a leadership role on anti-trafficking efforts in 2011, as it began drafting a national plan of action, which was not finalized during the reporting period. Coordination across government ministries to combat trafficking is poor and many relevant agencies and police units are unaware of the problem, which severely hindered progress. With donor funding, an NGO formed a Joint Task Force on human trafficking, including representation from the National Police and the Ministries of Justice and National Solidarity; the Task Force meets every three months to share information. Various ministries provided representatives to the Municipal Council for Youth and Children's committee on the needs of vulnerable children, including street children and orphans, registering them in order to target government assistance. In 2011, the Ministry of Labor's 15 inspectors conducted no child labor inspections. Police continued the investigation of incidents of child sex tourism and deported suspected offenders, including two Lebanese nationals in late 2011. The government did not make efforts to reduce the demand for commercial sex acts during the reporting period. The government did not provide its troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though foreign donors provided such training to Burundian peacekeeping troops. In March 2012, the National Assembly unanimously agreed to ratify the 2000 UN TIP Protocol, which the President signed in April 2012.

CAMBODIA (Tier 2)

Cambodia is a source, transit, and destination country for men, women, and children who are subjected to forced labor and sex trafficking. Cambodian men, women, and children migrate to countries within the region – primarily Thailand and Malaysia – for work, and many are subsequently subjected to sex trafficking, domestic servitude, debt bondage, or forced labor within the fishing, construction, and agricultural industries. Vietnamese women and children, many of whom are victims of debt bondage, are transported to Cambodia and forced into commercial sex. The United Nations Inter-Agency Project on Human Trafficking reported that 149 Cambodian victims of human trafficking were repatriated from Thailand

in 2011, and the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) reported receiving 106 victims of trafficking from Thailand. During the year, more than 100 male Cambodian victims of forced labor on Thai-flagged fishing boats were repatriated after escaping from their traffickers, or being rescued during Indonesian raids. The men reported being deceived by Thai fishing boat owners about the expected length of service and the amount of their payment. Some Cambodian men also reported severe abuses by Thai captains and being forced to remain aboard the vessels for up to two years.

The inability to understand obligations, read contracts, or pay processing fees rendered some Cambodian migrant workers vulnerable to forced labor and debt bondage, especially in Malaysia. Such workers have reported employers in destination countries withholding copies of employment contracts and confiscating passports. Recruitment agencies have reportedly engaged in the falsification of legal identification and age verification documents to allow for the illegal recruitment of children. Within Cambodia, parents sometimes sell their children into conditions of forced labor, including domestic servitude, and send them to beg on the streets in Thailand. Cambodian children are also transported to Vietnam for the purpose of forced labor. The Svay Pak brothel area outside Phnom Penh, where children are exploited in the sex trade, continues to operate despite numerous attempts by police to close it down. According to the ILO, children are involved in other manifestations of the worst forms of child labor including work in agriculture, brick-making, street vending, and begging; these children are particularly vulnerable to trafficking.

Within the country, Cambodian and ethnic Vietnamese women and girls are trafficked from rural areas to Phnom Penh, Siem Reap, Poipet, Koh Kong, and Sihanoukville for commercial sexual exploitation. The sale of virgin girls continues to be a serious problem in Cambodia. Cambodian men form the largest source of demand for child prostitution, though a significant number of men from the United States and Europe, as well as other Asian countries, travel to Cambodia to engage in child sex tourism.

The Government of Cambodia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued its efforts to prosecute sex trafficking cases, convicting 62 trafficking offenders during the year – an increase from 20 offenders convicted during the previous reporting period. The government made significant progress in confronting the transnational labor trafficking of Cambodians as it obtained convictions involving licensed labor recruitment agencies engaged in fraudulent recruitment and trafficking. In October 2011, the Government of Cambodia enacted a ban on recruiting, training, and sending domestic workers to Malaysia. During the reporting year, the government also initiated the negotiation of a memorandum of understanding with the Malaysian government to protect the rights of Cambodian migrant workers in Malaysia. In addition, the government issued a decree to regulate the recruitment and treatment of migrant workers. However, the decree contains fundamental weaknesses – such as a lack of unequivocally defined migrant workers' rights or regulation of recruitment fees that domestic agencies may charge potential migrant workers – leaving Cambodian migrant workers vulnerable to debt bondage and forced labor. The decree also fails to establish minimum standards for the guidelines for government's monitoring of

labor recruiters and brokers and enforcement of punishments for illegal recruitment activities.



Recommendations for Cambodia: Sustain efforts to investigate and prosecute offenders of both labor and sex trafficking; improve efforts to investigate and prosecute government officials complicit in human trafficking; initiate more stringent monitoring and enforcement measures to better regulate the recruitment, placement, and protection of migrant workers going abroad; enforce criminal penalties for labor recruitment companies engaging in illegal acts committed during the recruitment process, such as debt bondage, detention of workers during pre-departure training, and recruitment of workers younger than 18; sensitize law enforcement authorities and policy makers to the prevalence of trafficking of adult men, especially in fishing, and make more services available to male victims within NGO shelters; revise the newly-enacted migrant worker sub-decree number 190 to include more comprehensive, transparent, and unequivocal stipulations for the protection of migrant laborers; increase efforts to make court processes more efficient and sensitive to the needs and interests of trafficking victims; establish witness protection provisions specifically for trafficking victims; expand efforts to proactively identify victims of trafficking among vulnerable groups, such as children and migrant laborers; institute a nationwide victim identification protocol; augment governmental referrals of trafficking victims to NGOs with increased support and services, inclusive legal aid, psychosocial support, and reintegration programs; increase engagement with governments of destination countries on the protection and safe repatriation of migrant workers; adhere to and implement the terms of the National Plan of Action (2011-2013); improve interagency cooperation and coordination between police, court officials, and other government personnel on trafficking cases and victim referral processes; and continue to promulgate public awareness campaigns aimed at reducing the demand for commercial sex and child sex tourism by locals and foreign nationals.

Prosecution

The Government of Cambodia demonstrated mixed progress in its law enforcement efforts against trafficking crimes. The 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation explicitly addresses trafficking offenses through 12 of its 30 articles. The law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with other serious crimes, such as rape. During the current year, the Ministry of Justice (MOJ) reported 102 prosecutions resulting in 62 convictions, compared with 20 convictions during the previous year. Of the 102 cases, 49 traffickers were prosecuted under the human trafficking law and 32 under the penal code and Law on Aggravated Circumstances. During the reporting period the Cambodian government convicted eight owners, staff members, and managers from three licensed recruiting

agencies for crimes related to trafficking for labor exploitation. Those convicted received sentences ranging from one to eight years' imprisonment. Various Cambodian workers sent to Thailand by a recruiting firm in Phnom Penh have testified that the recruiters allegedly sent them to exploitative factories where their passports were confiscated, medical needs denied, and salaries drastically reduced, before being threatened for informing the press of their plight. During the year, three convicted foreign pedophiles – one of whom is also a sex trafficking offender and one of whom was convicted in the largest child sex offender case in Cambodian history – were pardoned and released early from prison.

Endemic corruption at all levels continued to impede anti-trafficking endeavors and local observers believe it to be the cause of impunity afforded to firms engaging in illegal recruitment practices that contribute to trafficking. In December 2011, the former head of the Phnom Penh Municipal Police's Anti-Human Trafficking and Juvenile Protection Department was convicted in absentia and sentenced to seven years' imprisonment on complicity charges, including accepting payments from brothels in exchange for protection and information on future raids. However, corruption allegations were never addressed by the Phnom Penh Municipal Court or the Anti-Corruption Unit and the convicted offender fled prior to being apprehended and remains at large.

Protection

The government sustained efforts to identify trafficking victims and ensured they received access to services during the reporting period. Although several ministries contributed statistics to the trafficking database, the information was inaccurate and incomplete. Cambodian authorities continued to employ systematic procedures to identify victims and refer them to NGO shelters. The government also operated a temporary shelter in Phnom Penh for women and girls, though the authorities did not offer further assistance. Notwithstanding the prevalence of male trafficking victims, there continued to be a lack of shelter facilities to accommodate this population, as NGOs are not required by the Cambodian government to accept male victims. MOSAVY reported receiving and referring 884 trafficking victims to shelters and the local police referred 247 victims of sex trafficking to province-level Departments of Social Affairs, Veterans, and Youth Rehabilitation. MOSAVY continued to operate, with assistance from UNICEF, a transit center in Poipet where it reported the identification of 106 victims of trafficking among Cambodian migrants deported from Thailand during the year.

Authorities encouraged victims to participate in investigations and prosecutions of traffickers and provided the right for victims to seek legal action. However, Cambodia's weak and corrupt judicial and law enforcement systems, lengthy legal processes, credible fears of retaliation, and the lack of witness protection and access to resources continued to hinder victims' willingness to cooperate in cases and impede their access to legal redress. The government has not published data on exploitative child labor since 2001. In addition, government officials do not allocate funding specifically for investigating forced child labor, and they did not carry out any inspections of such during the reporting period.

Prevention

The Government of Cambodia expanded its limited efforts to prevent trafficking during the reporting period. The government implemented an airport fingerprint scanner system that the Ministry of Labor hoped to employ in its trafficking prevention efforts, but it had not done so by the end of the reporting period. In October 2011, at the request of anti-trafficking activists and in response to reports of Cambodians being exploited in domestic service in Malaysia, the government restricted the travel rights of citizens by imposing a comprehensive ban on the emigration of Cambodian women to Malaysia for work in domestic service; this restriction could have the effect of increasing the risk of trafficking for those intent on emigration for the purpose of work. Separately, in August 2011, the government finalized sub-decree number 190 governing the activities of companies in the country that recruit Cambodians to work abroad, though this measure failed to address recruiters' charging of excessive pre-departure fees, which contribute directly to debt bondage. Overall, Cambodia's laws and regulations governing recruitment, placement, and protection of migrant laborers abroad remained weak; they lacked clear delineation of responsibilities of recruitment agencies and government authorities during the recruitment process, and they did not detail suitable controls or monitoring of agencies to avoid abuses, prevent corruption, and enforce criminal penalties. During the reporting period, the Ministry of Labor reported that it began providing pre-departure training for potential migrant workers on their rights. However, issues such as passport confiscation and debt bondage were not explained to the workers or adequately addressed by the newly-enacted sub-decree. The National Plan of Action (2011-2013), which is the government's policy framework for combating trafficking, was approved by the National Committee in December 2011.

The Ministry of Women's Affairs coordinated and executed an anti-trafficking awareness day in December 2011, through which approximately 40,000 participants and three million TV viewers heard testimonies from sex trafficking victims and commitments from senior government officials to intensify the fight against human trafficking. The government, with NGO support, conducted anti-trafficking campaigns in Banteay Meanchey and Siem Reap provinces. The Ministry of Tourism continued efforts with NGOs to produce billboards, magazine advertisements, and handouts to reduce the demand for commercial sex acts and child sex tourism, though these efforts were targeted at foreign sex tourists rather than the local population. Authorities convicted six foreign child sex tourists during the year, and three cases are ongoing. The pardon and early release of three convicted pedophiles undermined the credibility of Cambodian efforts to combat child sex tourism. The Cambodia Royal Gendarmerie officers organized, with the assistance and support of NGOs, and participated in a law enforcement capacity-building training during the year. Cambodian military forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

CAMEROON (Tier 2)

Cameroon is a source, transit, and destination country for children subjected to forced labor and sex trafficking, and a country of origin for women subjected to forced labor and forced prostitution. Trafficking operations usually target two

or three children, often when rural parents hand over their children to a middleman promising an education or a better life in the city. Traffickers are increasingly resorting to kidnapping their victims, however, as heightened public awareness about trafficking has led to parents being less willing to give their children to these middlemen. Cameroonian children from the country's 10 regions involuntarily work in domestic service, street vending, mining, and agriculture, including on tea and cocoa plantations. Cameroonian children are also exploited in prostitution within the country. After parents gave their children to Koranic teachers in Maroua and elsewhere in the Far North Region, some children were subjected to forced labor. Reports indicate the existence of hereditary servitude in northern chiefdoms. Cameroonian women are lured to Europe by fraudulent internet marriage proposals or offers of domestic work, and subsequently become victims of forced labor or forced prostitution in Switzerland and France, with smaller numbers of cases in Russia. During the year, Cameroonian trafficking victims were also identified in Denmark, Cyprus, Spain, Germany, Norway, and several West and Central African countries.

The Government of Cameroon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting year, the government passed a comprehensive anti-trafficking law that criminalizes the trafficking of both adults and children. It convicted two traffickers, sentencing each to 20 years' imprisonment. The government also opened investigations into allegations that a soldier from the 62nd Infantry Motorized Battalion based in Nkambe, Northwest Region, and customs officers were engaged in human trafficking. In addition, the government made progress in ensuring that trafficking victims received access to protective services and took significant steps to prevent human trafficking. It did not, however, take action against law enforcement officials who took bribes from traffickers, or put in place a standardized mechanism to refer victims to protective services.



Recommendations for Cameroon: Increase efforts to prosecute and convict trafficking offenders, including complicit officials; continue to educate police, judges, lawyers, and social workers about the new law against human trafficking; develop standardized procedures for referring trafficking victims to NGO care services, and socialize these mechanisms among government officials and the NGO community; develop formal procedures to identify trafficking victims among vulnerable groups and refer them to care centers; and address cases of hereditary servitude in the northern regions.

Prosecution

The Government of Cameroon demonstrated notable improvements in anti-trafficking law enforcement efforts over the last year, and passed comprehensive anti-trafficking legislation, repealing the 2005 anti-trafficking law that criminalized the trafficking of children, but not adults. The

2011 Law Project Relating to the Fight Against Trafficking in Persons and Slavery prohibits all forms of trafficking in persons and under Section 4 prescribes a penalty of 10 to 20 years' imprisonment, penalties that are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Section 5 prescribes penalties ranging from 15 to 20 years' imprisonment when the trafficking victim is 15 years of age or younger, when violent pretexts are used to coerce the victim, or if the victim sustained serious injuries as a result of trafficking. Section 3 notes penalties for debt bondage, which range from five to 10 years' imprisonment.

During the reporting period, the government conducted five trafficking investigations and obtained two convictions. This is a significant improvement over the previous reporting period, in which the government was unable to provide data on its anti-trafficking law enforcement efforts. A police officer who had attended a March 2011 NGO-led training on conducting human trafficking investigations subsequently identified two suspected child traffickers responsible for forcing 98 young children to beg on the streets of Maroua. In September 2011, the government convicted and sentenced both perpetrators to 20 years' imprisonment, and all 98 children were safely returned to their families. Two of the five investigations centered on government officials' alleged participation in trafficking crimes. In one case, three children drowned in April 2011 when a child trafficker and his accomplice, a customs officer, attempted to take them to Nigeria by crossing a river; investigations against both suspects were ongoing as of the end of the reporting period. The government again made no efforts to investigate traditional leaders in the northern regions suspected of keeping people in conditions of hereditary servitude during the reporting period. The government is not known to have taken action to address allegations that a Cameroonian diplomat subjected his domestic worker to servitude in the United States. The National Commission on Human Rights and Freedoms, a government body, continued to educate law enforcement officers and magistrates on Cameroonian law and the prosecution of human trafficking. During the reporting period, approximately 40 officials received this training.

Protection

The Cameroonian government demonstrated modest efforts to ensure that victims of trafficking received access to protective services during the year. The government continued to provide some direct assistance to child victims, including shelter and medical care. The government identified 135 victims during the reporting period, three of whom were referred to a Ministry of Social Affairs-run care facility; the other 132 victims received assistance from NGOs. This is a substantial increase in the number of victims identified compared to the nine victims identified in the previous reporting period. It is unclear how much funding the government devoted to victim care during 2011, and despite an increase in the number of victims identified, the government has yet to institute a standardized, reliable referral mechanism to refer victims to NGO services. Government personnel did not demonstrate proactive efforts to identify trafficking victims among vulnerable groups, such as street children, women in prostitution, and illegal migrants. Although the government stated that it would provide temporary resident status or legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution, there were no instances in which the government provided such relief during the reporting period. The government continued

to renovate a number of its care centers for abandoned children, street children, and child trafficking victims, but it did not report the number of trafficking victims cared for in these centers. In April 2011, Cameroonian authorities deported two Nigerian boys who were potential trafficking victims following a 14-month prison term for not possessing proper immigration papers to reside in Cameroon. In some instances, the government encouraged victims to assist in the investigation and prosecution of trafficking. Victims may file suits or seek legal action against traffickers, and during the reporting period, two boys in Nkambe assisted in the investigation and prosecution of their traffickers, but did not receive protective services from the government. No Cameroonian nationals were repatriated to Cameroon during the reporting period.

Prevention

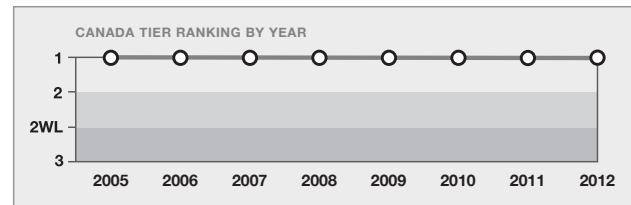
The Cameroonian government demonstrated continued progress in preventing human trafficking over the last year. An inter-ministerial committee – chaired by the secretary general of the prime ministers' office and comprised of over a dozen different ministries – is responsible for coordinating anti-trafficking efforts across the government. During the reporting period, the committee worked towards implementing the national anti-trafficking action plan and drafted a new, comprehensive anti-trafficking law that was passed in December 2011. In April 2011, the Ministry of Social Affairs held an event for members of the government and NGO partners on human trafficking issues and investigations. In February 2011, the Minister of Social Affairs launched a nationwide campaign against the sexual exploitation of children, which included discussions on the provisions of the anti-trafficking law against child trafficking. Also during February 2011, an NGO founded and chaired by Cameroon's First Lady signed a partnership agreement with a private organization of tourism agencies and tour operators to implement an initiative to prevent child sex tourism in Cameroon. The government continued to provide members of the Cameroonian armed forces with training on human trafficking prior to their deployment abroad on international peacekeeping missions as part of an overall briefing on international humanitarian law.

CANADA (Tier 1)

Canada is a source, transit, and destination country for men, women, and children subjected to sex trafficking, and a destination country for adults subjected to forced labor. Canadian women and girls are exploited in sex trafficking across the country, and women and girls from aboriginal communities are especially vulnerable. Foreign women, primarily from Asia and Eastern Europe, are subjected to sex trafficking as well, often in brothels and massage parlors. Law enforcement officials continue to report the involvement of organized crime in sex trafficking, including domestic street gangs known for their involvement in prostitution activities, as well as transnational criminal organizations. Labor trafficking victims include foreign workers from Eastern Europe, Asia, Latin America and Africa who enter Canada legally, but then are subsequently subjected to forced labor in agriculture, construction, sweatshops and processing plants, the hospitality sector, or as domestic servants. During the year, officials identified an increased number of forced labor cases involving foreign victims, including several cases of domestic

servitude. Reports of forced labor continue to be more prevalent in Ontario, Alberta, and British Columbia. Service providers in Ontario and Manitoba reported that traffickers coerced foreign victims to commit petty criminal activities, making victims more vulnerable to being threatened with criminal charges or deportation. Canada is also a significant source country for child sex tourists, who travel abroad to engage in sex acts with children.

The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government maintained law enforcement efforts and achieved its first labor trafficking convictions, as well as sustaining victim protection and prevention efforts. However, limited coordination between the federal and provincial governments on anti-trafficking efforts continued to hamper more effective collaboration and there were few specialized services for trafficking victims.



Recommendations for Canada: Intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders using anti-trafficking laws; increase use of proactive law enforcement techniques to investigate trafficking cases, including all allegations of forced labor among migrant workers; enhance specialized care services available to trafficking victims, in partnership with civil society; increase efforts to educate police, prosecutors, and judges about trafficking and how to effectively use Canadian anti-trafficking laws; establish formal mechanisms for officials to identify trafficking victims and refer them to protection services; increase investigations and prosecutions of Canadian child sex tourists abroad; continue efforts to improve trafficking data collection; and strengthen coordination among national and provincial governments on law enforcement and victim services.

Prosecution

The Government of Canada increased law enforcement actions against trafficking offenders over the last year, and achieved its first conviction for forced labor, which was also the first conviction in a case involving foreign victims. Section 279.01 of the Canadian Criminal Code prohibits all forms of human trafficking, prescribing a penalty of up to 14 years' imprisonment, and related statutes prohibit receiving benefits from trafficking, and withholding or destroying a victim's identity documents to facilitate trafficking. Section 279.011 specifically prohibits trafficking of children under the age of 18 and establishes a five-year mandatory minimum sentence. Such penalties are sufficiently stringent and commensurate with those for other serious crimes, such as sexual assault. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as engaging in conduct which causes a victim to provide labor or a service because they reasonably believe their safety, or the safety of a person known to them, is threatened. Some NGOs and law enforcement officers believe that this definition is restrictively narrow. Section

118 of Canada's Immigration and Refugee Protection Act, enacted in 2002, prohibits transnational human trafficking, prescribing a maximum penalty of life imprisonment and the equivalent of a \$1 million fine. In March 2012, the Ontario Court of Appeals ruled unconstitutional federal statutes prohibiting living on the avails of prostitution and operating bawdy houses; these statutes are frequently used in human trafficking prosecutions.

In addition to ongoing investigations, there were at least 57 ongoing human trafficking prosecutions as of February 2012: these cases involved at least 94 accused trafficking offenders and 158 victims, though it is unclear how many prosecutions were initiated during the reporting period. This compares with 46 ongoing trafficking prosecutions in the previous reporting period, involving 68 defendants and 80 victims. Authorities reported that all but four of these cases involved domestic sex trafficking. The government reported three sex trafficking convictions under trafficking-specific laws that occurred during the reporting period, in contrast to two convictions under trafficking-specific laws obtained during the preceding reporting period. One convicted trafficking offender had not yet been sentenced at the end of the reporting period; of the two remaining offenders, one received a sentence of 30 months' imprisonment, including credit for pre-trial custody, and the other a sentence of time served after 374 days in custody. Prosecutors convicted at least six trafficking offenders under other sections of the criminal code, including provisions against living on the proceeds of prostitution, and sexual assault; this compares with six such convictions obtained during the preceding reporting period. The six convicted received sentences ranging from two years' suspended to nine years' imprisonment.

In addition, in January and February 2012, officials achieved the first convictions for labor trafficking in an ongoing case involving Hungarian men exploited in Ontario. Three defendants pleaded guilty to conspiring to commit human trafficking, and were sentenced to prison terms ranging from 24 months' to six years' imprisonment, including pre-trial custody. In August 2011, the Attorney General of British Columbia filed a civil forfeiture claim to seize the home of a woman charged with human trafficking, alleging that the home was an instrument of crime, as the victim had been subjected to domestic servitude; the case is currently before the courts. Not all cases of human trafficking are identified as such, and some judges and prosecutors were reportedly reluctant or unwilling to pursue human trafficking charges.

Limited coordination between the federal and provincial governments on anti-trafficking law enforcement efforts continued to be a challenge. Last year, the Royal Canadian Mounted Police (RCMP) continued extensive anti-trafficking training efforts for law enforcement officers, border service officers, and prosecutors; these efforts included launching an online anti-trafficking course for Canadian law enforcement, conducting awareness sessions for labor inspectors in Ontario and Quebec, and conducting workshops for over 700 law enforcement officials. Labor inspectors in Quebec received training on how to identify trafficking victims. The Canadian government reported collaborating with foreign governments on several trafficking investigations and did not report investigating, prosecuting, convicting, or sentencing any public officials for complicity in human trafficking.

Protection

The government maintained protections for trafficking victims during the reporting period, though most victim services offered by the government are general services offered to victims of crimes. Immigration officials continued implementing guidelines to assess whether foreign nationals are potential victims of trafficking. There were no nationwide procedures, however, for other government officials to proactively identify and assist trafficking victims among vulnerable populations, such as women in prostitution or migrant workers. Officials did not collect comprehensive statistics on the total number of trafficking victims identified and assisted during the year. Provincial and territorial governments had primary responsibilities for general crime victim services, which are available to trafficking victims, and the range and quality of these services varied. However, most jurisdictions provided trafficking victims with access to shelter services, short-term counseling, court assistance, and other services, often through funding NGOs to provide these services. One NGO ran a dedicated shelter for trafficking victims in Vancouver and received government funding: it assisted 12 victims during the year. The government did not report funding or operating other dedicated facilities for trafficking victims. Female trafficking victims could receive services at 82 shelters designed for victims of violence, and in some cases, shelters for homeless persons provided basic services to male trafficking victims. The demand for some services, such as longer-term assisted housing, generally exceeded resources. Some law enforcement officials and NGOs indicated that the lack of specialized services was problematic, and noted that increased protection of victims could result in greater cooperation with law enforcement.

NGOs noted that provincial referral mechanisms, often involving a local anti-trafficking network or coalition, worked well in practice; however, some NGOs reported that communication between different actors, such as law enforcement officials and service providers, was uneven. Provinces and territories had primary responsibility for enforcing labor standards. Civil society organizations, however, reported that the provincial and territorial governments often lacked adequate resources and personnel to effectively monitor the labor conditions of increasing numbers of temporary foreign workers or to proactively identify human trafficking victims among such groups.

Undocumented foreign trafficking victims in Canada applied for a temporary resident permit (TRP) to remain in the country. Fifty three TRPs were issued to 48 foreign trafficking victims in 2011, five of which were first-term permits and 48 of which were renewals. In comparison, authorities reported granting 55 TRPs to 47 foreign victims in 2010. Some foreign trafficking victims might have received different forms of immigration relief, such as refugee protection. During a 180-day reflection period, immigration officials determined whether to grant TRP holders a longer residency period of up to three years, and victims had access to essential and emergency medical care, dental care, and trauma counseling. TRP holders could apply for fee-exempt work permits, and 47 foreign victims received these permits during the reporting period. Some officials and NGOs reported difficulties in getting TRPs for foreign victims due to lack of coordination or understanding among service providers, law enforcement officers, and immigration officials about whether or not an individual qualified as a trafficking victim. Identified victims were not penalized for crimes committed as a direct result of being trafficked.

Canadian authorities encourage, but do not require, trafficking victims to participate in investigations and prosecutions of trafficking offenders. The government provides protections to victims who choose to testify, such as witness protection programs and the use of closed circuit television testimony, although it did not report how many victims, if any, chose to participate in investigations and prosecutions.

Prevention

The Government of Canada maintained strong anti-trafficking prevention efforts during the reporting period. Federal level anti-trafficking efforts were coordinated by the Interdepartmental Working Group on Trafficking in Persons (IWGTIP), which met three times during the reporting period; smaller ad-hoc sub-groups met more frequently. NGOs and some government officials continued to call for the IWGTIP to develop a national strategy to combat trafficking, as mandated in 2004. In May 2011, the government committed in its election policy platform to enact a national anti-trafficking action plan. The RCMP continued to conduct widespread awareness-raising activities and maintained six regional human trafficking awareness coordinators across the country to facilitate anti-trafficking initiatives and assist in developing local strategies. The government demonstrated transparency in its anti-trafficking efforts by publishing an overview of federal anti-trafficking efforts in 2010-2011, as well as providing information about these efforts on government websites. The federal government funded several anti-trafficking initiatives abroad, with a focus on Latin America, through the Canadian International Development Agency and the Department of Foreign Affairs and International Trade (DFAIT).

Provincial and local governments also undertook a variety of anti-trafficking events and initiatives during the year; these efforts varied in effectiveness, and coordination between the federal government and the provinces remained fragmented. Alberta continued to fund an NGO coalition to coordinate the province's actions to combat trafficking. British Columbia had the only provincial anti-trafficking office in the country, and the office conducted a variety of prevention, training, and awareness activities, including launching a standardized online training program for service providers on how to identify and assist trafficking victims. Quebec reported funding NGOs that provided services to trafficking victims.

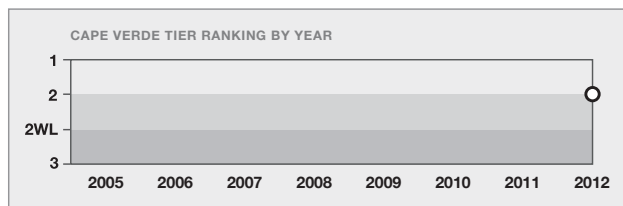
The federal Citizenship and Immigration Canada (CIC) continued to provide information to temporary foreign workers, including live-in caregivers, to let them know where to seek assistance in case of exploitation or abuse, as well to inform them of their rights. In April 2011, amendments to the Immigration and Refugee Protection Regulations came into effect establishing an enhanced compliance framework for the federal temporary foreign worker program. Some of these reforms included additional criteria for the live-in-caregiver program, a more rigorous assessment of the genuineness of job offers, guidelines for compensation to temporary foreign workers in cases of employer fault, and strengthened consequences for non-compliant employers. Some NGOs asserted that these reforms did not address the root issues that make temporary foreign workers vulnerable to forced labor, and called for a national policy framework to regulate labor brokers and recruiters. Some provinces also strengthened efforts to protect temporary foreign workers and improve employer accountability.

Canada is a source country for child sex tourists, and the country prohibits its nationals from engaging in child sex tourism through Section 7(4.1) of its Criminal Code. This law has extraterritorial application, and carries penalties of up to 14 years' imprisonment. DFAIT continued to distribute a publication warning Canadians traveling abroad about penalties under Canada's child sex tourism law, and every new Canadian passport issued continued to be accompanied by a copy of the booklet. However, authorities reported no investigations, prosecutions, or convictions of child sex tourists during the year. Canadian authorities provided anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions. Canadian authorities continued to prosecute individuals who solicited commercial sex, and there were no known efforts to address demand for forced labor.

CAPE VERDE (Tier 2)

Cape Verde is a source country for children subjected to forced labor and, at times, sex trafficking within the country and a source for persons trafficked to Brazil, Portugal, and other countries in Europe for forced transport of drugs. Migrants from Guinea-Bissau, Senegal, Nigeria, and Guinea may receive low wages and work without contracts – creating vulnerabilities to forced labor in Cape Verde's construction sector. West African migrants may transit the archipelago *en route* to situations of exploitation in Europe. Cape Verdean children labor in domestic service, often working long hours and at times experiencing physical and sexual abuse – indicators of forced labor. Past reports indicate that boys and girls – some of whom may be foreign – are exploited in prostitution in Santa Maria, Praia, and Mindelo. Sex tourism – at times involving prostituted children – is a growing problem in Cape Verde. In 2010, an Italian national was convicted for the sexual abuse of three minors in commercial sex in Santa Maria on the island of Sal. Children are also used in the commission of crimes within the country, including the forced transport of drugs. Street children are vulnerable to street crime and, on rare occasions, prostitution. Cape Verdean adults and children are tricked or forced into transporting drugs to or within Brazil and Portugal. In December 2011, a Swiss court sentenced a Cape Verdean woman to 22 months' imprisonment for recruiting 143 Brazilian women for forced prostitution in Switzerland.

The Government of Cape Verde does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government investigated 44 cases of child sexual abuse, some of which may have included trafficking offenses. The Cape Verdean Institute for Children and Adolescents (ICCA) made concerted efforts to protect child victims of sexual abuse, including children in prostitution, and to prevent and raise awareness of the worst forms of child labor, including trafficking. Despite these efforts, the government did not prosecute or convict trafficking offenders during the year, including child sex trafficking crimes that occurred within the country. Furthermore, it did not make efforts to identify any trafficking victims in 2011, reduce the demand for commercial sex acts, or address sex tourism involving children.



Recommendations for Cape Verde: Draft comprehensive anti-trafficking legislation, including a broad definition of trafficking in persons that does not rely on evidence of movement, but rather on exploitation, consistent with the 2000 UN TIP Protocol; ensure Cape Verdean law prohibits facilitating the prostitution of children ages 16 and 17; train law enforcement officials to use existing laws to investigate and prosecute trafficking offenses; develop and implement procedures for the identification of trafficking victims amongst vulnerable populations; compile anti-trafficking law enforcement data; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Cape Verde demonstrated modest efforts to combat human trafficking during the year. It did not, however, prosecute or convict any trafficking offenders. Cape Verdean law does not specifically prohibit all forms of trafficking, though several existing statutes cover certain forms. Article 14 of the labor code prohibits forced labor and Article 271 of the penal code outlaws slavery, both of which prescribe sufficiently stringent penalties of six to 12 years' imprisonment. Article 148 of the penal code outlaws facilitating prostitution of children under the age of 16 and prescribes sufficiently stringent penalties of between two to eight years' imprisonment for victims under 14 and one to five years for victims aged 14 or 15. These penalties are not commensurate with penalties for other grave crimes, such as rape. The penal code does not prohibit and punish those who exploit children aged 16 and 17 in prostitution. There is no evidence that the government charged any suspected traffickers under these laws during the year. The National Police reported 44 cases of child sexual abuse and 79 cases of violence against minors in 2011; it is unknown whether any of these included child trafficking offenses. The government did not provide any specialized training for officials on the identification or prosecution of trafficking offenses. There were no reports of trafficking-related corruption in Cape Verde during the year.

Protection

The government made modest efforts to protect trafficking victims. Although the government did not report its identification or protection of trafficking victims, several government facilities that provide care to vulnerable children may have assisted trafficking victims during the year. Two ICCA-run Centers for Child Emergencies in Praia and Mindelo provided temporary care to child victims of sexual abuse, violence, and abandonment. In 2011, the government established five additional emergency centers on the islands of Sal, Sao Nicolau, Bao Vista, Fogo, and Sao Tiago. In March 2011, the ICCA opened a reception center on the island of Sao Antao, which provided food and psychological support to children in need, including victims of sexual abuse. The ICCA continued its *Nôs kasa* project that aims to reduce the

vulnerability of street children to sexual abuse and child labor through the operation of six day centers on the islands of Santo Antao, Sao Vicente, Sao Nicolau, Fogo, Boa Vista, and Santiago, which host children during the day and provide counseling. The government lacked formal procedures for the identification and referral of trafficking victims. However, the ICCA's network for the protection and prevention of sexual abuse of children and adolescents, comprised of the Judicial Police, the National Police, the National Prosecutor, the Directorate General of Tourism, and the Office of Health for Praia, coordinated the referral of child victims of sexual abuse to care and their support throughout the court processes. *Disque Denuncia*, the government's hotline for the reporting of cases of child abuse, served as a referral system, coordinating efforts between the Attorney General's Office, the Judiciary Police, the National Police, hospitals, and Offices of Health and School; during the year, 12 calls involved child sexual abuse, though it is unknown whether these or other calls related to human trafficking. Cape Verdean law does not provide for legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

Prevention

The government made modest efforts to prevent trafficking during the reporting period through various efforts directed towards the elimination of the worst forms of child labor, including child trafficking. During the year, the government ratified the ILO Worst Forms of Child Labor Convention 182 and began drafting a list of hazardous forms of work, both of which include forms of trafficking, including child prostitution. In 2011, the Ministry of Youth, Employment, and Human Resources Development partnered with the Directorate of Labor, ICCA, and the General Labor Inspectorate to begin to domesticate the convention into the national legal framework. In June 2011, in celebration of the World Day Against Child Labor and the Day of the African Child, the ICCA raised awareness of child labor on the island of Santo Antao through theater, music, games, and speeches. During the year, the government implemented its 2007-2011 National Plan of Action for the Elimination of Child Labor, which aims to eradicate the worst forms of child labor, including some forms of trafficking. The government, in partnership with the ILO, is carrying out a regional project to prevent and eliminate child labor; as part of this effort, in September and October 2011, the Ministry of Youth, Employment, and Human Resource Development trained officials to identify victims of the worst forms of child labor and promote coordination between the ICCA and labor inspectorates. Labor inspectors also received training on child labor as part of this partnership with the ILO in June and July 2011. The government did not identify any child labor violations during the reporting period and did not remove any children from situations of child labor. During the year, it developed a National Immigration Strategy to manage migration flows, regulate migrant access to the labor market, develop a model employment contract for immigrant workers, and lay the groundwork to identify and address their labor exploitation by strengthening the coordination between inspection divisions, labor unions, NGOs and migrant associations. In May 2010, the Sal District Court sentenced an Italian national to a three year suspended sentence, following his conviction for the commercial sexual exploitation of three children in Santa Maria on the island of Sal. In 2011, the government did not make efforts to reduce the demand for commercial sex acts or to address sex tourism.

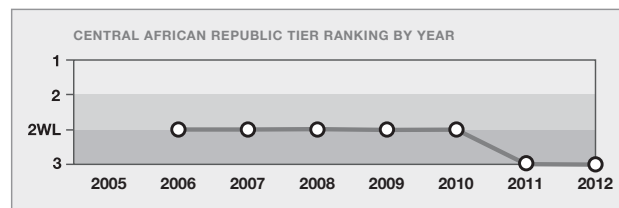
CENTRAL AFRICAN REPUBLIC (Tier 3)

The Central African Republic (CAR) is a source and destination country for children subjected to forced labor and sex trafficking. While the scope of the trafficking problem is unknown, observers report that most victims appear to be CAR citizens trafficked within the country and that a smaller number move back and forth between Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo (DRC), and South Sudan. Trafficking offenders – likely including members of expatriate communities from Nigeria, South Sudan, and Chad, as well as transient merchants and herders – subject children to domestic servitude, commercial sexual exploitation, and forced labor in agriculture, artisanal gold and diamond mines, and street vending. Within the country, children are at risk of becoming victims of forced labor, *Ba'aka* (Pygmy) minorities are at risk of becoming victims of forced agricultural work – especially in the region around the Lobaye rainforest – and girls are at risk of being exploited in the sex trade in urban centers.

Human rights observers reported that opposition militia groups in the north of the country continued to recruit and unlawfully use children, some of whom may be trafficking victims, in armed conflict. Observers indicated that the Union of Democratic Forces for Unity (UFDR) and People's Army for the Restoration of Democracy (APRD) still harbor child soldiers. In the spring of 2011, the Convention of Patriots for Justice and Peace (CPJP) became the last large rebel group to sign a ceasefire agreement with the government. In October 2011, APRD signed an action plan with the UN to release its child soldiers and in November, the CPJP signed an action plan on releasing child soldiers with the government and UNICEF. In November 2011, the UFDR orally and publicly reaffirmed its commitment, initially made when it signed its 2007 action plan, to eliminate all use and recruitment of child soldiers. During the reporting period, village self-defense units, which were established by towns to combat armed groups and bandits in areas where the national army or *gendarmes* were not present, used children as combatants, lookouts, and porters. UNICEF estimated that children comprise one-third of these self-defense units. The Lord's Resistance Army (LRA), a Ugandan rebel group that operates in eastern regions of the CAR, continued to abduct and enslave South Sudanese, Congolese, Central African, and Ugandan children for use as cooks, porters, concubines, and combatants. The LRA also forced these children to commit atrocities such as looting and burning villages, killing village residents, and abducting other children. Some of these children were also taken back and forth across borders into South Sudan or the DRC.

The Government of the Central African Republic does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government, which has limited human and financial resources, did not investigate and prosecute any trafficking offenses, identify or provide protective services to trafficking victims, or take steps to raise public awareness about the dangers of human trafficking. The 2010 Central African penal code outlaws all forms of trafficking in persons, but awareness of this statute remained low. In July 2011, the government, via the Prime Minister's office, formally launched an inter-ministerial committee – the National Council on Child Protection – to fight child exploitation, including child trafficking; the council

implemented aspects of the 2008 National Action Plan for the Prevention and Protection of Abused, Sexually Exploited, and Trafficked Children. The government also increased its annual financial support for a multipurpose child shelter.



Recommendations for Central African Republic: Increase efforts to demobilize and reintegrate child soldiers within armed groups and self-defense units; in collaboration with NGOs and the international community, train law enforcement officials and magistrates to use the penal code's anti-trafficking provisions to investigate and prosecute these offenses; increase efforts to educate and encourage the public and relevant governmental authorities to identify and report trafficking victims among vulnerable populations, such as women and girls in prostitution, street children, and *Ba'aka*; and in collaboration with NGOs and the international community, provide care to children in commercial sexual exploitation and forced labor.

Prosecution

The Government of the Central African Republic made no discernible anti-trafficking law enforcement efforts during the reporting period. Article 151 of its penal code prohibits all forms of trafficking in persons, and prescribes penalties of five to 10 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. If the offense involves a child victim, Article 151 prescribes the additional penalty of hard labor. If the offense involves a child victim of sex trafficking or forced labor similar to slavery, the prescribed penalty is life imprisonment with hard labor. Articles 7 and 8 of the January 2009 Labor Code prohibit forced and bonded labor and prescribe sufficiently stringent penalties of five to 10 years' imprisonment. Victims can file civil suits to seek damages from their traffickers. These provisions, however, are not enforced and no cases of suspected human trafficking offenses were investigated or prosecuted during the reporting period. Traditional dispute resolution methods are widely practiced throughout the country, often to the exclusion of formal legal proceedings to punish criminal acts. The government took no identifiable actions, such as prohibiting the use of child soldiers, to implement the Optional Protocol on Armed Conflict, which it signed in June 2010. Law enforcement officials reported that they are not provided the appropriate technical training and resources needed to identify and investigate trafficking cases, and officials outside the capital may not have access to copies of the legal codes.

Protection

The government did not make significant efforts to ensure that victims of trafficking received access to protective services during the reporting period. The CAR government did not engage in efforts to identify trafficking victims among vulnerable populations, though the government's presence outside the capital, especially in the diamond-producing

northeast, remains limited to non-existent. The government maintained its partnership with UNICEF and NGOs for the protection and reintegration of demobilized child soldiers. During the reporting period, UNICEF, in partnership with local NGOs, worked to reintegrate 900 child soldiers; the government's role in this process was minimal. The government took no action to promote a policy against child soldiering, and did not investigate the use of child soldiers in self-defense militias that may be supported by the government. The government, which has very limited resources, did not directly provide reintegration programs for child soldiers, which left victims susceptible to further exploitation or re-trafficking by armed groups or other traffickers. However, the government provided approximately \$70,000 to two multipurpose shelters for children in Bangui – a 27 percent increase over its 2010 financial contribution – and allocated an operating budget of \$146,500 for these shelters in its 2012 budget, a 109 percent increase. During 2011, the two centers provided care or assistance to 243 vulnerable children, some of whom may have been trafficking victims. Justice officials claimed that trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked, though no victims were identified during the year. The government does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, and no such victims were identified.

Prevention

The government undertook moderate anti-trafficking prevention efforts during the reporting period. In July 2011, under the auspices of the Prime Minister's office, the government launched the National Council for the Protection of Children, which included committees to address specific topics related to child exploitation, including some forms of child trafficking. After its inauguration, the national council implemented aspects of the 2008 National Action Plan for the Prevention and Protection of Abused, Sexually Exploited, and Trafficked Children. The government did not take any measures to reduce the demand for commercial sex acts during the year.

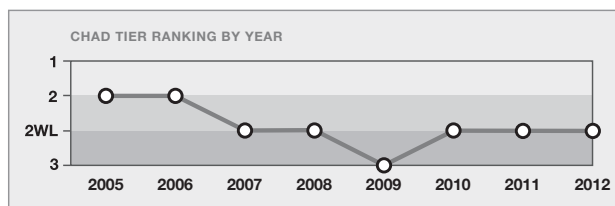
CHAD (Tier 2 Watch List)

Chad is a source, destination, and transit country for children subjected to forced labor and sex trafficking. The country's trafficking problem is primarily internal and frequently involves family members entrusting children to relatives or intermediaries in return for promises of education, apprenticeship, goods, or money. Selling or bartering children into domestic servitude or forced herding is used as a means of survival by families seeking to reduce the number of family members they must feed. During the last year, some children reportedly were sold in markets, a practice that had not been documented previously. Child trafficking victims are primarily subjected to forced labor as herders, beggars, domestic servants, or agricultural laborers. Children in some religious schools, *madrassahs*, are forced to beg for long hours for the benefit of unscrupulous teachers and may be denied food or be physically punished if they do not collect enough money. Child cattle herders – some of whom are victims of forced labor – follow traditional routes for grazing cattle and at times cross ill-defined international borders into Cameroon, the Central African Republic (CAR), and Nigeria. There continue to be allegations of child herders being employed by military or

local government officials. Underage Chadian girls travel to larger towns in search of work, where some are subsequently subjected to prostitution or are abused in domestic servitude.

During the reporting period, local partners and government officials reported an increase in formal trafficking networks within Chad, though such networks are not documented and most trafficking in Chad remains informal. International observers believe that government campaigns have effectively educated villagers on the perils of human trafficking, thus diminishing the availability of children through informal networks and inadvertently contributing to the ascendancy of formal networks. In past years, Chadian and Sudanese children were unlawfully conscripted, including from refugee camps, by both the Chadian military and rebel forces to engage in armed conflict; they were used as combatants, guards, cooks, and lookouts. According to international observers, the government's conscription of children for military service ceased during mid-2010, and it did not appear that rebel forces were recruiting children within Chad during the reporting period.

The Government of Chad does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Chad is placed on Tier 2 Watch List for a third consecutive year. Chad was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute significant efforts to meet the minimum standards for the elimination of human trafficking and is devoting sufficient resources implement that plan. In June 2011, the government signed the joint UN-Government of Chad Action Plan on Children Associated with Armed Forces and Groups in Chad, which called for the establishment of institutional mechanisms to prevent future recruitment of child soldiers. Some government officials continued to coordinate with NGOs to refer child trafficking victims to social services. Despite these modest improvements, the government did not show evidence of overall increasing efforts over the previous year. The government made limited efforts to address the forced labor of children in cattle herding, domestic service, and begging, or to combat the commercial sexual exploitation of Chadian girls. The government previously drafted, but did not yet enact, legislation prohibiting trafficking in persons and pursued only limited anti-trafficking law enforcement and victim protection activities. The country continued to face severe challenges, including lack of communications infrastructure and a rudimentary judicial system that relies largely on traditional forms of justice. Its resources remained constrained following decades of conflict and instability, exacerbated by the large numbers of refugees migrating from neighboring states.



Recommendations for Chad: Pass and enact draft penal code revisions that include a prohibition on child trafficking;

consider drafting and enacting penal code provisions that would criminalize the trafficking of adults; increase efforts to enhance magistrates' understanding of and capability to prosecute and punish trafficking offenses under existing laws; demonstrate increased anti-trafficking law enforcement efforts, including the investigation and prosecution, when appropriate, of suspected trafficking offenders; adopt and implement the Child Protection Act, which would provide increased labor protections for children; continue collaborating with NGOs and international organizations to increase the provision of protective services to all types of trafficking victims, including children forced into cattle herding, domestic servitude, or prostitution; take steps to raise public awareness of trafficking issues, particularly at the local level among tribal leaders and other members of the traditional justice system; and continue to work with international partners to implement a national action plan to combat trafficking.

Prosecution

Chad made limited law enforcement efforts against trafficking in persons during the reporting period, due largely to its weak judicial system. Existing laws do not specifically prohibit human trafficking, though forced prostitution and many types of labor exploitation are prohibited. Title 5 of the labor code prohibits forced and bonded labor, prescribing fines equivalent to \$100 to \$1,000 but not imprisonment and, as such, is not sufficiently stringent to deter trafficking crimes or reflect their serious nature. Penal code Articles 279 and 280 prohibit the prostitution of children, prescribing punishments of five to 10 years' imprisonment and fines up to the equivalent of \$2,000, penalties that are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. Pimping and owning brothels are also prohibited under penal code Articles 281 and 282. The 1991 Chadian National Army Law prohibits recruitment of children younger than 18; punishment for those who violate this provision is conducted at the discretion of military justice officials. Draft revisions to the penal code that, in part, prohibit child trafficking and provide protection for victims have not been enacted for the second consecutive year due to controversy surrounding proposed amendments unrelated to human trafficking. The draft Child Protection Act – which would strengthen Chadian law protecting children from forced labor, while allowing volunteers aged 18 and older – would prohibit the recruitment of individuals younger than 21, was awaiting final review at the ministerial level as of March 2012. Chad continues to lack the capacity to compile data on investigations, prosecutions, convictions, or sentencing for trafficking offenses. The government did not investigate or prosecute military officials for forcing children to work as herders. During the reporting period, the government worked with UNICEF to provide training for security forces on issues pertaining to child soldiers; 91 members of the armed forces and 30 training officers received this instruction.

Protection

The Chadian government did not take adequate steps to ensure that all victims of trafficking received access to protection services during the reporting period. Chronic funding shortages, a largely traditional judicial system, and a lack of reliable infrastructure all hindered efforts to provide victim protection activities. The government maintained in-kind assistance, including providing space and facilities for victim protection activities and for long-term, NGO-operated

rehabilitation and reintegration centers that cared for a small number of abused and homeless children. Other victims of trafficking, however, continued to receive few protection services. The government continued its participation in several local-level committees comprised of law enforcement, judicial, and social service officials to identify and refer trafficking victims to protection services where available. Although these committees – located in N'Djamena, Abeche, and southern towns – are tasked with encouraging victims to file charges against and assist in the investigation and prosecution of their traffickers, it is unknown whether they did so during the year. Chadian authorities did not report identifying victims or referring victims to protection services during the reporting period. Lack of formal victim identification continued to be constrained by limited information-sharing within Chad. To counteract this challenge, the government commenced collaboration with a donor-funded NGO project to create a human trafficking database. The government did not arrest or detain trafficking victims, or prosecute or otherwise penalize identified child victims for unlawful acts committed as a direct result of being trafficked.

Prevention

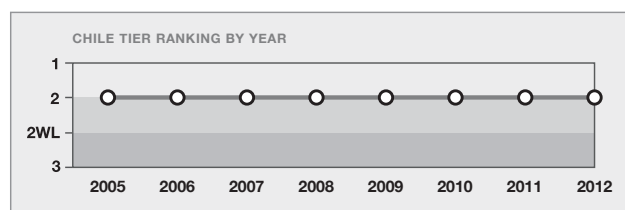
The government continued to make limited efforts, beyond those related to child soldiering, to prevent human trafficking during the year. The government still lacked an inter-ministerial committee to combat trafficking, which hampered progress in combating trafficking. In conjunction with UNICEF, the Directorate of Children within the Ministry of Justice developed a 2008–2010 Integrated Action Plan to Fight the Worst Forms of Labor, Exploitation, and Trafficking; the document expired without being formally adopted by the government. In February 2012, the government, in collaboration with the UN and NGOs, began drafting a new action plan covering the worst forms of child labor and human trafficking. In June 2011, in partnership with the UN, the government adopted an action plan to prevent the recruitment and use of child soldiers; this action plan calls for the government to adopt the draft Child Protection Act, and provides safeguards to ensure children are not drafted in the Chadian military. In conjunction with UNICEF, the government continued to educate members of the military on issues pertaining to child soldiers. In May 2011, the Government of Chad worked with UNICEF to host a training for 91 members of the armed forces and 30 security forces instructors on issues pertaining to child soldiers. The government also conducted a public outreach poster campaign across the country on the dangers of child herding. The government did not take any steps to reduce demand for commercial sex acts during the reporting period.

CHILE (Tier 2)

Chile is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Within the country, victims are often Chilean women and girls exploited in sex trafficking. To a limited extent, Chilean women and girls also are subjected to sex trafficking in other countries, including neighboring countries and Spain. Women and girls from other Latin American countries, including Argentina, Bolivia, Peru, Paraguay, the Dominican Republic, and Colombia are lured to Chile by fraudulent job offers and subsequently coerced into prostitution or domestic servitude. During the year, three Indonesian

women fled from alleged situations of domestic servitude in Chile. Foreign victims of labor trafficking, primarily from Bolivia, Peru, Colombia, Ecuador, and China, have been identified in Chile's mining and agricultural sectors. In 2011, Chilean authorities identified 52 Paraguayans in forced labor in a vineyard. Chilean authorities identified an increasing number of children involved in illicit activities, including the transportation of illegal drugs; some of these children may have been coerced or forced.

The Government of Chile does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Chilean authorities investigated several labor trafficking cases using Chile's new anti-trafficking law, increased efforts to assist adult trafficking victims, and continued to provide specialized services for children exploited in commercial sex. The government maintained efforts to convict child sex trafficking offenders. However, specialized services for adult victims were minimal. Authorities lacked formal victim identification and referral mechanisms, and interagency coordination was strengthened but remained insufficient.



Recommendations for Chile: Strengthen victim protection efforts, particularly for victims of forced labor and for adult victims of forced prostitution, and ensure victim access to shelters and comprehensive services through increased funding and referral protocols; maintain efforts to investigate and prosecute all forms of human trafficking offenses and convict and punish trafficking offenders; continue to proactively investigate possible cases of forced labor; establish formal victim identification and referral protocols for frontline responders; strengthen training for police officers, immigration officials, labor inspectors, social workers, and judicial officials on how to identify and respond to all forms of human trafficking; continue to enhance interagency coordination mechanisms; consider creating a national strategy or plan to combat trafficking; and increase public awareness about all forms of human trafficking.

Prosecution

The Government of Chile maintained law enforcement efforts against sex trafficking offenders during the reporting period and investigated several forced labor cases under the new anti-trafficking law. Law 20.507, enacted in April 2011, prohibits all forms of human trafficking, as well as human smuggling. The law prescribes penalties ranging from five years and a day in prison to 15 years of imprisonment, plus fines, for trafficking offenses. Such penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. The new law also authorizes the use of undercover agents and wire tapping, which officials reported using in some cases during the year. The government established a trafficking and smuggling police unit in 2011 composed of six officers.

During the reporting period, authorities investigated 46 cases of transnational sex trafficking and 104 cases of promoting or facilitating child prostitution using previous statutes. As the prior transnational sex-trafficking statute also criminalized moving people across borders for the purposes of prostitution, it was unclear how many of those investigations involved sex trafficking as defined in the 2000 UN TIP Protocol. Authorities investigated several labor and sex trafficking cases under the new law and initiated at least three prosecutions; one case involved a former senator and presidential candidate accused of forced labor crimes. Chilean courts achieved four convictions under the transnational sex-trafficking statute, and reported 30 convictions for the facilitation or promotion of prostitution of minors. Authorities did not report the range of sentences for these convictions. This compares with 39 convictions achieved under those statutes in 2010.

There were no reported investigations, prosecutions, or convictions for official complicity related to human trafficking. During the year, authorities provided specialized training on trafficking for prosecutors and social workers.

Protection

The Chilean government delivered comprehensive victim services to child sex trafficking victims, but offered few specialized services to adult sex trafficking victims and victims of forced labor. The government did not employ systematic procedures to proactively identify trafficking victims among vulnerable populations or to refer them to services, although some agencies reported having guidelines for victim identification. However, authorities did not report how many victims were identified in Chile during the reporting period.

Chilean law mandates the provision of medical care, psychological counseling, and witness protection services to adult victims of trafficking who assist in trafficking investigations, and authorities reported providing this to victims during the year. NGOs and some officials, however, noted a lack of adequate services and shelters for trafficking victims. The National Service for Minors (SENAME) provided services to child victims of sex trafficking through its national network of 16 walk-in centers for children subjected to commercial sexual exploitation, and reported assisting 1,168 child victims in 2011, some of whom were likely trafficking victims. SENAME had a budget of approximately \$2.6 million in 2011 for these NGO-administered centers. SENAME also funded one residential shelter exclusively for child sex trafficking victims and provided child trafficking victims with legal services. Adult sex trafficking victims generally were referred to NGOs and international organizations, some of which received government funding. These organizations also aided foreign trafficking victims with voluntary repatriation. There were no specialized shelters for adult trafficking victims, but the government planned to fund a dedicated shelter for female adult trafficking victims which an NGO would operate; this shelter was slated to open in 2012. Specialized assistance to forced labor victims was limited; however, authorities provided Paraguayans found in forced labor in a vineyard with temporary lodging at a hotel, as well as food and medical attention.

Chilean authorities encouraged victims to assist in the investigation and prosecution of their traffickers. Foreign victims were eligible for temporary residency with the right

to work for a minimum six-month period while they decide whether to participate in judicial proceedings, and six victims received this residency during the reporting period. The law also establishes foreign victims' rights to take steps toward regularizing their legal status in Chile.

Prevention

The government sustained awareness efforts during the reporting period and increased interagency coordination. The Interagency Working Group on Trafficking in Persons met once in 2011, while its directing committee met on a monthly basis and conducted an internal analysis of existing anti-trafficking efforts. Lack of effective collaboration and protocols between different government agencies continue to be a challenge. SENAME continued to raise awareness about child prostitution through awareness campaigns. Authorities provided anti-trafficking training to Chilean troops prior to their deployment abroad for international peacekeeping missions. The government prosecuted individuals for soliciting sexual services from children. No specific efforts to reduce demand for forced labor were reported.

CHINA (Tier 2 Watch List)

China is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Women and children from neighboring countries including Burma, Vietnam, Laos, Mongolia, Russia, and North Korea, and from locations as distant as Europe and Africa are reportedly trafficked to China for commercial sexual exploitation and forced labor. While the majority of trafficking occurs within China's borders, there are numerous reports that Chinese men, women, and children may be subjected to conditions of forced prostitution and forced labor around the world. Human trafficking of Chinese nationals has been reported in over 70 countries, including every populated continent. Low- and medium-skilled Chinese workers migrate voluntarily to other countries for jobs, but some subsequently face conditions indicative of forced labor, such as withholding of passports and other restrictions on movement, nonpayment of wages, physical or sexual abuse, and threats. High recruitment fees, sometimes as much as \$70,000, compound Chinese migrants' vulnerability to debt bondage and other situations of trafficking.

Trafficking is most pronounced among China's internal migrant population, which is estimated to exceed 221 million people. Forced labor remains a problem, including in brick kilns, coal mines, and factories, some of which operate illegally and take advantage of the lax labor supervision. Forced labor, including forced begging by adults and children, took place throughout China in 2011. In one case of forced labor, 2,000 workers protesting labor conditions were forced to return to work under police surveillance. During the reporting period some children in "work-study programs" were forced to work in farms and factories. There were reports that authorities in Xinjiang required school-age students to pick cotton and engage in other forms of organized labor as part of a work-study program. The forced labor of the mentally disabled continued in the reporting period and was noted in the press in a number of disturbing examples. For example, a reporter disguised himself as a mentally disabled individual and roamed a city's railway station, soon after which he was thrown into a car

and sold by human traffickers for \$78 to brick kiln owners to work in their kiln. Also during the reporting period, police rescued 30 mentally disabled men, some of whom had been held for over seven years in appalling conditions in a brick factory, where the men were beaten with belts, and in some cases blinded as a result of their injuries. According to an NGO in China, forced labor cases involving the mentally disabled are prolific, police rarely follow up, and little action is taken against the perpetrators.

Forced, state-sponsored labor is part of a systematic form of repression known as "re-education through labor." The government reportedly profits from this forced labor. Many prisoners and detainees in "reeducation through labor" facilities were required to work, often with no remuneration. Authorities held individuals in these institutions as a result of administrative decisions. NGO reports state that forced labor is also a problem in penal institutions. Forced labor was a problem in some of the government's drug detention centers as well, according to NGO reporting; some detainees were forced to work up to 18 hours a day without pay for private companies working in partnership with Chinese authorities. During the reporting period, over 216,000 former drug users were detained in 165 "re-education through labor" centers, where prisoners are subject to forced labor, often in the form of hard labor, and receive no compensation for their work. Also during the reporting period, media sources widely reported on state-sponsored moneymaking schemes within prisons, including the phenomenon of "virtual gold mining." The prisoners received no compensation for their labor, and in fact were beaten for failing to complete work quotas.

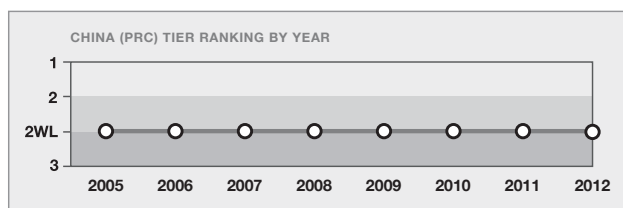
There continue to be reports that some Chinese children are forced into prostitution, and various forms of forced labor, including begging, stealing, and work in brick kilns and factories. Some children in work-study programs supported by local governments have been reported to face conditions of forced labor in factories and farms. China has millions of child laborers in the country. Well-organized international criminal syndicates and local gangs play key roles in both internal and cross-border trafficking. China's birth limitation policy, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which served as a key cause of trafficking of foreign women as brides for Chinese men and for forced prostitution.

The Government of the People's Republic of China does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of increasing efforts to address human trafficking over the previous year; therefore, China is placed on Tier 2 Watch List for an eighth consecutive year. China was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute a significant effort to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

During the reporting period the Chinese government made public some statistics relating to the sex trafficking of women and children, but these statistics were not disaggregated and included a number of other crimes not related to trafficking, such as kidnapping and smuggling. The government did not release any statistics relating to the trafficking of forced labor victims or the trafficking of men. The government did not provide comprehensive victim protection services to both

internal and foreign victims of trafficking throughout the country, but continued to train managers of multipurpose shelters.

The government continued drafting the 2012 National Plan of Action for anti-trafficking efforts, which should be released in December 2012, in consultation with international organizations; at the time of publication of this report, the details of the draft plan were not yet public. In March 2012, the government released data about a variety of crimes, some of them purportedly human trafficking, reflecting an expanded definition of trafficking that included illegal adoption and crimes of abduction. Thus, it is impossible to discern what efforts the Chinese government has undertaken to combat trafficking. The government's crackdown on prostitution and child abduction reportedly included rescuing victims of trafficking and punishing trafficking offenders. Nonetheless China continues to conflate trafficking with non-trafficking crimes such as fraudulent child adoption, rendering the full extent of the government's anti-trafficking efforts unclear. Despite basic efforts to investigate some cases of forced labor that generated a high degree of media attention and the plans to hire thousands of labor inspectors, the impact of these measures on addressing the full extent of trafficking for forced labor throughout the country remains unclear. The government took no discernible steps to address the role that its birth limitation policy plays in fueling human trafficking in China, with gaping gender disparities resulting in a shortage of female marriage partners. The government failed to take any steps to change the policy; and in fact, according to the Chinese government, the number of foreign female trafficking victims in China rose substantially in the reporting period. The Director of the Ministry of Public Security's Anti-Trafficking Task Force stated in the reporting period that "[t]he number of foreign women trafficked to China is definitely rising" and that "great demand from buyers as well as traditional preferences for boys in Chinese families are the main culprits fueling trafficking in China." China continued to lack a formal, nationwide procedure to systematically identify victims of trafficking; however, in the past the government issued a national directive instructing law enforcement officers to treat people in prostitution as victims of trafficking until proven otherwise and prohibited police from closing any trafficking-related cases until the victims were located. Victims may be punished for unlawful acts that were a direct result of their being trafficked – for instance, violations of prostitution or immigration and emigration controls. Chinese authorities continue to detain and forcibly deport North Korean trafficking victims who face punishment upon their return to North Korea for unlawful acts that were sometimes a direct result of being trafficked, and these North Koreans face severe punishment, which may include death, upon being forcibly repatriated to North Korea by China.



Recommendations for China: Draft and enact comprehensive anti-trafficking legislation in line with the 2000 UN TIP Protocol; cease pre-trial detention of forced labor and sex

trafficking victim advocates and activists; seek the assistance of the international community to close "re-education through labor" camps; provide disaggregated data on efforts to investigate and prosecute human trafficking; vigorously investigate and prosecute government corruption and complicity cases, and ensure officials are held to the highest standards of the law; seek the assistance of the international community to bring China's trafficking definition in line with the 2000 UN TIP Protocol, including separating out non-trafficking crimes such as illegal adoption, abduction, and smuggling; publish the national plan of action to address all forms of trafficking, including forced labor and the trafficking of men; provide data on funds spent on trafficking and law enforcement efforts, including separating out non-trafficking crimes such as abduction, illegal adoption, and smuggling; prohibit punishment clauses in employment contracts of workers, both those working domestically and those working abroad; increase transparency of government efforts to combat trafficking; institute effective victim identification procedures among vulnerable groups, such as migrant workers, the mentally disabled, women arrested for prostitution, and children, and ensure these populations are not prosecuted for crimes committed as a result of trafficking; expand available trafficking shelters and resources, including counseling, medical, reintegration, and rehabilitative assistance to all trafficking victims, including male and forced labor victims; assist Chinese citizen victims of trafficking found abroad; cease detaining, punishing, and forcibly repatriating North Korean trafficking victims; provide legal alternatives to foreign victims' removal to countries in which they would face hardship or retribution; educate the public to reduce demand for, and vigorously investigate and prosecute, child sex tourism cases.

Prosecution

The government's anti-trafficking efforts continued to focus on transnational trafficking of foreign women and girls to China and the forced prostitution of Chinese girls and women within the country. The amount and degree of complicity by government officials in trafficking offences remained difficult to ascertain. The government did not report efforts to combat trafficking facilitated by government authorities.

Article 240 of China's criminal code prohibits "abducting and trafficking of women or children," but does not adequately define these concepts. Article 358 prohibits forced prostitution, which is punishable by five to 10 years' imprisonment. Prescribed penalties under these statutes range from five years' imprisonment to death sentences, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, including rape. Article 244 of the Chinese Criminal Code prohibits "forcing workers to labor," punishable by three to 10 years' imprisonment and a fine, and expands culpability to those who also recruit, transport, or assist in "forcing others to labor." However, it remains unclear whether, under Chinese law, children under the age of 18 in prostitution are victims of trafficking regardless of whether force is involved. In addition, it remains unclear whether these Chinese laws prohibit the use of common non-physical forms of coercion, such as threats and debt bondage, as a form of "forcing workers to labor" or "forced prostitution" and whether acts such as recruiting, providing, or obtaining persons for compelled prostitution are covered. While trafficking crimes could perhaps be prosecuted under general statutes related to fraud and deprivation of liberty, authorities did not report

using these provisions to prosecute and punish trafficking offenders.

Due to the government's continued conflation of human smuggling, child abduction, and fraudulent adoptions with trafficking offenses, it is unclear how many trafficking cases the government investigated and prosecuted during the reporting period. Due to this conflation, it was not possible to accurately assess Chinese law enforcement efforts, including statistics on trafficking such as investigations, prosecutions, and convictions.

In April 2011, the government reported rescuing a number of Uighur children from forced begging and pick-pocketing rings, many of whom were likely victims of trafficking. In November 2011, the Ministry of Public Security collaborated with Angolan police to rescue 19 Chinese women found in forced prostitution in Angola. Five suspects were arrested in China in response to the case, although it is unknown what charges were brought against the suspects, or what care was provided to the victims. There were also instances of forced labor of Chinese workers in Angola. Some companies owned by the Chinese government reportedly subjected both Chinese and locally-employed staff to conditions of forced labor. In Zambia, local employees were forced to work in copper mines under dangerous conditions by Chinese managers. Chinese and Vietnamese police collaborated on a trafficking case, leading to the rescue of 22 Vietnamese victims and the arrest of 17 suspects in China. In August 2011, Chinese officials worked with Philippine counterparts to secure the extradition of a trafficker back to China. The trafficker allegedly organized and led a criminal gang which forced more than 2,000 women into prostitution in Chongqing. In previous reporting periods, the Ministry of Public Security reported conducting an annual comprehensive assessment of anti-trafficking work in each category of trafficking, but the government never reported producing this report in 2011. The government did not report funding any training for law enforcement during the reporting period.

Protection

It is unclear what efforts the Chinese government made to protect trafficking victims in the reporting period. The government did not provide data on how many trafficking victims the government rescued or identified, and did not disaggregate data on trafficking from other statistics. The Chinese government did not release information on what funds were dedicated to provide protective services for trafficking victims. During the reporting period, the Chinese government claimed that, out of the 1,400 government-run and funded shelters, five were dedicated to care for victims of human trafficking, although victims also had access to basic services at China's general shelter network. It is unclear what guidelines, if any, the government used to identify trafficking victims formally, but the government did begin to provide training to law enforcement officers on identifying such victims. The lack of effective victim identification measures in China causes victims to be punished for crimes committed as a direct result of being trafficked. Law enforcement and judicial officials continued to punish forced prostitution victims rather than their traffickers.

The government continued to instruct local women's federation organizations to refer victims of trafficking to one of two phone numbers to report cases of suspected human trafficking. The

quasi-governmental All-China Women's Federation (ACWF) continued to allocate an unknown amount of funds to operate "women's homes" where female victims have access to a variety of protective services. It is unclear how many trafficking victims, if any, reported their cases or if there were any instances in which the government provided assistance based on calls to the hotlines. In some instances, child trafficking victims were placed in child welfare centers run by the Ministry of Civil Affairs; those centers were linked with hospitals and professionals that provide specialized care. Chinese diplomatic staff overseas did not typically intervene in labor disputes, some of which may have involved trafficking. While there were some instances in which the Chinese government assisted their citizens found in trafficking abroad, there were a number of instances in which it did not. During the reporting period, China worked with an international organization to develop appropriate investigation protocols to prevent potential trauma to juvenile crime victims. The government did not provide foreign victims with legal alternatives to removal to their native countries, even if they might face hardship or retribution. NGOs along the southern border reported some improvements in Chinese official rescue and rehabilitation support to trafficking victims, particularly with the establishment of cross-border anti-trafficking liaison offices.

Chinese authorities continued to repatriate North Korean refugees forcibly, including those found to be trafficked. The government continued to treat North Koreans found in China solely as illegal economic migrants despite credible independent reporting that approximately 90 percent of North Korean female refugees in China are trafficking victims. The government detained and deported these refugees to North Korea, where they faced severe punishment and death, including in North Korean forced labor camps. The Chinese government did not provide North Korean trafficking victims with legal alternatives to repatriation. Chinese authorities prosecuted citizens who assisted North Korean refugees and trafficking victims, as well as those who facilitated illegal border crossings. During the reporting period, the government deployed hundreds of officers to conduct "manhunts" to track down North Korean refugees in China. The government continued to bar UNHCR from access to North Koreans in northeast China. The lack of access to UNHCR assistance and the issue of forced repatriation by Chinese authorities leave North Koreans vulnerable to human traffickers.

Prevention

The Chinese government made minimal efforts to prevent trafficking in persons during the reporting period. The government undertook significant efforts to improve interagency and other internal coordination among those involved in combating trafficking throughout the country. The State Council's Inter-Ministerial Meeting Office against Human Trafficking held quarterly working-level meetings with the ministries and departments involved to gather information for research and analysis. This information was used to shape and guide next steps in China's efforts to combat human trafficking. The Labor Contract Law Enforcement Inspection Team of the National People's Congress Standing Committee met for the first time in July 2011 and issued instructions on conducting inspections of non state-owned enterprises to ensure enforcement of the Labor Contract Law. Despite these efforts, however, Chinese labor contracts often contain "punishment clauses" which are enforceable in Chinese courts

but often illegal in countries to which Chinese workers are sent. These clauses render workers vulnerable to forced labor, often by allowing Chinese companies to impose steep fines or require substantial deposits from Chinese workers that could expose them to conditions of forced labor, including debt bondage. The government did not address the effects its birth limitation policy has in creating a gender imbalance and fueling trafficking, particularly through forced marriage. In August 2011, the Director of the Ministry of Public Security's Anti-Trafficking Office publicly acknowledged that the great demand from marriage buyers, which results from the traditional preference for boys in Chinese families, was the main factor fueling trafficking in China. China's highest-rated television channel ran broadcasts raising awareness on human trafficking. The government continued to disseminate some anti-trafficking messages in train and bus stations and through media such as cell phones, television, and the internet. ACWF continued to work with an international organization to incorporate messages on avoiding human trafficking situations into school curricula. The Ministry of Public Security convened a meeting of the Inter-Ministerial Meeting Office against Human Trafficking in April 2011 to coordinate the government's anti-trafficking efforts with the 31 government ministries and agencies involved.

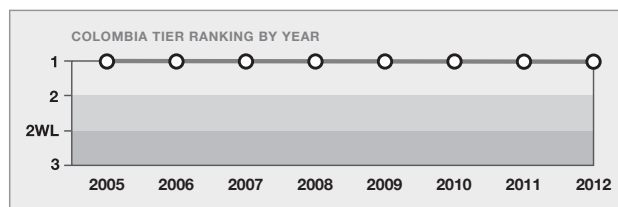
Another important contributing factor to the problem of human trafficking is the government *hukou* household registration system, which contributes to the vulnerability to trafficking of internal migrants. Chinese forces participating in peacekeeping initiatives abroad receive no trafficking-in-persons training from the Chinese government independent of the training provided by the UN prior to deployment. The government did not take any measures to reduce the demand for commercial sex acts during the reporting period. The government made no efforts to prevent Chinese citizens from engaging in child sex tourism while abroad during the reporting period, despite the fact that Chinese citizens were found engaging in child sex tourism in both Indonesia and the Philippines during the reporting period.

COLOMBIA (Tier 1)

Colombia is a major source country for women and girls subjected to sex trafficking in Latin America, the Caribbean, Western Europe, Asia, and North America, including the United States, as well as a transit and destination country for men, women, and children subjected to forced labor. During the year, seven Colombian sex trafficking victims were identified in Indonesia. Within Colombia, some men and children are found in conditions of forced labor in mining and agriculture, and the sex trafficking of women and children remains a significant problem. Some women and children are subjected to domestic servitude; an international organization published a study noting that 10 percent of domestic workers interviewed in Cali experienced strong indicators of domestic servitude during their first job. NGOs indicated that forced begging was a problem in urban areas. Groups at high risk for internal trafficking include internally displaced persons, poor women in rural areas, indigenous communities, and relatives of members of criminal organizations. Some Ecuadorian children, many of them indigenous, are subjected to forced labor and sex trafficking in Colombia. Illegal armed groups forcibly recruit children to join their ranks; there are no recent figures to estimate the total number of child soldiers

in Colombia, but authorities identified 483 cases of children recruited by armed groups in 2011. Members of gangs and organized criminal networks force relatives, acquaintances, and displaced persons – typically women and children – into conditions of sex trafficking and forced labor, including in the illegal drug trade. Colombia (particularly the northern Colombian coast and Medellin) is a destination for foreign child sex tourists from the United States, Europe, and other South American countries.

The Government of Colombia fully complies with the minimum standards for the elimination of trafficking in persons. During the reporting period, the government maintained strong law enforcement actions against transnational sex trafficking offenders, continued to partner with international organizations on prevention efforts, and reactivated its inactive trafficking hotline. Efforts to investigate internal trafficking cases and forced labor crimes remained weak, however, with no reported convictions for these offenses. Authorities did not make effective use of procedures to proactively identify trafficking victims among vulnerable populations, and the victim protection decree remained pending. While authorities provided services to hundreds of suspected child trafficking victims during the year, the only trafficking-specific shelter in the country, operated by an NGO, opened and shut down during the reporting period due to lack of funding. The significant number of Colombians trafficked abroad as well as internally reflects the continued need for dedicated funding for comprehensive victim services.



Recommendations for Colombia: Ensure that trafficking victims are provided access to protection and specialized services, including dedicated shelters for trafficking victims, through specific funding; work toward finalizing the pending trafficking victim assistance decree with designated funding; create formal measures to identify trafficking victims among vulnerable populations within the country; increase efforts to proactively identify, investigate and prosecute forced labor and internal sex trafficking cases; enhance coordination between labor officials and law enforcement officials to ensure proactive identification and investigation of forced labor cases, including those involving domestic servitude; establish collaborative framework between labor inspectors and police investigators and prosecutors to work on forced labor cases; strengthen the interagency trafficking center's ability to collect accurate data and to coordinate anti-trafficking efforts; offer anti-trafficking training for local police officers, labor inspectors, immigration officials, prosecutors, and judges; provide foreign victims with formal legal alternatives to deportation; continue efforts to identify and assist Colombian trafficking victims abroad through training and increased resources for diplomatic missions in other countries; and continue to raise public awareness about the dangers of all forms of human trafficking.

Prosecution

The Government of Colombia maintained strong law enforcement efforts against transnational human trafficking during the reporting period, though its efforts to investigate and prosecute internal trafficking crimes were weak, with no reported convictions for internal trafficking. Colombia prohibits all forms of trafficking through its anti-trafficking statute, Law 985, which prohibits the capture, transfer, or receipt of a person within the country or overseas for the purposes of exploitation. Exploitation is defined as receiving a benefit, economic or otherwise, through the exploitation or the prostitution of another or other forms of sexual exploitation, forced labor, slavery, servitude, begging, servile marriage, organ extraction, sex tourism, or other exploitative activities, for economic or other gain. Law 985 prescribes minimum punishments of 13 to 23 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The law's definition of human trafficking does not include the element of force, fraud, or coercion. In 2011, reforms to the penal code increased fines for trafficking of minors, as well as reforming penalties for using minors in the commission of crimes, establishing sentences of 10 to 20 years' imprisonment.

In 2011, Colombian authorities reported 72 open investigations of trafficking cases; the majority of the cases involved adult victims subjected to forced prostitution abroad, with one reported investigation of forced child labor. Authorities reported 56 new trafficking prosecutions, and convictions were obtained in 16 transnational sex trafficking cases during the year. Sentences ranged from two years' to 26 years' imprisonment, with seven convicted traffickers serving sentences under house arrest, and fines ranging from the equivalent of \$47,000 to \$310,000. In comparison, authorities reported 17 convictions during the previous year, including one for internal labor trafficking. Trafficking crimes are sometimes categorized under other statutes, such as those prohibiting pimping of minors or kidnapping.

While one specialized prosecutor handles all transnational trafficking cases, there were no dedicated units for cases of internal trafficking. Instead, internal cases of trafficking are investigated by local prosecutors, including sex crimes units. Officials noted efforts to investigate trafficking crimes were limited by resources, and the specialized prosecutor faced a significant number of cases. Authorities continued to operate COAT (Operational Anti-Trafficking in Persons Center), an interagency center which was supposed to coordinate and track criminal investigations and prosecutions, collect nationwide information and statistics about trafficking crimes, and refer victims to providers of protective services. A study published in 2011 highlighted the inconsistency in victim and case data from COAT from 2005 through 2010. Authorities committed to launching a new data-tracking system after failing to successfully implement two previous systems, including one developed for the government by an international organization.

NGOs and international organizations expressed concern that some government officials had a limited understanding of human trafficking, and could therefore not effectively identify and assist victims. In partnership with an international organization, public officials received training on how to investigate and prosecute trafficking cases, as well as how to assist trafficking victims, including through a mock trial training program where more than 400 officials were trained in 2011. The government did not report any cooperative

international trafficking investigations during the reporting period. The government did not report investigating, prosecuting, or convicting any public officials for trafficking-related offenses.

Protection

The Government of Colombia provided some assistance to trafficking victims: authorities identified and assisted a significant number of potential child trafficking victims through programs targeted at child victims of sexual violence and for child soldiers, but few services were available specifically for trafficking victims. The government did not report employing formal procedures to identify trafficking victims among vulnerable populations within the country, such as displaced persons or women in prostitution. Labor inspectors did not report identifying any trafficking victims during the reporting period, and efforts to identify forced labor victims were minimal, as most inspections were carried out in the formal economy, as opposed to the informal and illicit sectors, and inspectors lacked sufficient funding for transportation.

Officials noted that the lack of legal guidelines for the care and protection of victims remained a significant challenge. A victim protection decree to formally assign responsibility for victim services and to allocate funding was required by Law 985 and was first drafted in 2008; however, it remained pending during the year. Officials and members of civil society noted that without this decree, there is no set budget for victim services, and instructions for victim identification and assistance were lacking. Some local officials noted that in the absence of this decree, they could not claim competency on the issue or include it in their budget.

The government reported identifying 21 trafficking victims in 2011; all but one victim was subjected to sex trafficking, and one victim was a child. In comparison, in 2010, authorities reported identifying 76 transnational trafficking victims and 15 victims of internal trafficking. The majority of victims identified by authorities were adults exploited in transnational sex trafficking. A study published during the year by an international organization with anti-trafficking expertise suggested that this form of trafficking is greatly under-reported and under-identified by officials. The Colombian Child Welfare Institute (ICBF) reported 589 cases of child prostitution in 2011, and it is likely that many of these cases involved trafficking victims. Colombian consular officials reported assisting nine Colombian victims trafficked overseas during the reporting period: four in Indonesia, three in China, one in Guatemala, and one in Singapore. In comparison, Colombian consular officers abroad assisted 106 trafficking victims in 2010. However, a study published during the year noted that in 70 percent of the cases of transnational trafficking registered by authorities between 2006 and 2010, there was no information regarding the form of trafficking, calling into question the accuracy of this data. One NGO in Medellin noted that the majority of the victims they assisted were internally displaced, and authorities reported rescuing 282 children from armed groups in 2011.

The majority of specialized victim services in Colombia were funded by international organizations and NGOs. The government reported providing an international organization with the equivalent of approximately \$22,000 in funding for short-term victim services, to be dispersed through Colombian

NGOs, as well as a separate amount of the equivalent of \$28,000 for emergency assistance to transnational trafficking victims abroad. Ten victims received services through NGOs funded by this mechanism. Authorities reported following a national trafficking victim assistance plan to refer all 21 identified victims to services. Officials reported that this system worked well and noted that significant funding for victim services remained at the end of the year. However, NGOs receiving these funds asserted that the referral process did not work well in practice, and that funding was insufficient and inefficiently distributed. During the year, one NGO opened the first shelter in Colombia dedicated to assisting trafficking victims, but the shelter closed due to lack of funding. The ICBF operated 34 centers that offered comprehensive services for child victims of sexual violence, although it did not maintain statistics on how many child trafficking victims received services at these centers during the year. The government maintained a reintegration program for child soldiers found in the ranks of armed groups and during the year 835 children participated in the program. Authorities reported providing medical and psychological care, access to financial and employment assistance, and information and legal support for judicial processes; however, NGOs stated that this assistance was cursory and inadequate. An international organization noted that reintegration services and assistance beyond short-term emergency care were minimal. Services for male victims were very limited.

The government encouraged victims to assist in trafficking investigations and prosecutions. Prosecutors reported that six victims collaborated with law enforcement officials to identify traffickers in 2011. However, most victims were reluctant to testify against their traffickers due to fear of reprisals or lack of awareness of their status as victims of a serious crime. An NGO reported that the judicial process re-victimized the victims. While there is a limited program to provide protections to victims of crimes who testify, no trafficking victims participated during the year. Officials reported that five victims received monetary compensations of an undisclosed amount. There were no reports of victims being jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. There was no specialized legal mechanism whereby the government offered a visa or temporary residence status to foreign trafficking victims. Authorities reported that they could provide foreign trafficking victims with temporary permission to remain in the country during the investigative process on a case-by-case basis; however, authorities did not report identifying or assisting any foreign trafficking victims in 2011.

Prevention

The government maintained prevention efforts against human trafficking in partnership with civil society organizations. The interagency anti-trafficking committee continued to coordinate efforts and to implement the national strategy to combat trafficking, and reported meeting frequently during the reporting period, although civil society actors noted that high turnover impacted its efficacy. In partnership with an international organization, all 32 departments maintained anti-trafficking committees, although they maintained varying degrees of activity and civil society actors noted that some existed in name only. In June 2011, authorities re-launched the human trafficking hotline: from April 2010 to June 2011, the hotline had ceased functioning due to insufficient funds. Between June and December 2011, the line received 8,000

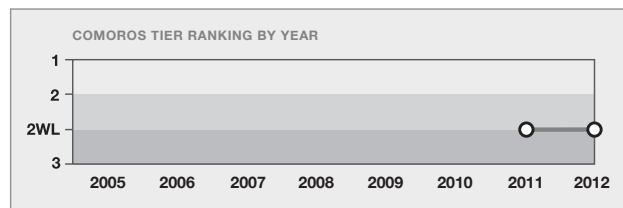
calls. Authorities conducted a wide range of awareness-raising activities in partnership with international organizations, including a national information campaign on trafficking. Authorities continued to partially fund awareness workshops by an international organization that trained over 3,000 beauty salon employees during the year. Child sex tourism is not a specific crime under Colombian law; while the ICBF reported 49 cases of child sex tourism in 2011 and law enforcement investigated several child sex tourists during the year, there were no reported prosecutions or convictions of child sex tourists in Colombia. There were no reported efforts to reduce the demand for commercial sex from adults or any efforts to reduce the demand for forced labor.

COMOROS (Tier 2 Watch List)

The Comoros is a source country for children, and possibly for men and women, subjected to forced labor and sex trafficking. Comoran children are subjected to forced labor within the country – mostly on the island of Anjouan – in domestic service, roadside and market vending, baking, and agriculture. Children from Anjouan are sent as domestic workers to Mayotte, where some of the children are subjected to forced labor. Children from Anjouan are also coerced into criminal activities, such as drug trafficking. Girls are exploited in prostitution on all three islands in rented houses, nightclubs, and hotels, often with the knowledge of their families and after being coerced by other young girls. There are reports that foreign tourists frequent these establishments. Many Comoran boys aged three to 14 studying at Koranic schools headed by corrupt *fundi*, or religious teachers, are exploited in forced labor as porters, market vendors, field hands, construction workers, or domestic servants. These Koranic students – including girls – also are subjected to physical and sexual abuse; the ILO reports more than 60 percent of children it surveyed in 2009 were victims of sexual abuse by their *fundi*. The Comoros may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, endemic corruption within the administration, and the existence of local and international criminal networks involved in human smuggling and document forgery. Trafficked Comoran children have been identified in domestic servitude in France.

The Government of the Comoros does not comply fully with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of overall increasing measures to address human trafficking compared to the previous year; therefore, the Comoros is placed on Tier 2 Watch List for a second consecutive year. Although resource strapped, the government failed to find low-cost ways to take law enforcement action against trafficking offenders, improve efforts to protect victims, and prevent these crimes from occurring. It took no discernible steps under existing legislation to investigate, prosecute, or punish trafficking offenders, including corrupt *fundi*. Furthermore, the Ministry of Labor made negligible efforts to prevent or investigate cases of forced child labor. NGO-run care centers that provided support to trafficking victims received minimal support from the government. The government relied on donor funding and international organization partners for the majority of its anti-trafficking efforts during the year. Nevertheless, the government, in partnership with international organizations, continued implementation of

a national action plan to address the worst forms of child labor, including undertaking legislative efforts specifically to prohibit and penalize trafficking in persons.



Recommendations for the Comoros: Enact anti-trafficking legislation; using existing legislation, investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including corrupt *fundi* who exploit Koranic students; develop procedures, even informally, for the identification and referral of trafficking victims to care; establish services and provide support for the care of trafficking victims, possibly within facilities already in existence for victims of other crimes; and continue anti-trafficking public awareness campaigns on each of the islands.

Prosecution

During the year, the Government of the Comoros demonstrated minimal anti-trafficking law enforcement commitment. The principal act of note was the government's inclusion of anti-trafficking provisions in labor legislation drafted during the reporting period; this legislation remains pending with the National Assembly. However, the government did not take steps to investigate or prosecute trafficking offenses in 2011. Comoran law does not prohibit all forms of human trafficking. Existing laws, however, could be used to prosecute trafficking crimes, although the government did not report doing so. Article 323 of the penal code prohibits child prostitution, prescribing sufficiently stringent punishments of two to five years' imprisonment and fines of between the equivalent of \$462 and \$6,154; these penalties, however, are not commensurate with those for other serious crimes, such as rape. Existing laws lack specific provisions concerning the forced prostitution of adults. Article 2 of the labor code prohibits forced and bonded labor, prescribing insufficiently stringent penalties of from three months' to three years' imprisonment or fines of from the equivalent of \$308 to \$1,538. Article 333 of the penal code prohibits illegal restraint and prescribes penalties of 10 to 20 years' imprisonment; these penalties are sufficiently stringent. As part of its implementation of the National Action Plan on the Worst Forms of Child Labor, the government made efforts to improve its labor laws during the year. The National Assembly conducted its first reading of the draft labor bill, which includes a provision specifically to penalize and prohibit trafficking in persons, in December 2011, following which members submitted recommendations for the bill's amendment. The National Assembly had not passed the bill during the session ending in February 2012.

The government did not report its investigation or prosecution of trafficking cases during the year. Due to social stigma, cases of violence against children are rarely referred to law enforcement, and alleged perpetrators are often released without prosecution. The *gendarmerie*, prosecutors, and local authorities are influenced by important members of Comoran society, often leading to the release of offenders before completion of their trial. Corruption remained endemic

throughout the Comoros and hindered law enforcement efforts, including those to address trafficking, and may have served to facilitate the crime. The government did not take steps to investigate or prosecute public officials for complicity in human trafficking. International organizations and NGOs provided anti-trafficking training for officials during the year; however, the government did not support such training either financially or in-kind. In mid-2011, commanding officers in the police and *gendarme* disseminated instructional circulars to their units to raise awareness on child labor and trafficking.

Protection

The government made minimal efforts to protect victims of human trafficking during the year. In 2011, the government was to assume responsibility for funding three UNICEF-supported, NGO-run centers for abused children but failed to do so, limiting the services the centers were able to provide; one government employee and a social work intern coordinated efforts among or provided basic counseling support to these three NGO centers, which offered care and counseling to an unknown number of child trafficking victims during the year. The center in Anjouan assisted in 873 cases of violence against children – including children abused by corrupt *fundi*, children used in the commission of crimes, or children enslaved in domestic service. The government provided basic medical care through national health centers or hospitals; however, the government failed to provide psycho-social services for victims or support NGOs in doing so. The government did not develop or employ systematic procedures for identifying trafficking victims or for referring them to the limited care available. Because government officials lacked the ability to identify trafficking victims, some victims may have been penalized for crimes committed as a result of being trafficked.

Prevention

The Comoran government maintained minimal efforts to prevent trafficking during the reporting period. Unlike in 2010, the government conducted public awareness campaigns on national television and officials made statements on radio broadcasts in 2011 on child labor, including trafficking. It also organized the celebration of World Day Against Child Labor in June 2011, with high-level officials in attendance. The government has not established a national coordinating body to guide its efforts to combat trafficking. While it did not have an action plan to address trafficking, the government continued its partnership with the ILO on the implementation of the 2010-2015 National Action Plan for the Elimination of the Worst Forms of Child Labor, which includes activities to address child trafficking. As part of its implementation, in September 2011, through Ministerial Decree No. 11/09, the government created regional committees on each of the three islands to support child labor sensitization campaigns; it is unclear whether these committees had coordinated campaigns during the year. However, all subsequent awareness raising events or trainings were funded and run by the ILO and UNICEF. The Ministry of Labor is responsible for enforcing child labor laws, but it did not effectively do so. It does not appear that the government made any efforts to reduce the demand for commercial sex acts. The Comoros is not a party to the 2000 UN TIP Protocol.

CONGO, DEMOCRATIC REPUBLIC OF THE (Tier 3)

The Democratic Republic of the Congo (DRC) is a source, destination, and possibly a transit country for men, women, and children subjected to forced labor and sex trafficking. The majority of this trafficking is internal, and while much of it is perpetrated by armed groups and rogue elements of government forces outside government control in the country's unstable eastern provinces, incidents of trafficking occur throughout all 11 provinces. A significant number of unlicensed Congolese artisanal miners – men and boys – are reported to be exploited in situations of debt bondage by businesspeople and supply dealers from whom they acquire cash advances, tools, food, and other provisions at inflated prices and to whom they must sell the mined minerals at prices below the market value. The miners are forced to continue to work to repay constantly accumulating debts that are virtually impossible to repay. Throughout the year, in North Kivu, South Kivu, and Katanga Provinces, armed groups – such as the Democratic Forces for the Liberation of Rwanda (FDLR) – and Congolese national army (FARDC) troops routinely used threats and coercion to force men and children to mine for minerals, turn over their mineral production, pay illegal “taxes,” or carry looted goods from mining villages.

Some Congolese girls are forcibly prostituted in tent- or hut-based brothels or informal camps – including in markets and mining areas – by loosely organized networks, gangs, and brothel operators. Some girls in Bas-Congo province are reportedly coerced into prostitution by family members or are transported to Angola and placed into the sex trade. Congolese women and children have been exploited within the country in conditions of domestic servitude and some migrate to Angola, South Africa, Republic of the Congo, as well as East African, Middle Eastern, and European nations, where they are exploited in sex trafficking, domestic servitude, or forced labor in agriculture and diamond mines. There were reports that some Congolese youth in Bandundu and Bas-Congo provinces were lured to Angola by the promise of employment; upon arrival, however, they were subjected to forced labor in diamond mines or forced into prostitution. Children from the Republic of the Congo may transit through the DRC *en route* to Angola or South Africa, where they are subsequently subjected to domestic servitude. Local observers suspect that some homeless children who act as beggars and thieves – known as *cheggues* – on the streets of Kinshasa are controlled by a third party. In previous years, Chinese women and girls in Kinshasa were reportedly subjected to sex trafficking in Chinese-owned massage facilities. Some members of Batwa, or pygmy groups, are subjected to conditions of forced labor in agriculture, mining, mechanics, and domestic service in remote areas of the DRC. A representative from a local NGO reported that, in Equateur province, pygmies are exploited in a form of hereditary slavery through which a non-pygmy family maintains control over a pygmy family throughout generations; the victims are forced to work in timber or agriculture, or to hunt for the family for little or no compensation.

The UN reported that indigenous and foreign armed groups, notably the FDLR, *Patriotes Résistants Congolais* (PARECO), various local militia (Mai-Mai), the *Forces républicaines fédéralistes* (FRF), the *Forces de Résistance Patriotique en Ituri* (FPRI), the *Front des Patriotes de la Justice au Congo* (FPJC), the Allied Democratic Forces/National Army for the Liberation

of Uganda (ADF/NALU), and the Lord's Resistance Army (LRA), continued to abduct and forcibly recruit Congolese men, women, and children to bolster their ranks and serve as laborers, porters, domestics, combatants, and sex slaves. Though at lower rates than in previous years, the LRA continued to abduct Congolese citizens, including children, in and near Orientale province; some of these abductees were later taken to Sudan, South Sudan or the Central African Republic. Likewise, abducted South Sudanese and Central African citizens experienced conditions of forced labor and sexual servitude at the hands of the LRA after being forcibly taken to the DRC.

Some FARDC commanders recruited, at times through force, men and children for use as combatants, escorts, and porters. During the year, the UN noted the continued presence of children in FARDC training centers; from January to June 2011, 66 such cases were documented in Orientale province alone. Former members of the militia group *Congres National pour la Defense du Peuple* (CNDP) who were loosely integrated into the FARDC, particularly those commanded by Bosco Ntaganda, Colonel Innocent Zimurinda, and Colonel Baudouin Ngaruye, continued to be the worst offenders. However, the process of “regimentation” – a reorganization of the FARDC from a brigade- to a regiment-based system – undertaken by the government in 2011, as well a change in UN data collection methodology which no longer distinguished those elements that had been poorly integrated into the FARDC from the rest of the government's armed forces, made the distinction between these units less clear. An unspecified number of children recruited by the CNDP prior to its incorporation into the Congolese military remain within integrated FARDC units and have not been demobilized. The UN Organization Stabilization Mission in the DRC (MONUSCO) documented 272 cases of children who were both recruited and separated from armed groups in 2011, all of whom were identified in North and South Kivu provinces. In March 2012, the International Criminal Court, in issuing its first-ever verdict, convicted former Congolese rebel leader Thomas Lubanga for enlisting and conscripting children under the age of 15 during conflict in the DRC between 2002 and 2003.

FARDC elements reportedly pressed civilians – men, women, and children, including internally displaced persons and prisoners – into forced labor to carry ammunition, supplies, and looted goods, to fetch water and firewood, to serve as guides and domestic laborers, to mine for minerals, or to construct military facilities and temporary huts. There were unconfirmed reports that policemen and members of other security forces in eastern DRC arrested people arbitrarily in order to extort money from them; those who could not pay were forced to work until they had “earned” their freedom.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. It did not sign a UN-sponsored action plan to end the recruitment and use of child soldiers within its armed forces, though it formed a ministerial committee for this purpose. The government did not apply legal sanctions against those who recruit and use child soldiers. Also, a number of FARDC commanders accused of using child soldiers and committing forced labor abuses in previous reporting periods remained in leadership positions within the army and were not investigated, disciplined in any way, or brought to trial.

During the reporting period, the government made no discernible law enforcement efforts to combat any form of human trafficking. It continued to cooperate with international organizations in the demobilization of children from armed forces; however, despite evidence of a multifaceted human trafficking problem throughout the country's 11 provinces, the government did not identify victims of other forms of trafficking, and it did not provide protective services or referrals to NGO-operated facilities to victims of other forms of forced labor or sex trafficking.



Recommendations for the Democratic Republic of the Congo: Investigate and prosecute military and other law enforcement personnel – to the extent possible using existing legislation and irrespective of their rank – accused of unlawfully conscripting child soldiers or using local populations to perform forced labor, including in the mining of minerals, and punish convicted offenders; increase efforts to prosecute and punish non-military trafficking offenders who utilize forced labor or control women and children in prostitution; cease the FARDC's use of child soldiers, including those forcibly recruited, and demobilize all children from its ranks; adopt the implementing regulations to effectively apply the previously passed Child Protection Code; continue to ensure that any armed groups integrated into the FARDC are vetted for the presence of child soldiers and all associated children are removed and demobilized; adopt a UN-sponsored action plan to end the recruitment and use of children by the FARDC and begin to implement this plan; develop a legislative proposal to comprehensively address all forms of human trafficking, including labor trafficking; in partnership with NGOs or other civil society institutions, ensure the provision of short-term protective services to victims of forced labor and sex trafficking; and take steps to raise awareness about all forms of human trafficking among the general population.

Prosecution

The government made no discernible progress in law enforcement efforts to combat trafficking during the reporting period. The government's ability to enforce its laws does not extend to many areas of the country in which human trafficking occurs. The Ministry of Justice was allocated a budget of slightly less than 1 percent of the national budget and, at the close of the reporting period, the government was operating without an approved budget for the current year. Existing laws do not prohibit all forms of labor trafficking. The July 2006 sexual violence statute, Law 6/018, specifically prohibits sexual slavery, sex trafficking, child and forced prostitution, and pimping, prescribing penalties for these offenses ranging from three months' to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not reported applying this law to suspected trafficking cases. The Child Protection Code (Law 09/001) also prohibits and prescribes penalties of 10 to 20 years' imprisonment for sexual slavery, child trafficking, child commercial sexual exploitation,

and the enlistment of children into the armed forces; it cannot be fully implemented, however, reportedly because necessary decrees from several ministries are lacking as is a funding allotment from the Ministry of Finance.

Unlike the previous year, the government did not report investigating or prosecuting any trafficking cases during the year, or convicting any offenders of trafficking on related crimes. Bedi Mubuli Engangela (a.k.a. Colonel 106), a former Mai-Mai commander suspected of insurrection and war crimes, including the conscription of children, remained in detention at Malaka Prison in Kinshasa for a fourth year; a trial date was not set before the close of the reporting period.

Impunity for the commission of trafficking crimes by the security forces remained acute; the government did not report making efforts to hold suspected trafficking offenders within its security forces accountable for the use of civilians for forced labor or the unlawful recruitment and use of child soldiers. There was no evidence of disciplinary, investigative, or legal action taken by authorities, either during the reporting period or in recent years, following the commission of such abuses. Lieutenant Colonel Jean-Pierre Biyoyo, formerly of the Mudundu-40 armed group and the first person convicted by Congolese courts of conscripting children, escaped from prison in 2006 and was not re-incarcerated by the close of the reporting period. "Captain Gaston," an armed group commander allegedly responsible for the mid-2006 murder of an NGO child protection advocate attempting to identify and remove child soldiers, remained at large in Kitchanga, North Kivu during the reporting period; his January 2007 arrest warrant has not been executed and, after being promoted by the FARDC to the rank of major, he is leading a FARDC battalion between Ngungu and Karuba.

Protection

Elements of the governmental security forces continued to victimize, rather than protect, local populations during the reporting period. Although the government assisted in the identification and demobilization of child soldiers, it did not offer specific protections to other types of trafficking victims; beyond child soldiers, it did not report identifying any victims of forced labor or sex trafficking during the year. NGOs provided the vast majority of the limited shelter, legal, medical, and psychological services available to trafficking victims. The government lacked procedures for proactively identifying victims of trafficking among vulnerable groups or referring victims to protective services; there were reports that victims were sometimes detained for traveling within the country without proper documentation. An NGO reported that security forces regularly performed sweeps to round up *cheggues* in Kinshasa, at times at gunpoint, and expel them outside the city center. The government did not show evidence of encouraging victims to assist in investigations against their traffickers. While trafficking victims could file cases against their traffickers in civil courts, there is no evidence that any have ever done so; the public widely viewed civil courts as corrupt and believed outcomes were determined based on the relative financial means of the parties to the lawsuit. The government offered no legal alternatives to the removal of foreign victims to countries in which they may face hardship or retribution; there were, however, few foreign trafficking victims identified within the DRC in 2011 and the government has consistently allowed for the safe repatriation of foreign child soldiers in cooperation with MONUSCO.

Under the National Disarmament, Demobilization, and Reintegration Plan, all ex-combatants, including child soldiers, pass through a common process during which they disarm and receive information about military and civilian reintegration options. During this process, the National Demobilization Agency (UEPN-DDR), in cooperation with MONUSCO and UNICEF, continued to separate and transport any identified children to NGO-run centers for temporary housing and vocational training. According to MONUSCO, 1,244 child soldiers separated from armed groups were identified in 2011; 256 of these children were from the FARDC, including in elements which have been poorly integrated into the government's armed forces; approximately two-thirds of these children escaped from armed groups and the remainder, including 12 children under the age of 10 years old, were identified by UN child protection officers. An additional 302 children released from armed groups in previous years were identified and provided services this year. Reintegrated child soldiers remain vulnerable to re-recruitment as adequate rehabilitation services do not exist for children suffering the most severe psychological trauma. During the year, the government, with support from a foreign donor, screened and provided biometric identification cards to 103,217 members of the FARDC; as a result of these efforts, an unknown number of children were identified, removed from the armed forces, and referred to NGOs to receive rehabilitative services. As a result of MONUSCO's government-requested assistance in demobilizing children associated with the FRF prior to the group's integration into the FARDC, 52 children were identified and removed during the year, though it was estimated that this group contained greater numbers of children than were identified.

While the FARDC high command remained supportive of MONUSCO's efforts to remove children from its forces during the reporting period, it lacked sufficient command and control to compel many FARDC commanders to comply with standing orders to release their child soldiers, or to prevent ground troops from recruiting additional children or subjecting local populations to forced labor. There were fewer reports during the year that FARDC commanders actively blocked efforts by MONUSCO to separate children from their ranks; however, it is suspected that some factions hid children from UN representatives, and some FARDC elements continued to harass, arrest, and physically mistreat children formerly associated with armed groups.

Prevention

The government made no significant efforts to prevent human trafficking during the reporting period. While the country has inter-ministerial bodies focused on human rights and child protection, no similar coordinating mechanism existed to address human trafficking at the national level. Although the National Ministry of Labor remained responsible for inspecting worksites for child labor, the ministry neither conducted any forced child labor investigations nor identified any cases of forced child labor in 2011 and had no system to track child labor complaints; inspectors often lacked means of transportation or resources to carry out their work. The government took some steps to establish the identity of adult populations by issuing voter registration cards to several million citizens between April 2011 and July 2011 through the country's voter registration process. In December 2011, the government adopted a national action plan to combat the worst forms of child labor, which includes some forms

of child trafficking including child soldiering, but it did not allocate funds to implement the plan. The Katanga Provincial Committee to Combat the Worst Forms of Child Labor reported holding a public awareness event, reportedly focused on the use of children in artisanal mining, to correspond with the International Day to Combat Child Labor in June 2011; no other actions were reported by the three provincial committees established during the previous year to combat child labor. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts.

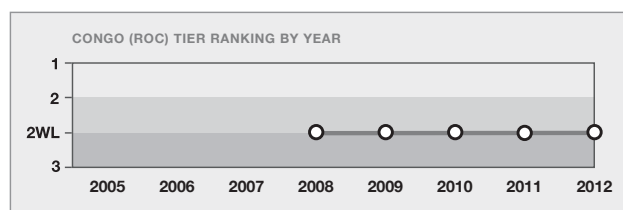
In March 2012, senior FARDC officers, including commanders, from all regions of the DRC organized and participated in a seminar on security sector reform, including the government's "zero tolerance" policy regarding the recruitment and use of children in its armed forces. During the year, the Ministry of Defense publicly maintained its adherence to this policy and did not publicly engage in a discussion regarding children used by government forces, claiming that rebel groups were the sole perpetrators of these crimes. However, in September 2011, the government formed a committee comprised of members of the Ministry of Defense and the Ministry of Justice and Human Rights, to serve as the government's focal point for discussions with the UN regarding a joint action plan on ending the recruitment and use of child soldiers in the FARDC. In September, this committee met with UN representatives to discuss the steps toward signing an action plan; however, by the close of the reporting period, the government had not formally committed to signing such an action plan and negotiations between the UN and the government had not yet begun.

CONGO, REPUBLIC OF THE (Tier 2 Watch List)

The Republic of the Congo is a source and destination country for children, men, and women subjected to forced labor and, to a lesser extent, sex trafficking. The majority of children trafficked within the country migrate from the Pool Region to Pointe Noire and Brazzaville to serve as domestic workers for relatives. Most child trafficking victims, however, are from Benin, Togo, Mali, Guinea, Cameroon, Senegal, and the Democratic Republic of the Congo (DRC) which are also sources of children subjected to forced domestic service and market vending. Some child trafficking victims are also subjected to forced fishing, and agricultural labor in the cocoa fields in the Sangha Department, as well as commercial sexual exploitation. Sources estimate that child prostitution is highly prevalent in Brazzaville, including many victims from the DRC. Twenty-four adult victims of domestic servitude – both men and women – were identified in the Congo in 2011, some enduring enslavement for up to 16 years.

The Government of the Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate a sufficient overall response to address human trafficking; therefore, the Republic of the Congo is placed on Tier 2 Watch List for a fifth consecutive year. The country was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to bring itself into

compliance with the minimum standards for the elimination of trafficking, and the government is devoting sufficient resources to implement that plan. The government continued strong victim protection efforts during the year, identifying an increased number of victims and providing support to NGOs and foster families that offered protections to child trafficking victims. The government's broader anti-trafficking efforts, however, were emerging but weak. During the year, it made minimal efforts to bring trafficking offenders to justice, as it failed to convict offenders or address systemic deficiencies, including insufficient statutory prohibitions of and penalties for trafficking offenses, and official complicity in trafficking crimes. The government expended additional resources outside the budget line item on trafficking related activities including planning materials for an anti-trafficking workshop in Pointe Noire.



Recommendations for the Republic of the Congo: Greatly increase efforts to investigate and prosecute trafficking offenses and to convict and punish trafficking offenders under the 2010 Child Protection Code; ratify the 2000 UN TIP Protocol; amend the country's penal code to include an adequate definition of human trafficking, including provisions prohibiting the trafficking of adults; increase outreach, victim identification, and law enforcement efforts on sex trafficking and the trafficking of adults; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; continue care to trafficking victims via government-funded programs, including medical, psychological, and legal services; conduct government-led training for social workers, law enforcement and immigration officials on the use of identification and referral procedures; increase coordination on anti-trafficking efforts across all relevant ministries at the national level; and continue anti-trafficking awareness campaigns.

Prosecution

The Government of the Republic of the Congo made minimal law enforcement efforts during the reporting period. Although it reportedly began prosecution of 13 suspected traffickers during the year, the government failed to convict any trafficking offenders. Article 60, Chapter 2, of the 2010 Child Protection Code prohibits the trafficking, sale, trading, and exploitation of children. Article 115 of the same code prescribes penalties of hard labor for an undefined period and fines for offenders convicted of these offenses. Article 68, a non-trafficking statute, also prohibits the worst forms of child labor, including the forced labor and prostitution of children, for which Article 122 prescribes penalties of three months' to one year's imprisonment or fines of between the equivalent of \$108 and \$1,076. Article 4 of the country's labor code prohibits forced or compulsory labor, imposing fines the equivalent of \$1,290 to \$1,936 for convicted offenders. None of these penalties are sufficiently stringent and the penalties for sex trafficking are not commensurate with penalties prescribed for other serious crimes, such as rape. The penal code, which

prohibits forced prostitution, may be used to prosecute sex trafficking offenses involving adults. Although Congolese law prohibits some forms of trafficking of adults, currently the country does not outlaw bonded labor or the recruitment, harboring, transport, or provision of a person for the purposes of forced labor. The government took no action to develop legislation that adequately defines, prohibits, and penalizes human trafficking, including specific provisions outlawing the trafficking of adults.

The government reportedly initiated prosecutions of 13 trafficking offenders during the year, which remained pending at the close of the period; however, the government did not provide details of these cases and failed to report comprehensive law enforcement data. The Ministry of Labor did not report investigating or otherwise addressing any cases of forced child labor in 2011. In July 2011, police collaborated with NGO staff in a joint law enforcement operation, which led to the identification of 12 victims of labor trafficking, including four children and the arrest of 11 suspected trafficking offenders; the 11 offenders were conditionally released pending trial. Limited understanding of the child trafficking law among law enforcement officials, judges, and labor inspectors hindered the prosecution of trafficking crimes. Following a donor-funded training, the Commander of the National Police Academy began development of a curriculum on "Protection of Children's Rights," which will be used to train police instructors in 2012. Nonetheless, the government did not independently train its staff or provide financial or material support for anti-trafficking trainings led by international donors during the year. Despite allegations of official trafficking complicity, the government did not report any investigations, prosecutions, convictions, or sentences of government employees for their complicity in human trafficking.

Protection

The Congolese government ensured access to care for labor trafficking victims during the reporting period, primarily through partnerships with NGOs and foster families. It failed, however, to identify and assist victims of sex trafficking and made minimal efforts to identify victims beyond Pointe Noire. The government, in partnership with an NGO, identified 57 foreign victims in Pointe Noire during the year, an increase over the 32 they identified in 2011; 23 were repatriated to their countries of origin, 27 were returned to their communities within the country; and seven were placed with temporary foster families. These seven victims were subsequently either locally re-inserted with apprenticeships or enrolled in school. All were victims of domestic servitude – including 24 adults, five of whom endured over 10 years' enslavement; 23 of the 57 victims were also exploited in forced labor in the markets. Victim identification was limited to foreign victims, as the government failed to identify Congolese victims during the year. The Ministry of Social Affairs (MSA) provided subsequent victim care through NGOs and foster families – that received financial and material support from the MSA – and coordinated with other government agencies to repatriate victims. The government provided foster families the equivalent of \$10 per child per day to ensure the victims' basic needs were met. It also provided medical care on a case-by-case basis by partnering with local hospitals to subsidize these costs. Though the government offered foreign trafficking victims the same access to accommodation in foster families as Congolese victims and did not deport liberated foreign victims, it did not

provide temporary or permanent residency status to victims during the year. Law enforcement, immigration, and social services personnel did not employ systematic procedures to guide them in the proactive identification of victims among vulnerable groups. Unlike in 2010, the government failed to train its staff on victim identification in 2011. The government reported it encouraged victims to assist in the investigation and prosecution of their traffickers, though there is no evidence of this during the year. In September 2011, the government – through an inter-ministerial commission – signed a bilateral agreement with the Government of Benin, and in February 2012 finalized a joint action plan with a joint budget of the equivalent of \$819,760 to be supported by both governments in partnership with UNICEF; this agreement serves to support the investigation and extradition of alleged trafficking offenders.

Prevention

The government made minimal efforts to prevent trafficking during the year. The MSA, in cooperation with UNICEF, led and funded the implementation of a 2011-2013 Action Plan to Fight Child Trafficking; the government provided approximately the equivalent of \$255,000 – in addition to its funding of victim protection efforts during the year – and UNICEF contributed the equivalent of \$762,000 to the plan's implementation. The government did not launch trafficking awareness campaigns during the year; rather, NGOs held such events and UNICEF provided the majority of funding for prevention activities in 2011. Although the MSA serves as the *de facto* lead entity charged with implementing the action plan, the government failed to establish a national coordinating body to guide its efforts to combat trafficking, which hindered its progress. With its focus on protection efforts and child trafficking, the action plan fails to address weaknesses in prosecuting trafficking offenders and countering the trafficking of adults. The government began development of a 2012-2014 Action Plan, but decreased the line item in the budget – from the equivalent of \$100,000 to \$20,000 – for the MSA's anti-trafficking work in the 2012 budget. The government did not take measures to reduce the demand for commercial sex acts during the reporting period. The National Assembly approved a measure to ratify the 2000 UN TIP Protocol in August 2011 which currently awaits Presidential signature.

COSTA RICA (Tier 2)

Costa Rica is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Costa Rican women and children are subjected to sex trafficking within the country, and residents of the north and central Pacific coast zones are particularly vulnerable to internal trafficking. Women and girls from Nicaragua, the Dominican Republic, and other Latin American countries have been identified in Costa Rica as victims of sex trafficking and domestic servitude. Child sex tourism is a serious problem, particularly in the provinces of Guanacaste, Limon, Puntarenas, and San Jose. Child sex tourists arrive mostly from the United States and Europe. Costa Rica is a destination from other Central American countries and from Asian countries for men subjected to conditions of forced labor, particularly in the agriculture, construction, and fishing sectors.

The Government of Costa Rica does not fully comply with the minimum standards for the elimination of trafficking;

however, it is making significant efforts to do so. During the year, the government achieved its first conviction under its 2009 trafficking law, increased anti-trafficking training for government officials, granted several foreign victims temporary residency status with permission to work, and strengthened prevention efforts. Although authorities provided services to trafficking victims through programs focused on general victims of crime or vulnerable children, specialized services for trafficking victims remained uneven, and the government did not fund dedicated shelters for trafficking victims. Prosecution efforts remained weak, and some officials conflated human trafficking with smuggling.



Recommendations for Costa Rica: Intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; strengthen dedicated prosecutorial and police units through increased resources and training; fund specialized services for trafficking victims, possibly through the establishment of a shelter specifically for trafficking victims or through funding NGOs to provide services; ensure that cases of trafficking not involving movement are investigated and prosecuted and that victims of these crimes receive appropriate services; continue to train officials, including labor inspectors, to identify and respond to trafficking cases; and improve data collection for law enforcement and victim protection efforts.

Prosecution

The Government of Costa Rica made modest improvements to its anti-trafficking law enforcement efforts over the last year. It convicted a trafficking offender and increased anti-trafficking training for officials during the year. Costa Rican law prohibits all forms of human trafficking. Article 172 of the penal code prescribes penalties of six to 16 years' imprisonment for the movement of persons across borders and within the country for the purposes of prostitution, sexual or labor servitude, slavery, forced work or services, servile marriage, forced begging, or other forms of compelled service. This statute also prohibits illegal adoption, a crime separate from human trafficking. The penalties set forth in amended Article 172 are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 189 of the penal code prohibits holding a person in servitude, prescribing penalties of four to 12 years' imprisonment. Cases of sex trafficking or forced labor not involving movement were therefore not considered human trafficking under Costa Rican law, although they were criminalized under penal code statutes prohibiting holding a person in servitude and aggravated pimping.

The unit for "people smuggling, human trafficking, and crimes against persons" within the investigative police (OIJ) reported investigating 23 trafficking cases, 14 of which involved sex trafficking and four of which involved labor trafficking. Several law enforcement operations were conducted in partnership with NGO staff. Authorities did not report how many trafficking cases were prosecuted during the

year; however, they convicted one sex trafficking offender using the 2009 trafficking law, sentencing him to 12 years' imprisonment. There was no specialized prosecutorial unit for trafficking crimes, though the Prosecutor General issued guidelines establishing that its organized crime office was responsible for prosecuting trafficking cases. However, this unit had insufficient resources. NGOs and officials noted that some police and prosecutors conflated trafficking with smuggling. Government ministries provided training to over 700 government officials often in partnership with civil society organizations. Authorities initiated the investigation of a mayor for possible trafficking crimes but did not report any prosecutions or convictions of public officials complicit in human trafficking during the year.

Protection

The Costa Rican government maintained efforts to identify and assist trafficking victims, although access to specialized services, including shelters, remained limited. The government continued to implement its "immediate attention" protocol, which defined the steps for different government institutions that compose the emergency response team to receive, identify, protect, and provide integrated assistance to victims. However, NGOs asserted that these victim identification and referral mechanisms were not always effectively implemented. Police reported identifying 39 possible trafficking victims, 31 of whom were Costa Rican. Authorities also reported assisting 75 child victims of commercial sexual exploitation and 60 child victims of labor exploitation, and it is likely that many of these were trafficking victims.

The Office for Care and Protection of Victims of Crime (OAPVD) provided emergency services as well as legal, psychological, and basic health assistance to victims of all crimes participating in the criminal process, including trafficking victims. OAPVD staff received training on human trafficking from an international organization during the year, and reported assisting seven trafficking victims in 2011. The government did not, however, provide or fund specialized shelters dedicated to human trafficking victims. Authorities maintained emergency government shelters for female victims of domestic violence and short-term shelters for at-risk youth, although it was unclear if trafficking victims received services at these shelters during the year. The government relied on NGOs and religious organizations to provide specialized care for trafficking victims and provided approximately \$200,000 in funding to two NGOs to provide some services to adults and children in prostitution. NGOs noted the lack of specialized shelters for trafficking victims, particularly child sex trafficking victims, and authorities reported that the bulk of victims identified by police refused services offered to them. Authorities reportedly sheltered some victims in hotels or rented houses on a temporary basis.

The government granted temporary residency status with permission to work to eight foreign victims during the reporting period. Costa Rican authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, and several victims did so during the reporting period, although others did not collaborate with investigations due to a lack of confidence in the judicial system. Funding for witness protection increased but remained limited. The government did not penalize identified victims for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Costa Rica increased prevention efforts during the reporting year. In partnership with an international organization and with foreign government funding, Costa Rican authorities launched an extensive awareness campaign during the year. The government's anti-trafficking directorate, which coordinated the national anti-trafficking coalition, continued to lead government efforts. The coalition met six times during the year and its four committees reported meeting on a monthly basis, a significant increase from the previous year, when the coalition only met twice. During the year it drafted a new comprehensive anti-trafficking law, developed a national action plan on human trafficking and human smuggling, and educated over 2,000 students and civil society members. Authorities partnered with civil society organizations and the tourist industry to train companies to identify and report commercial sexual exploitation of children, resulting in increased reports to the tourist police during the year. However, there were no reported investigations, prosecutions, or convictions of child sex tourists during the reporting period. The government reported no other efforts to reduce the demand for commercial sex or forced labor.

COTE D'IVOIRE (Tier 2)

Cote d'Ivoire is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficking within the country is more prevalent than transnational trafficking, and the majority of victims are children. Within Cote d'Ivoire, women and girls are subjected primarily to forced labor in domestic service and restaurants and to forced prostitution. Ivoirian boys are subjected to forced labor within the country in the agriculture and service sectors. Boys from Ghana, Mali, Burkina Faso, Benin, Togo, and Ghana are also found in Cote d'Ivoire in forced agricultural labor, including on cocoa, coffee, pineapple, and rubber plantations, in the mining sector, and in carpentry and construction. Girls recruited from Ghana, Togo, and Benin to work as domestic servants and street vendors often are subjected to forced labor. Some women and girls who are recruited from Ghana and Nigeria to work as waitresses in restaurants and bars are subsequently subjected to forced prostitution.

The Government of Cote d'Ivoire does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the new government remained hampered by limited resources and the lack of a functioning law enforcement and judicial system, as well as by insufficient knowledge of law enforcement officials and judges about the phenomenon of human trafficking. Despite these circumstances, the government was able to take several tangible steps towards addressing human trafficking during the year: convicting a suspected trafficker; identifying and rescuing three victims; establishing the Joint Ministerial Committee on the Fight against Trafficking, Exploitation, and Labor; creating a national plan of action on human trafficking; and putting in place the National Monitoring Committee on Actions to Fight Trafficking, Exploitation, and Child Labor, overseen by the first lady. The government also allocated the equivalent of \$206,000 to build two shelters for victims of child trafficking.



Recommendations for Cote d'Ivoire: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, particularly those who exploit children in the commercial sex trade or in forced labor; intensify efforts to identify, prosecute and punish forced child labor offenses in cocoa plantations; develop and enact legislation to criminalize all forms of adult trafficking and use this and existing legislation to prosecute traffickers, particularly those who exploit women in commercial sexual exploitation and men in forced labor; train law enforcement officials to follow established procedures to identify potential trafficking victims and refer them to protective services; and improve efforts to collect law enforcement data on trafficking offenses, including cases involving the trafficking of adults that are prosecuted under separate statutes in the penal code, and make this data available to other government agencies and the general public.

Prosecution

The Government of Cote d'Ivoire demonstrated some progress in its law enforcement efforts against human trafficking during the reporting period. In September 2010, before the civil war, the government passed Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor, its first specific law punishing trafficking offenses. The law establishes penalties for compelling children into or offering them for prostitution from five to 20 years' imprisonment and a fine; these penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious offenses, such as rape. The law's penalty for submitting a child to forced labor or situations akin to bondage or slavery is 10 to 20 years' imprisonment and a fine, punishments which are sufficiently stringent. Penal code Article 378 prohibits the forced labor of adults and children, prescribing a sufficiently stringent penalty of one to five years' imprisonment and a fine of the equivalent of approximately \$800 to \$2,200. Article 376 criminalizes entering into contracts that deny freedom to a third person, prescribing a punishment of five to 10 years' imprisonment and a fine. Pimping and exploitation of adults and children in prostitution by means of force, violence, or abuse is outlawed by Articles 335-336. In December 2011, the Labor Advisory Board received a draft decree on involuntary domestic servitude, which it has yet to issue. The decree would punish trafficking offenders and those involved in the illegal use of child domestic workers.

Despite a seriously weakened law enforcement system due to the civil war, in early 2012 the government convicted one trafficking offender for subjecting a Burkinabe girl to commercial sexual exploitation in Cote d'Ivoire. The trafficking offender was tried under the Ivorian penal code and sentenced to three years' imprisonment. The trafficking offender was not tried under Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor because it has not yet been sufficiently popularized among magistrates.

The new national action plan released in early 2012 seeks to redress this lack of awareness. The police department continued to search for the traffickers of two other female victims, a Beninese girl of 12 years and an Ivorian girl of 13 years. Both victims provided information on their traffickers relating to the investigation. The seven-person Anti-Trafficking Unit within the National Police did not receive anti-trafficking training during the reporting period; however, the government did provide it with new offices and the equivalent of \$1,356 towards investigations. The government did not report any investigations, prosecutions, or punishment of government employees for their complicity in trafficking-related activities.

Protection

The Ivorian government made limited efforts to protect victims of trafficking during the last year. Law enforcement authorities remained inadequately staffed and trained and did not employ systematic procedures to proactively identify trafficking victims among vulnerable groups, though three victims were identified in 2011. One victim was identified by the Directorate of Child Protection of the Ministry of Family, Women and Children after she had reached out to neighbors for help. The neighbors contacted the local police, who removed the child into a foster family, after which the Directorate of Child Protection brought her to a reception and rescue center in Abidjan. She has since been repatriated to Burkina Faso. The other two trafficking victims were identified and rescued by the Directorate of the Fight against Trafficking and Juvenile Delinquency of the Ministry of Interior. The government did not offer any specialized training to law enforcement and immigration personnel on identifying and interviewing victims of trafficking. In 2011, the president established the National Monitoring Committee to Fight Trafficking, Exploitation and Child Labor, which began drafting a national action plan on child labor and trafficking. Local NGOs ran two multi-purpose shelters that cared for an unknown number of foreign and Ivorian child trafficking victims. Both received referrals of victims from law enforcement. The government operated no care facilities for foreign or domestic trafficking victims; however, it resurrected efforts begun under the previous administration to build two shelters for child victims – including trafficking victims – by allocating the equivalent of \$206,000 for construction of the shelters. The Minister of Family, Women, and Children established a pilot project inside her ministry dedicated to caring for victims of gender-based violence. During the reporting period, this project cared for 250 women, some of whom may have been trafficking victims, although the ministry did not screen the program's beneficiaries to identify trafficking victims. The government neither encouraged nor discouraged victims in participating in investigations or prosecutions of trafficking offenders, although all three trafficking victims rescued this year provided information against their traffickers. There were no reports that victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify adult trafficking victims, which may have left some victims unidentified in the law enforcement system.

Prevention

The Government of Cote d'Ivoire demonstrated sustained efforts to prevent trafficking during the reporting period, primarily by conducting public sensitization programs in eight villages across the country. The sensitization programs

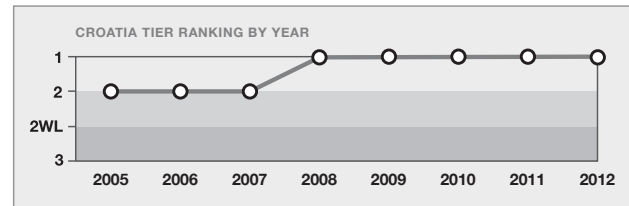
addressed such issues as defining child trafficking and learning to identify child trafficking victims. Through television and radio shows, as well as workshops and outreach events, the Ministry of Justice sought to educate the public about the September 2010 law against child trafficking and worst forms of child labor. The awareness campaign included paper posters, billboard posters, radio broadcasts, and presentations in public places. The Ministry of Labor provided the equivalent of approximately \$20,000 for awareness posters. Funding for the overall campaign was not reported, as various ministries provided inputs independently. The program broadly targeted the community and vulnerable populations by conveying information such as the worst forms of child labor, the rights of a child, the consequences of hazardous work on a child's health, the role of local communities in the fight against trafficking and child labor, and the national care procedure for victims. The government made significant strides in establishing a framework for monitoring and combating trafficking in persons. In the fall, through a presidential decree, the government established the Joint Ministerial Committee on the Fight against Trafficking, Exploitation, and Child Labor, which is led by the Ministry of Labor and supported by the Ministry of Family, Women, and Children. The president also created the National Monitoring Committee on Actions to Fight Trafficking, Exploitation, and Child Labor, which is overseen by the first lady, to ensure interagency cooperation and ongoing government activity on trafficking matters. The committee met twice a month and drafted a national action plan against the worst forms of child labor and child trafficking in early 2012. As part of the Mali-Cote d'Ivoire bilateral accord, the Malian and Ivorian first ladies met in October 2011 to intensify their joint efforts against trafficking. The Ivorian government budgeted the equivalent of \$12,000,000 to fight worst the forms of child labor and child trafficking over the next three years. In January 2012, the Ministry of Labor signed a bylaw that updated the list of hazardous works prohibited for children. The government employed 25 child labor inspectors during the reporting period; however, no trafficking victims were identified as a result of their inspections. Government officials took part in a training course on human trafficking at the training center in Turin, Italy, which was financed jointly by the center and the government of Cote d'Ivoire.

CROATIA (Tier 1)

Croatia is a destination, source, and transit country for men, women, and children subjected to conditions of sex trafficking and forced labor. Croatian women and girls fall victim to sex trafficking within the country and throughout Europe. Women and girls from the United States, Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are subjected to sex trafficking in Croatia. Women and men reportedly have been subjected to forced labor in agricultural sectors, and children, including Roma, are subjected to forced begging, pickpocketing, and labor. A report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) concluded that the extent of trafficking in Croatia could be considerably higher than that identified by the government.

The Government of Croatia fully complies with the minimum standards for the elimination of trafficking. Over the last year, the Croatian government continued its efforts to combat trafficking, notably by incorporating NGOs into its interagency

anti-trafficking operational team and into mobile victim identification teams. The government sustained funding for victim services through NGOs. Nevertheless, the government's efforts to protect child victims of sex trafficking were weak. The law did not automatically identify minors under the age of 18 as trafficking victims; trafficking cases involving minors were sometimes prosecuted under the forced pimping statute. Further, the National Committee for the Suppression of Trafficking did not meet in 2011.



Recommendations for Croatia: Intensify efforts to identify trafficking victims proactively among vulnerable populations, particularly women and children in prostitution, children engaged in begging, and migrant men in the agricultural sector; ensure that identified trafficking victims are not punished for committing unlawful acts as a direct result of being trafficked; adopt a policy and articulate that policy through prosecutorial guidance, ordinances, or manuals, to ensure that children in prostitution are not prosecuted for prostitution offenses; ensure that training of law enforcement officials, including non-specialist law enforcement officials, about the principle of non-prosecution of trafficking victims, including children in prostitution; reconvene the government's National Committee for the Suppression of Trafficking; strengthen partnerships with NGOs to enlist their help in identifying victims during authorities' initial contact with potential victims among women and children detained for prostitution offenses; vigorously investigate, prosecute, and convict trafficking offenders; ensure that trafficking offenders are punished with sentences commensurate with the gravity of the crime committed; intensify investigations of trafficking crimes in high tourism sectors and other areas with prostitution; strengthen partnerships with key tourism areas to ensure effective victim identification at the Adriatic coast; expand awareness efforts to educate clients of the sex trade about the demand for commercial sex acts and forced labor; and educate the public about prostitution and its links to trafficking.

Prosecution

The Government of Croatia sustained its law enforcement efforts during the reporting period. Croatia prohibits both forced labor and sex trafficking through Criminal Provision 175 of its penal code. Provision 175 prescribes penalties of one to 10 years' imprisonment; these penalties are sufficiently stringent and are commensurate with those prescribed for rape. During the year, the government investigated 37 suspected trafficking offenders, in contrast to 19 suspected investigated in 2010. Croatian authorities prosecuted 14 alleged trafficking offenders in six cases, in contrast to 10 prosecuted in 2010. Five of the cases concerned sex trafficking; one case involved both sex and labor trafficking. The government convicted seven trafficking offenders, five under the trafficking statute and two for forced pimping; in 2010, they convicted three. The convicted offenders prosecuted under the trafficking statute were sentenced to prison terms of from one-month's imprisonment to three years' and four months' imprisonment.

The two trafficking offenders convicted under the forced pimping statute received prison sentences of nine years and two years and three months. This was a significant increase from prison sentences in 2010, in which the highest sentence awarded was one year and six months' imprisonment. The Ministry of Interior conducted a variety of anti-trafficking trainings for police officers and border officials in 2011, reaching over 1,300 officials in seminars throughout the country. The Croatian government collaborated with both Spanish and Irish law enforcement officials to investigate trafficking cases. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials complicit in human trafficking.

Protection

The Croatian government sustained its victim protection efforts in 2011, although, as a policy matter, the Croatian government did not identify children in prostitution as trafficking victims. The government funded two NGO trafficking shelters, one for adults and one for women and children; the government also provided three reception centers to provide victims with care before they could be transported to the shelters. The Croatian government provided the equivalent of \$70,381 to fund the shelters in 2011, level with the \$68,759 provided in 2010. Foreign victims were offered the same standard of care as domestic victims, including medical care, education, legal assistance, psychological care, and assistance finding employment. The Croatian government provided the equivalent of an additional \$125,490 in funding for care services, a help line, health care, education, professional training, and legal aid. Adult victims were allowed to leave shelters at will and without chaperones. In 2011, the government identified 11 victims of trafficking, of whom nine were sex trafficking victims, one was a labor trafficking victim, and one was exploited for both labor and sex. In 2010, twelve victims were identified. NGOs and other entities did not identify any victims of trafficking. In total, the Croatian government funded the care of ten victims of trafficking – four in the children's shelter and six in the adult shelter. The government continued employing a national referral mechanism to identify and care for victims, and began deploying mobile teams with NGO participation to identify and refer trafficking victims for assistance. The Croatian government has designated a trained social worker in each of Croatia's 21 counties to assist trafficking victims. The Croatian government did not automatically identify children in prostitution as trafficking victims. The Croatian government extended the term of the "reflection period" granted to suspected victims of trafficking from 30 days to 60 days for adults and 90 days for children. The government provided legal alternatives to removal for victims of trafficking facing hardship or retribution at home through its temporary residency permits for victims – initially valid from six months to one year, and subject to extension by the government based on a subsequent needs assessment. There is no legal limit to the amount of time a trafficking victim can spend in the shelter. The government of Croatia encouraged victims to assist in the prosecution of trafficking offenders by providing victims with free legal aid. Eight victims testified against their offenders during the reporting period. An NGO study claimed that the government inadequately protected trafficking victims' rights when they required the victims to testify repeatedly during trial.

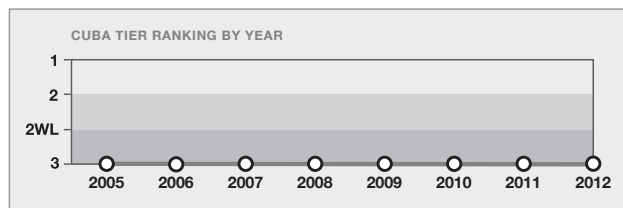
Prevention

The Croatian government sustained its efforts to prevent trafficking in persons during the year. The Croatian government coordinated anti-trafficking activities through a number of mechanisms: a national coordinator housed in the Office for Human Rights; a cabinet-level National Committee; and an Operational Team composed of government officials and NGO representatives. The government's National Committee for the Suppression of Trafficking did not meet in 2011, although the Operational Team to Suppress Trafficking met monthly. NGOs expressed concern that their voices were not given sufficient weight within the Operational Team during 2011. In February 2012, the government adopted a new National Plan for Combating Trafficking in Persons. The government conducted a number of anti-trafficking awareness-raising campaigns in 2011, including three anti-trafficking public service announcements that it broadcast on television. The government led anti-trafficking efforts for EU Anti-Trafficking Day, including information booths, leaflets, and anti-trafficking performances. The government provided \$27,000 to NGOs for prevention efforts. Between April and December 2011, NGOs led anti-trafficking awareness-raising sessions in primary and secondary schools, reaching 1,734 primary school students, and 1,078 secondary school students. The Ministry of Interior reported that it intensified measures to prevent prostitution by monitoring restaurants and night clubs, but did not otherwise report efforts to reduce the demand for commercial sex acts. In an effort to address vulnerabilities to trafficking in Croatia's tourist area, the Croatian Human Rights office organized a lecture for 20 tourism workers at a popular spa resort near Zagreb. The Croatian government provided anti-trafficking training to members of the Croatian armed forces prior to their deployment abroad on international peacekeeping missions.

CUBA (Tier 3)

Cuba is a source country for adults and children subjected to sex trafficking and forced labor. Prostitution of children reportedly occurs in Cuba, and the country's laws do not appear to penalize prostitution of children between the ages of 16 and 18. There have been past instances of Cuban citizens forced into prostitution abroad. There have also been allegations of coerced labor, particularly with Cuban work missions abroad. Some Cubans working abroad have stated that postings are voluntary and well paid; however, others have claimed that their passports have been withheld by Cuban authorities and movement restricted. The scope of trafficking involving Cuban citizens is particularly difficult to gauge due to the closed nature of the government and sparse non-governmental or independent reporting.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although media sources reported the government prosecuted and convicted three sex traffickers in 2011, the government did not respond to requests for information on such sex trafficking and forced labor prosecutions or on trafficking-specific victim protection and prevention efforts that occurred during the reporting period.



Recommendations for Cuba: Prohibit sex trafficking of all persons under the age of 18; in partnership with trafficking victim specialists, ensure adults and children have access to specialized trafficking victim protection and assistance; take measures to ensure identified sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being trafficked; and publicize measures to address human trafficking, including prosecution data, protection efforts, and prevention measures.

Prosecution

The Government of Cuba did not report on its efforts to prosecute trafficking offenses that occurred during the reporting period. Cuba appears to prohibit most forms of trafficking activity through various provisions of its penal code; however, the use of these provisions could not be verified, and prostitution of children age 16 and older is not prohibited, leaving those children particularly vulnerable to sex trafficking. The government did not share official data for the reporting period relating to Cuban investigations, prosecutions, and convictions of trafficking offenders, including any officials complicit in human trafficking, in 2011. In a positive step toward transparency, the government reported it had prosecuted two sex trafficking cases in previous years. The media reported that the government convicted and handed down lengthy prison sentences to several people involved with organizing and benefiting financially from child prostitution, a form of sex trafficking. The government did not report any specific anti-trafficking training provided to officials in 2011.

Protection

The government did not publicize official data on protection of trafficking victims during the reporting period. The government did not report any trafficking victim identifications or procedures in place to guide officials in proactively identifying trafficking victims among vulnerable groups – such as persons in prostitution – and referring them to available services. The government operated three well-regarded facilities for the treatment of children who have been sexually and physically abused. In addition, the government operated a nationwide network of shelters for victims of domestic violence or child abuse, but the government did not verify if trafficking victims received treatment in these centers. The government provided no evidence that it encouraged trafficking victims to assist in the investigation and prosecution of trafficking offenders. The government did not report on the existence of any policies to ensure that identified trafficking victims were not punished for crimes committed as a direct result of being trafficked.

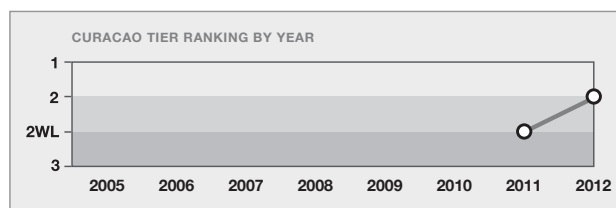
Prevention

The government did not report any anti-trafficking prevention efforts that occurred during the reporting period. The government did not implement any known public awareness campaigns to prevent forced labor or forced prostitution. The government did not report the existence of an anti-trafficking task force, anti-trafficking action plan, or monitoring mechanism. Transparency was lacking in the government's trafficking-related policies and activities; it did not report publicly on its efforts. The government made no known efforts to reduce the demand for commercial sex. The government has not reported identification of a child sex tourism problem involving its nationals or within Cuba, though there were indications that child sex tourism was a problem. Cuba is not a party to the 2000 UN TIP Protocol.

CURACAO (Tier 2)*

Curacao is a source, transit, and destination for women, children, and men who are subjected to sex trafficking and forced labor. There are indications that child prostitution may be a problem in Curacao and that some of the hundreds of migrant women in Curacao's illegal and regulated sex trades are victims of forced prostitution. It is unclear how the recruitment process works for Curacao's walled, legal, brothel in a remote area that offers "24/7 access to more than 120" foreign women in prostitution. Local authorities believe that migrant workers also have been subjected to forced domestic service and forced labor in construction, landscaping, and shops. Some migrants in restaurants and local businesses may be vulnerable to debt bondage. Foreign trafficking victims originate from Colombia, the Dominican Republic, Haiti, and Asia.

The Government of Curacao does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During 2011, Curacao enacted articles in its criminal code prohibiting all forms of human trafficking. In contrast to previous years, the government has not identified a trafficking victim or shown evidence of increasing efforts to protect victims.



Recommendations for Curacao: Make a robust and transparent effort to identify and assist potential victims of sex trafficking and forced labor by implementing formal proactive victim protection measures to guide officials, including health workers, on how to identify victims and how to assist victims of forced labor and sex trafficking in the legal and illegal sex trade; integrate outreach by a Spanish-speaking victim advocate, trained in human trafficking indicators, into routine health inspections at the legal brothel to ensure the

*Curacao is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the co-equal parts of the Kingdom based on jurisdiction. For the purpose of this report, Curacao is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Curacao would be assessed if it were a separate, independent country.

rights of women in the brothel are protected and coordinate with law enforcement if signs of trafficking arise; consult with The Netherlands government on how it proactively finds victims of sex trafficking within the sex trade; vigorously prosecute, convict and sentence trafficking offenders, including any officials complicit in human trafficking; and implement a multilingual public awareness campaign directed toward potential victims, the general public, and potential clients of the sex trade.

Prosecution

The government demonstrated modest efforts in the prosecution of trafficking offenders. In November 2011, the government passed a new penal code containing articles that prohibit forced labor and sex trafficking and prescribes penalties ranging from nine to 24 years' imprisonment. These penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. The government reported one new investigation of an alleged trafficking offense, but no prosecutions or convictions of sex or labor trafficking offenders occurred under the new statute or any other statutes that had been used in the past to prosecute trafficking offenders. There were no investigations or prosecutions of officials complicit in human trafficking. The government did not offer law enforcement training to identify trafficking victims and offenses.

Protection

The government's victim protection measures remained weak over the last year. The government did not identify any trafficking victims during the reporting period, compared with four victims identified in 2010 and 16 victims identified in 2009. The lack of identification of sex trafficking victims, despite a significant population of vulnerable foreign women and girls in prostitution in Curacao's sex trade, highlights the ineffectiveness of the government's victim identification measures. Organizations in Colombia and Venezuela reported assisting trafficking victims who had been exploited in Curacao. The government did not ensure that health officials charged with regulating the Curacao brothel employed measures aggressively to identify human trafficking victims and refer suspected victims for assistance. The government operated multipurpose shelters, but these facilities reportedly did not assist any trafficking victims during the reporting period. The government did not grant temporary or longer-term residency status to any foreign victims of trafficking during the year. The government did not report a policy to protect identified victims from being punished for crimes committed as a direct result of being in a trafficking situation.

Prevention

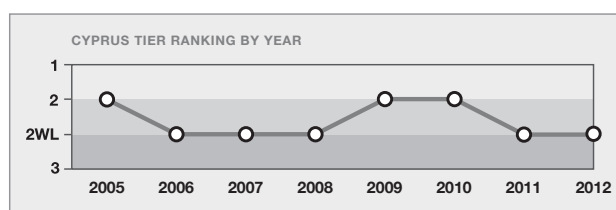
The government initiated few trafficking prevention efforts during the year, such as multilingual public awareness campaigns about forced labor and forced prostitution. A two-day information campaign, held around the International Trafficking in Persons Day, included televised videos, radio advertisements, and other media outreach. The Curacao government acknowledged by ministerial decree the observance of the European Union Anti-Trafficking Day. The government did not have any awareness campaigns specifically targeting potential clients of the sex trade in Curacao in an effort to reduce the demand for commercial sex acts. Curacao did not have a trafficking rapporteur to monitor and evaluate

its anti-trafficking efforts. The government has not identified a child sex tourism problem involving Curacao.

CYPRUS (Tier 2 Watch List)

Cyprus is a destination country for men and women who are subjected to forced labor and sex trafficking. The government has identified trafficking victims from Belarus, Romania, Bulgaria, Russia, Ukraine, Estonia, India, Pakistan, Vietnam, the Philippines, and Cameroon. Sex trafficking occurs within commercial sex industry outlets in Cyprus, including bars, pubs, coffee shops, cabarets, and massage parlors. Foreign migrant workers and asylum seekers from Eastern Europe and Southeast Asia, as well as from some countries in Africa, are subjected to forced labor within construction and agricultural sectors, as well as the domestic work sector. A 2011 report on labor trafficking in Cyprus found that migrant workers brought into the country under a legal work program are highly vulnerable to trafficking, particularly because of insufficient protections and oversight of these temporary workers; the report also noted that employers violate migrant worker contracts and rights, force them to live in inhuman conditions, and may abuse them. NGOs continue to report that Roma children, as well as children of migrants and asylum seekers, remain especially vulnerable to prostitution and other forms of trafficking.

The Government of Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Cyprus is placed on Tier 2 Watch List for the second consecutive year. Despite convicting an increased number of trafficking offenders, two of which resulted in significant penalties, the government treated trafficking offenders leniently in 2011. Furthermore, the number of investigations declined in 2011, and the government did not make critically needed improvements in protections for trafficking victims. For example, the government failed to increase inspections of commercial sex establishments as well as in construction and agricultural sectors to ensure proactive identification of potential victims. Finally, the government's failure to vigorously prosecute and convict government employees for trafficking-related complicity continued to be a significant obstacle to the government's ability to combat its trafficking problem.



Recommendations for Cyprus: Undertake greater measures to vigorously prosecute, convict, and sentence trafficking offenders, including officials who are complicit in trafficking; ensure proactive identification of all potential trafficking victims in Cyprus by developing and implementing for all frontline responders a comprehensive guide that outlines identification, referral, and protection procedures in vulnerable

sectors including commercial sex, tourism, agriculture, and domestic work; bolster the care to victims provided by the Social Welfare Services by establishing formalized agreements with NGOs; increase oversight and outreach to foreign domestic migrant workers, including a consideration of an amendment to the requirement that ties them to their employer in Cyprus; continue to monitor the application of the visa regimes for performing artists, bar-maids, students, and other potential visa categories that might be used by traffickers; increase the role of the Independent Authority to proactively investigate reports of trafficking-related complicity; and ensure that victims are responsibly repatriated and systematically offered legal alternatives to their removal to countries where they may face possible retribution and hardship.

Prosecution

The Government of Cyprus maintained its efforts in the prosecution of suspected traffickers, but convictions and punishment lagged behind. Cyprus prohibits both sex and labor trafficking through its Law 87 (I) of 2007, which also contains protection measures for victims. Although penalties of up to 20 years' imprisonment are prescribed for sex trafficking, these penalties are not commensurate with those prescribed for other serious crimes, such as rape. The government investigated 18 new suspected cases of trafficking in 2011, a decrease from 29 suspected trafficking cases in 2010. The majority of trafficking offenders in Cyprus, convicted under non-trafficking-specific statutes, continue to receive penalties far below the available penalties under the 2007 trafficking law. As noted by a 2011 Council of Europe Report by the Group of Experts on Trafficking (GRETA), the government has yet to successfully convict an individual of the crime of trafficking using its 2007 law. A 2011 research report noted a disproportionately low number of convictions related to the large number of prosecutions in the country. The government fully prosecuted and convicted ten trafficking offenders during the reporting period, an increase over 2010 when four persons were convicted. While the majority of sentences for these convictions ranged from a fine to 22 months' imprisonment, there were two sentences handed down during the reporting period that marked a significant increase over previous years: one for 13 years and one for 11 years. In the December 2011 case involving a Vietnamese woman subjected to domestic servitude, the suspects were charged under the trafficking law principally with sexual exploitation (which carries a maximum sentence of 10 years), and with rape, kidnapping, and possession of a weapon. The suspects ultimately were convicted of rape, kidnapping, and other offenses. According to court transcripts, the employer who received the 13-year sentence "sold" the woman for sex to two individuals after she complained about her workload and asked to leave; those two individuals subsequently raped the victim. The employer's wife received a 60-day sentence in the case for lying to the police to protect her husband. During the reporting period, the police academy provided specialized anti-trafficking training to 80 police officers, and the government co-sponsored with an international organization an anti-trafficking training for three prosecutors, 22 police officers, and 50 judges in October 2011. The government devoted an additional officer to its specialized anti-trafficking unit, bringing its total staffing to six officers, although the unit remained understaffed.

The government has not begun the prosecution of a forced labor case from November 2009 when it investigated involving 95 Romanians in the construction sector. During

the reporting period, the Attorney General closed the case because victims were unwilling to testify. However, Cypriot police submitted a request to re-open the case after actively liaising with Romanian counterparts to facilitate the return of some of the Romanian workers to Cyprus to testify against the alleged trafficker. The request is pending. The prime suspect has since been re-arrested for a different case and is a murder suspect; he remains free on bail related to that case. In August 2011, an NGO reported that the Attorney General closed an investigation of a German diplomat for allegedly subjecting a domestic worker to forced labor; the Nepalese housekeeper reported to police that she was compelled to work excessive hours. A 2011 research report on labor trafficking in Cyprus noted a reluctance to charge employers, "who might be respectable citizens," with charges of exploitation and trafficking. Furthermore, the 2011 report on labor trafficking, issued by the Re-integration Center for Migrant Workers, found a tendency to reduce labor trafficking cases to labor disputes or press charges for lesser offenses. According to local observers, the alleged trafficking complicity of public officials continued to significantly impede the government's anti-trafficking efforts. NGOs continued to report direct and indirect involvement of law enforcement officers and senior government officials in trafficking. The government took some initial yet inadequate steps to address this problem during the reporting period. In 2011, the government began prosecution of the assistant chief of the Aliens and Immigration Unit for his suspected involvement in trafficking. This unit has direct responsibility for the oversight and inspection of all bars, cabarets, and other commercial sex establishments in Cyprus. NGOs had repeatedly reported concerns about this officer and asked for his transfer. During the year, police requested the officer be placed in pre-trial detention; while released on bail, he had allegedly intimidated the witnesses in the case. In February 2012, the court acquitted the officer and two other suspects after the witnesses recanted their testimony. The government suspended the assistant chief from his duties and launched an internal disciplinary case against him. Another member of the police force previously reported as being prosecuted for trafficking-related corruption was forced to leave the police force. His trial is still pending. The government has yet to convict or criminally punish a public official for complicity in trafficking.

Protection

The Government of Cyprus made limited improvements in its efforts to identify and protect trafficking victims during the reporting period. It failed to implement measures to systematically identify trafficking victims, and the number of victims officially identified by Cypriot authorities continued to decline. Country experts reported that Cyprus's widespread trafficking problem continued to increase and noted an overall reduction in investigations in locales where human trafficking likely occurs. The government identified a total of 32 trafficking victims during the reporting period, including 16 victims of forced labor and 16 sex trafficking victims. This is a decline from 43 trafficking victims identified in 2010. The government allocated the equivalent of \$409,336 for the continued operation of its trafficking shelter in 2011. Adult victims were allowed to leave the shelter unchaperoned, provided they first met with the police and social services to be informed of potential risks. The government cared for a total of 28 trafficking victims in the shelter in 2011, compared with 26 in 2010. The government provided a total of the equivalent of \$300,360 in rent subsidies and monthly allowances to 39

other victims who chose to stay in private apartments or hotels. NGOs continue to report that the shelter does not sufficiently provide services necessary for victims' psychosocial recovery.

The government has yet to formalize or initiate procedures for the safe repatriation of trafficking victims. Anti-trafficking police reported, however, that they conducted risk assessments prior to a victim's repatriation to their country of origin. The government encouraged victims to participate in investigations of trafficking cases and reported that 28 identified trafficking victims cooperated with law enforcement in 2011; all 28 were granted residence permits. The recent GRETA report cited inadequate protections for victim witnesses stating that once they end their cooperation with authorities, they lose their residence permit and are returned to their countries of origin. The government provided protection for victims that chose not to participate in investigations or prosecutions and granted temporary residency to one of these victims; two others who were EU nationals received assistance and remain in Cyprus; and a fourth was repatriated.

Prevention

The government demonstrated some efforts to prevent trafficking in Cyprus in 2011; however, overall progress on implementation of the government's 2010-12 National Action Plan (NAP) continued to lag. The government provided the equivalent of \$7,390 to an NGO to conduct an anti-trafficking awareness campaign during the reporting period. Passport officials report they continue to distribute information cards available in seven languages to potential trafficking victims arriving at the airport, although this account is disputed by an NGO. The government submitted on March 30, 2011 a draft bill introducing stricter criteria to prevent the fraudulent recruitment of foreign workers. On September 27, the Ministerial Committee for the Employment of Third Country nationals decided to ban the entry of Myanmar and Ethiopian national domestic workers, citing their particular vulnerability to trafficking. In August 2011, the government printed posters and other materials aimed at general public awareness. According to the GRETA Report, the government began work to draft a National Action Plan for trafficked children. As in previous years, local experts asserted that continued and unchecked high demand for commercial sex acts on the island sustains a market for traffickers and that the majority of clients of the sex industry are Greek Cypriot men. A Republic of Cyprus interagency effort, in cooperation with an NGO, incorporated the issue of demand for commercial sex into anti-trafficking lectures at universities and military installations. The government reported it screened applications for foreign "performing artists," the work permit category that replaced the previous *artiste* visa that had been rife with abuse. The reported issuances of such "performing artists" permits was 339, compared with 460 in 2010. Of the former, 82 permits were first-time issuances and the others were renewals of existing permits. The government issued 246 "barmaid" and "barman" work permits in 2011, compared with 323 in the previous year. Of these, 132 were issued to first-time workers in Cyprus, and the others were renewals of existing permits. Of the 132, 65 workers are male and 67 female. NGOs reported the abolishment of the *artiste* visa made little actual impact in Cyprus, instead shifting the problem elsewhere to bars, massage parlors and coffee shops.

Area Administered by Turkish Cypriots

The northern area of Cyprus is administered by Turkish Cypriots; the area has declared itself the "Turkish Republic of Northern Cyprus" ("TRNC"). The United States does not recognize the "TRNC," nor does any other country except Turkey. The area administered by Turkish Cypriots is a destination for women originating from Eastern European countries and subjected to conditions of forced prostitution. East European and Asian men and women also are subjected to conditions of forced labor. According to an NGO, labor trafficking victims originating mainly from China, Pakistan, Philippines, Turkmenistan, Turkey, and Vietnam were exploited in industrial, construction, agriculture, and domestic work, as well as in restaurants and retail sectors. According to local authorities, women working in nightclubs and pubs who received "hostess" or "barmaid" work permits in 2011 came overwhelmingly from Moldova, followed by Ukraine. Smaller numbers of women came from Morocco, Russia, Kyrgyzstan, Belarus, Kazakhstan, Turkmenistan, Kenya, and Paraguay. This area continued to be a zone of impunity for trafficking.

In 2011, some Turkish Cypriot officials admitted that sex trafficking is a problem; pressure from civil society has resulted in some increased awareness and discussion of trafficking. However, Turkish Cypriot officials continued to fail to identify formally any trafficking victims, as no formal definition of "victim" has been instituted. Most Turkish Cypriot authorities continue to deny that trafficking is a significant problem in the area, posing a serious challenge to assuring any protection for women from trafficking or the prosecution of their traffickers. Local observers continue to report a significant trafficking problem with foreign women being deprived of their freedom in nightclubs.

Although the authorities in the area administered by Turkish Cypriots drafted an anti-trafficking bill in 2007, it has yet to make any progress on this legislation. Turkish Cypriot authorities provided no specialized training on how to identify, investigate, or prosecute trafficking and most authorities continued to confuse trafficking with prostitution and smuggling. Sex trafficking crimes can potentially be prosecuted on charges of "living off the earnings of prostitution" or "encouraging prostitution," but these charges are difficult to support in court. Persons convicted under these laws can receive up to two years' imprisonment. These penalties are not commensurate with those prescribed for other serious crimes in the area administered by Turkish Cypriots. Forced labor can potentially be prosecuted as a misdemeanor for "any person who unlawfully compels any person to labor against the will of that person" and can receive up to one year imprisonment. NGOs report that organized crime elements are behind the ownership and management of some of the nightclubs in the north. Further, local observers report that local police are complicit with traffickers and are directly involved in the trafficking. Authorities hold the travel documents of foreign women working in nightclubs.

Authorities do not have specialized procedures to identify trafficking victims among vulnerable groups or to refer victims to service providers, nor do they allocate any funding to anti-trafficking efforts or provide any specialized care or shelter for victims. Authorities reported that the Night Club Commission increased its inspections within commercial sex establishments where women with hostess visas reside. However, deportation continued to be the most common form of "rescue" the authorities use for women who complain

about their employment at nightclubs and who ask for help from the local police. Although prostitution is illegal in the area, female nightclub employees working as hostesses are required to submit to weekly health checks for sexually transmitted infection screening, suggesting tacit approval by the authorities of the prostitution industry. If arrested on prostitution charges, a foreign worker is usually deported within 24 hours. The Turkish Cypriot authorities issued 994 “hostess” work permits and 21 “barmaid” work permits in 2011. Authorities in 2010 reported issuing 977 “hostess” work permits, including renewals, and 16 “barmaid” permits during the previous reporting period. Turkish Cypriot authorities reported an increase in inspections of labor sectors and trained inspectors to improve working conditions. Authorities formally identified no labor trafficking victims because no formal definition of trafficking exists.

Turkish Cypriot authorities did not conduct any anti-trafficking awareness campaigns during the reporting period.

The “TRNC” does not fully comply with the minimum standards for the elimination of trafficking and does not appear to be making significant efforts to do so. If the “TRNC” were assigned a formal ranking in this report, it would likely be Tier 3.

Recommendations for Turkish Cypriot authorities: Pass legislation specifically prohibiting all forms of human trafficking; provide training for police and other front-line responders on victim identification techniques to locate trafficking victims within commercial sex and labor sectors; create incentives for law enforcement and inspectors to proactively investigate trafficking; establish specialized protection and assistance services and a shelter; and educate clients and the larger public about trafficking that generally takes place within nightclubs and other sectors in the area.

CZECH REPUBLIC (Tier 1)

The Czech Republic is a source, transit, and destination country for women who are subjected to forced prostitution, and a source, transit, and destination country for men and women subjected to forced labor. Women from many countries including the Czech Republic, Slovakia, Ukraine, Russia, Nigeria, and Brazil are subjected to forced prostitution in the Czech Republic and also travel through the Czech Republic *en route* to Western European countries, including Germany and the United Kingdom, where they are subjected to forced prostitution. Roma women from the Czech Republic are subjected to forced prostitution and forced labor and in destination countries, including Sweden, Switzerland, Slovenia, and the United Kingdom. Men and women from the Czech Republic, Romania, Bulgaria, Moldova, Mongolia, Vietnam, Slovakia, Russia, Ukraine, and Sri Lanka are subjected to forced labor in the construction, forestry, agricultural, manufacturing, and service sectors in the Czech Republic. During the year, there was a case of domestic servitude in the house of a foreign diplomat working in Prague. In general, there was a shift in the origin of victims of trafficking from non-European Union to European Union countries, such as the Czech Republic, Slovakia, Bulgaria, and Romania. Employment agencies continue to be a leading source of labor trafficking in the country. These agencies often charge high fees to the workers, issue deceptive contracts, and withhold pay or identity documents until debts are paid.

The Government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking. The government improved its anti-trafficking prevention by passing a series of new regulations to tighten controls on potentially abusive labor agencies, including by raising barriers to entry into the market of labor agencies, levying fines against illegal employment, and putting limits on the temporary employment of third country nationals. The overall number of labor agencies decreased by 30 percent in the wake of passage of the regulations, although their total number remains very high. The Czech government passed a law permitting the imposition of criminal liability on corporations. The percent of trafficking offenders serving time in prison for their offenses continued to increase; all but one of the trafficking offenders convicted in 2011 were sentenced to time in prison. While the government increased prosecutions under labor trafficking statutes, it has yet to achieve a final precedential court decision on labor trafficking. Labor trafficking victims were still identified at a lower rate than sex trafficking victims. Czech government funding for victim care decreased during the year, though the government collaborated with the European Union to increase overall funding for this purpose. The government did not undertake any large scale public awareness campaigns, including any campaigns about labor trafficking, this year, although it did undertake other prevention activities.



Recommendations for the Czech Republic: Robustly implement new regulations to monitor and – as appropriate – investigate and prosecute labor agencies to ensure that they do not exploit foreign workers through debt bondage or forced labor using deceptive labor agreements, or the use of force or threat of force; develop regulations or controls to cover potential abuses of EU citizens, rather than only third-country nationals; ensure that workers are given written contracts that they are able to understand, as required by new legislation; ensure that trafficking victims are thoroughly explained their rights at the outset of identification, in a language they understand; increase training of judges on anti-trafficking legislation, including European Union law, on trafficking; modify existing trafficking identification criteria used by law enforcement authorities to clearly incorporate indicators for forced labor; continue to train first responders, including labor inspectors, police, and state contracting officers, on labor trafficking victim identification criteria and evolving trends in labor trafficking; ensure adequate shelter space is available for large-scale cases, including labor trafficking cases; continue to ensure that presumed victims of trafficking are referred promptly to care; vigorously investigate and prosecute labor trafficking cases; strengthen bilateral coordination on trafficking with source countries, including neighboring EU countries; conduct large-scale public awareness raising campaigns, particularly on labor trafficking; consider increasing minority representation on the Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings; and continue to increase referrals to victims for assistance by law enforcement personnel.

Prosecution

The Czech government's law enforcement activities against trafficking improved this year; trafficking convictions doubled during the reporting period, though no final labor trafficking convictions were achieved using trafficking statutes. The Government of the Czech Republic prohibits all forms of trafficking in persons under Section 168 of its criminal code, revised in 2010, prescribing punishments of up to 16 years' imprisonment. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government continued to prosecute some trafficking cases investigated as human trafficking before January 2010 under Sections 232a and 204 of the criminal code. During the reporting period, the police conducted 19 investigations of 29 offenders under Section 168, down from 24 investigations of 35 offenders investigations conducted in 2010. In 2011, Czech authorities prosecuted 21 alleged trafficking offenders under Section 168 and 12 individuals in cases investigated before January 2010 under the old Section 232a. In 2010, Czech authorities prosecuted 26 trafficking offenders previously investigated under Section 232a, and prosecuted 15 offenders under Section 168. In 2011, the Czech government convicted ten offenders under Section 168; an increase from the three offenders convicted under Section 168 in 2010. Seven of these offenders convicted in 2011 received prison sentences higher than five years; two lower than five years; one trafficking offender received a suspended sentence. Nine pre-2010 trafficking offenders were convicted under Section 232a in 2011; seven such trafficking offenders had been convicted in 2010. All nine trafficking offenders were sentenced to time in prison. Conviction rates for sex trafficking cases increased during the reporting period; law enforcement authorities attributed this increase to improved judicial understanding of trafficking. Law enforcement officials observed that sex trafficking cases were easier to prosecute when there was use of violence or when the victim was clearly vulnerable. While several labor trafficking cases resulted in convictions, these convictions were appealed; courts have yet to produce a final judgment or conviction of labor trafficking cases under trafficking statutes. Given the use of non-typical coercive practices, Czech judges more readily view labor cases as simple fraud rather than trafficking. Both government officials and NGOs observed that labor trafficking offenses were difficult to prove, particularly in the absence of physical violence. The government trained law enforcement officials on investigating and prosecuting trafficking offenses. The Czech judicial academy offered specialized training on trafficking; more prosecutors than judges attended the specialized training. In October 2011, the Ministry of Interior organized a two-day anti-trafficking training for 60 police and prosecutors. The Czech police maintained a specialized anti-trafficking unit; the unit organized 11 trainings for their investigators in 2011. Czech authorities collaborated on trafficking investigations during 2011 with foreign governments, including the United Kingdom, Ukraine, Romania, and Bulgaria. The Czech government did not report the investigation, prosecution, conviction, or sentencing of any government employees complicit in trafficking.

Protection

The Czech government had mixed victim protection efforts during the reporting period. The government continued to fund its comprehensive Program of Support and Protection of Victims of Trafficking in Human Beings, which was available

for both foreign and Czech victims and provided for both short-term and longer-term assistance. Government-funded NGOs provided shelter and care to approximately 100 victims of trafficking in 2011, of whom at least 27 were newly identified. The government reduced its victim protection funding this year by approximately twenty percent, providing the equivalent of approximately \$250,000 to three NGOs specializing in trafficking in persons, a decrease from the \$305,600 provided to NGOs in 2010. However, overall program funding was increased, as NGOs received EU matching funds for trafficking victim care based on funding from the Czech government and other international organizations. The Ministry of Interior provided the equivalent of approximately \$190,000 for trafficking prevention projects and support for trafficking victims who had entered into the Program. As of November 2011, due to a change in the Ministry of Interior's funding mechanism, a Ministry of Interior agreement with two NGO partners came to an end. The NGOs' financing was not renewed on a longer term basis, though support for current victims in the program continued throughout the reporting period. Subsequently, funds for all NGOs will be directed through one NGO, in an effort to improve oversight of ministry funds. The government has adopted formal victim identification procedures and a victim referral mechanism, although NGOs raised concerns about the effectiveness of victim identification in practice. NGOs observed that victims sometimes did not trust officials or were too frightened to approach police. In 2011, the government referred to the Program 10 victims of trafficking; three were victims of labor trafficking, and seven were victims of sex trafficking. This was an increase from 2010, when the government referred seven new trafficking victims to the Program. Police reported identifying an additional 51 victims of trafficking who did not enter the program, in contrast to 76 victims last year. The government did not penalize victims who entered the program for unlawful acts committed as a direct result of their being trafficked, though victims not admitted to the program were potentially vulnerable to such penalties. NGOs did not report any victims of trafficking outside the Program who were prosecuted for trafficking offenses. Foreign victims who cooperated with investigators after the initial 60-day reflection period were granted temporary residence, work visas, and support for the duration of the relevant legal proceedings. Upon conclusion of the court proceedings, victims had the opportunity to apply for permanent residency. Three victims applied for this residency provision in 2011 and were granted permanent residency. The government encouraged victims of trafficking to participate in prosecutions, including by providing witness protection during trial; one trafficking victim was protected through witness protection this year.

Prevention

The Czech government significantly improved its prevention activities during the reporting period, particularly by increasing efforts to prevent exploitative labor recruitment. As of January 2012, the government hired 400 new staff members for the Labor Inspection Offices and increased inspection requirements. These inspectors were trained to identify labor trafficking victims and were empowered to collaborate with police and customs officials in investigating businesses and potential labor exploitation. The government introduced several new regulations to address labor trafficking and abusive employment by labor agencies, including: requirements that agencies have written work contracts, such as provisions that the contract must be able to be understood by the worker;

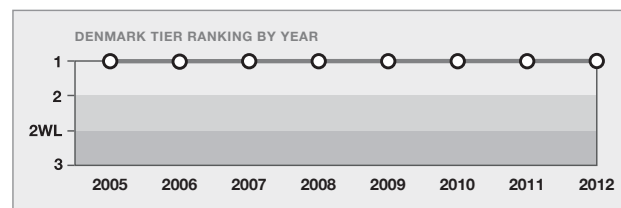
tighter rules governing the responsible representatives of labor agencies; provisions requiring labor agencies to have bankruptcy insurance to cover at a minimum three months of wages for all workers; and prohibiting agencies from assigning third country nationals to temporary jobs. Under the new regulations, businesses engaged in illegal employment are barred from government procurement for three years, lose their business license, and are barred from re-applying for a license for three years. As a result, the number of employment agencies with permits dropped from 1,800 to 1,250, reducing the number of potentially predatory agencies. Some of these regulations applied primarily to third country nationals, while the employment of workers from other EU member states, such as Romania and Bulgaria, were governed by existing EU regulations. As of January 2012, the government adopted legislation permitting corporate criminal liability, enabling the Czech Republic to ratify the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons. In 2011, the Ministry of Interior conducted a study of EU nationals in the Czech labor market to prepare further activities on labor trafficking. The Czech government enhanced its outreach to potential trafficking victims abroad. The Ministry of Foreign Affairs organized five anti-trafficking trainings for consular officers, reaching 50 attendees. The government published a Romanian language brochure on labor trafficking to distribute at the Czech Embassy in Bucharest. The government did not provide specific funding for any major public trafficking awareness raising campaigns this year. The government organized its anti-trafficking efforts through the Ministry of Interior and through the Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings. The National Rapporteur's office at the Ministry of Interior prepared a comprehensive annual report on anti-trafficking patterns and programs, which it released publicly. The government also allocated the equivalent of \$189,500 for NGO-run prevention activities. The government funded an NGO-run hotline to identify victims of trafficking; the hotline received calls from 465 separate individuals, of whom thirty were calling on behalf of groups of potential victims ranging from three to thirty people. The government took no formal steps to reduce demand for commercial sex acts. The government provided anti-trafficking training to Czech soldiers prior to their deployment abroad on international peacekeeping missions.

DENMARK (Tier 1)

Denmark is primarily a destination and transit country for women and children from Africa, Southeast Asia, Eastern Europe, and Latin America subjected to sex trafficking. Foreign men and women working in agriculture, domestic and cleaning service, restaurants, hotels, and factories remain vulnerable to forced labor. Unaccompanied foreign children who arrive in the country every year are vulnerable to human trafficking. Copenhagen's relatively small red light district represents only a small portion of the country's larger commercial sex industry, which includes brothels, strip clubs, and other underground venues.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. During the year, the government maintained its efforts to investigate and prosecute sex trafficking offenders. The government took some important initial steps to address ongoing, serious

concerns expressed by the anti-trafficking community about its treatment of trafficking victims as criminal offenders. NGOs report that potential trafficking victims often remain in jail for immigration violations or petty crimes if they are not identified within the 72 hour legal limit within which police are able to detain a person without referral to a judge. The inherent challenges of victim identification within this short time frame in a detention setting have been noted by country experts as a significant impediment to victim identification. Furthermore, the government's emphasis on the prepared return of non-EU trafficking victims to their countries of origin, combined with reliance on rarely used non-trafficking specific mechanisms to grant trafficking victims immigration relief to stay in Denmark through the course of an investigation, arguably resulted in a disincentive for victims to participate in law enforcement investigations and prosecutions.



Recommendations for Denmark: Ensure immigration status concerns do not override Denmark's obligations to protect trafficking victims, including children; ensure all potential trafficking victims are provided with a meaningful reflection period, consistent with the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, Article 13 (Council of Europe Convention), to escape the influence of traffickers, begin their recovery, and/or make an informed decision about cooperating with authorities; continue to follow through on plans to change and implement guidelines for police to take potential trafficking victims to a shelter rather than jail pending their identification, in order to build trust and increase victims' incentives to cooperate with law enforcement; move towards a more victim-centered approach by establishing trafficking-specific short- and long-term legal residency for foreign trafficking victims, including child victims, more in line with the European Convention and the Council Directive 2004/81/EC on the residence permit issued to third country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities; per the government's new National Action Plan (NAP), issue further guidelines to prosecutors to cease prosecution of trafficking victims for crimes they committed as a result of their trafficking; consider strengthening the role of government social workers and NGOs in the victim certification process for non-EU foreign victims without legal status in Denmark; continue to build capacity to investigate and increase detection of forced labor victims by strengthening links between labor unions and police; continue to vigorously investigate and prosecute trafficking offenses and convict and sentence sex and labor trafficking offenders under the trafficking law; ensure traffickers receive sentences commensurate with the heinous nature of the offense; and consider appointing a national anti-trafficking rapporteur to improve anti-trafficking results.

Prosecution

The Government of Denmark maintained its anti-trafficking law enforcement efforts in 2011. Denmark prohibits both

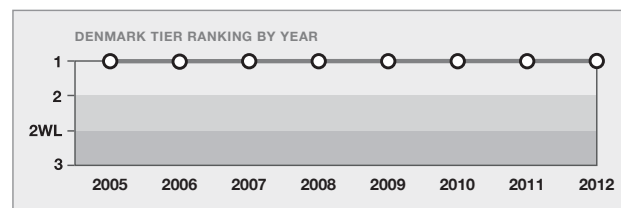
tighter rules governing the responsible representatives of labor agencies; provisions requiring labor agencies to have bankruptcy insurance to cover at a minimum three months of wages for all workers; and prohibiting agencies from assigning third country nationals to temporary jobs. Under the new regulations, businesses engaged in illegal employment are barred from government procurement for three years, lose their business license, and are barred from re-applying for a license for three years. As a result, the number of employment agencies with permits dropped from 1,800 to 1,250, reducing the number of potentially predatory agencies. Some of these regulations applied primarily to third country nationals, while the employment of workers from other EU member states, such as Romania and Bulgaria, were governed by existing EU regulations. As of January 2012, the government adopted legislation permitting corporate criminal liability, enabling the Czech Republic to ratify the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons. In 2011, the Ministry of Interior conducted a study of EU nationals in the Czech labor market to prepare further activities on labor trafficking. The Czech government enhanced its outreach to potential trafficking victims abroad. The Ministry of Foreign Affairs organized five anti-trafficking trainings for consular officers, reaching 50 attendees. The government published a Romanian language brochure on labor trafficking to distribute at the Czech Embassy in Bucharest. The government did not provide specific funding for any major public trafficking awareness raising campaigns this year. The government organized its anti-trafficking efforts through the Ministry of Interior and through the Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings. The National Rapporteur's office at the Ministry of Interior prepared a comprehensive annual report on anti-trafficking patterns and programs, which it released publicly. The government also allocated the equivalent of \$189,500 for NGO-run prevention activities. The government funded an NGO-run hotline to identify victims of trafficking; the hotline received calls from 465 separate individuals, of whom thirty were calling on behalf of groups of potential victims ranging from three to thirty people. The government took no formal steps to reduce demand for commercial sex acts. The government provided anti-trafficking training to Czech soldiers prior to their deployment abroad on international peacekeeping missions.

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sex and labor trafficking through Section 262(a) of its criminal code, which prescribes punishments of up to eight years' imprisonment; these are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In March 2012, the government passed a law increasing the maximum penalty for trafficking to ten years imprisonment, complying with the EU anti-trafficking directive. The government reported investigating 14 sex trafficking cases in 2011, compared with 13 cases investigated in 2010, and prosecuted 13 trafficking suspects during 2011, the same number prosecuted in 2010. Denmark convicted 9 sex trafficking offenders in 2011, compared with 11 convicted offenders in 2010. Penalties for these trafficking offenders ranged from nine to 30 months' imprisonment. Victim service NGOs reported the same trafficking offenders continue to operate with relative impunity within the commercial sex sector in the country. Furthermore, as noted by country experts, the government's compressed time table for victim identification for detained potential victims provided few opportunities for trafficking victims to self-identify or to cooperate with law enforcement. The government commissioned an independent study on forced labor in the agricultural and cleaning industries, thought to be the most vulnerable industries besides prostitution. Although the resulting December 2011 report concluded that these sectors showed little current threat of trafficking, some country experts questioned the validity of the study methodology. The government has yet to prosecute any labor trafficking offenders in Denmark.

Protection

The Government of Denmark took initial steps to improve its protection of trafficking victims during the reporting period. The government reported that it continued to use proactive victim identification techniques to locate victims of sex trafficking. During the year, the government identified and certified 60 trafficking victims compared with 52 in 2010. Of the identified victims in 2011, two were children. All victims received comprehensive services, including medical, dental, psychological, and legal services, although the victim certification process differed based on immigration status. EU victims were certified by government social workers and were allowed to remain in Denmark for 3 months if they were unemployed and indefinitely if they were employed. However, victims without legal immigration status – which generally included the vast majority of non-EU victims – can typically only remain in Denmark beyond the 30-100 day reflection period if they opt for repatriation under the government's prepared return program or if they apply for asylum. Non-EU victims were certified by the Danish Immigration Service, with input from front-line responders who performed initial assessments, and received 30-100 day "reflection" periods during which time they received a stipend. Country and regional experts note that, although all victims (both EU and non-EU) received support and assistance during this time and it is referred to as a reflection period, the ultimate aim is to prepare victims for their departure from Denmark in line with the Aliens Act, rather than creating an opportunity for recovery and decision-making about cooperation with law enforcement, as required by the Council of Europe Convention. That convention requires that victims be accorded at least 30 days or whatever time would be sufficient to recover, escape the influence of their traffickers and make an informed decision about cooperating with competent authorities. Consistent with the Aliens Act, the NAP defines the reflection period as an "extended time limit from departure." Because of the

government of Denmark's emphasis on victims' return, few victims were allowed to remain in country long enough to build their trust in order to facilitate prosecution of their traffickers in 2011.

Although Danish authorities assert identified victims are removed from jails after they are identified, NGOs report that potential trafficking victims often remain in jail for immigration violations or petty crime if they are not identified within the 72 hour legal limit within which police are able to detain a person without referral to a judge. Experts note that 72 hours is an unrealistically short time frame for victims to self-identify and disclose elements of their exploitation and noted ongoing serious concerns about non-EU potential trafficking victims being punished for immigration violations while the Danish Immigration Services reviews whether they are victims of trafficking in persons. Furthermore, the government's new NAP states, "if foreign victims of trafficking are only identified after they have had an encounter with the police, e.g., in connection with police raids within the group of women in prostitution, the women often feel under tremendous pressure and the window of opportunity regarding identification is very small if dealing with a foreign national who is in Denmark illegally." Although the government reported it issued guidelines not to prosecute victims for crimes committed as a result of their being trafficked, there is no statutory protection against such prosecutions under Danish law. The government's new National anti-trafficking action plan called for further guidelines for prosecutors to withdraw charges for victims for violations committed in the course of their trafficking. However, NGOs continued to report cases were driven by victims' illegal immigration status or crimes committed under coercion, resulting in their prosecution or imprisonment; one NGO cited a case of a trafficking victim prosecuted for forced cannabis cultivation.

While the government reported offering asylum as a long-term legal alternative to the removal of trafficking victims to countries where they face retribution or hardship, the standard for asylum is high and the Denmark government granted asylum for only two trafficking victims in 2011. There were no legal provisions entitling trafficking victims to apply for or receive a residence permit. In fact, Denmark continued to stand out as the only EU country without this specific legal protection for trafficking victims. After the 30-100 day reflection period, victims were repatriated as part of the government's "prepared return program" unless they apply for asylum. The government returned 12 trafficking victims to their countries of origin under this program in 2011; this is an increase from two victims in 2010. The government acknowledged in its recent NAP that relatively few trafficking victims accept the offer of prepared return. Local and regional experts continued to call into question the voluntariness of accepting an assisted return from Denmark. The government reported it encouraged victims to assist in law enforcement investigations. However, it did not provide further information on the number of victims who cooperated or whether any assisted in the prosecution of their traffickers.

Prevention

The government of Denmark sustained its efforts to prevent trafficking during the reporting period. In November, the government's Center Against Human Trafficking launched an outreach program and website aimed at reducing demand for prostitution called, "Out with the Traffickers." During

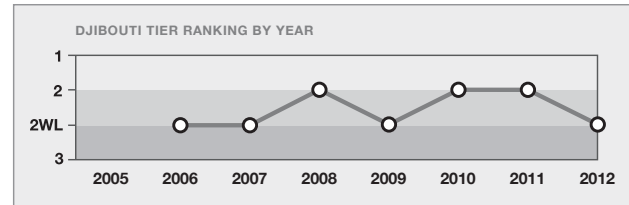
the reporting period, this Center also produced a training film for health professionals and continued to run public awareness campaigns in various media targeting potential clients of prostitution. The government released its new anti-trafficking action plan for 2011-2014 during the reporting period. Although it contains general aspirations to address some of Denmark's deficiencies, many NGOs question the political will of the government to authentically tackle its trafficking problem. The Ministry of Defense provided human rights training to Danish soldiers prior to their deployment abroad on international peacekeeping missions, which included instruction on its zero-tolerance policy regarding human trafficking.

DJIBOUTI (Tier 2 Watch List)

Djibouti is a transit, source, and destination country for men, women, and children subjected to forced labor and sex trafficking. Large numbers of voluntary and undocumented economic migrants from Ethiopia, Somalia, and Eritrea – including men, women, and children – pass through Djibouti *en route* to Yemen and other locations in the Middle East; an unknown number of these migrants are subjected to conditions of forced labor and sex trafficking upon arrival in these destinations. Within Djibouti, this large migrant population, which includes foreign street children, is vulnerable to various forms of exploitation, including human trafficking. A small number of women and girls may fall victim to domestic servitude or forced prostitution after reaching Djibouti City, the Ethiopia-Djibouti trucking corridor, or Obock – the preferred crossing point into Yemen. Djibouti's older street children reportedly act, at times, as pimps for younger children. A small number of girls from impoverished Djiboutian families may be coerced into prostitution by family members or other individuals. Members of foreign militaries stationed in Djibouti contribute to the demand for women and girls in prostitution, including trafficking victims. Street children, including Djiboutian children, are forced by their parents or other adult relatives to beg as an additional source of family income; children may also be recruited from foreign countries for begging in Djibouti. Children are also vulnerable to forced labor as domestic servants and coerced to commit crimes, such as theft, often by trafficking networks who force the children to use drugs. The Polish government identified one Djiboutian trafficking victim in 2011.

The Government of Djibouti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite its conviction of 20 smugglers, and provision of basic healthcare to undocumented migrants – demonstrating the government's continued focus on the smuggling problem that plagues the country and its ability to respond to transnational crime – the government did not demonstrate evidence of increasing efforts to address human trafficking during the year; therefore, Djibouti is placed on Tier 2 Watch List. Specifically, the government did not take steps to prosecute traffickers or develop procedures for the identification of trafficking victims and their referral to available services. Police continued monitoring bars for child prostitution; however, no investigations, prosecutions, or convictions of pimps or clients were reported and there is no evidence that children in prostitution were referred to care. The government did not improve implementation of the

protection or prevention components of its anti-trafficking law, even within the confines of its limited resources and capacity.



Recommendations for Djibouti: In implementing Law 210, identifying victims, and combatting trafficking generally, ensure use of a broad definition of trafficking in persons, consistent with the 2000 UN TIP Protocol that does not rely on evidence of movement, but rather on exploitation of the victim; continue to work with judges, prosecutors, and police to clarify the difference between cases of human trafficking and alien smuggling; enforce the anti-trafficking statute through investigation and prosecution of trafficking offenders, especially those responsible for child prostitution, domestic servitude, or other forced labor offenses and provide data on convictions and sentences of trafficking offenders; institute a module on human trafficking as a standard part of the mandatory training program for new police and border guards; establish policies and procedures for government officials – including health and social welfare officers – to identify proactively and interview potential trafficking victims and transfer them to care; expand mechanisms for providing protective services to victims, possibly through the forging of partnerships with NGOs or international organizations; form partnerships with local religious leaders, encouraging them to educate their congregations about trafficking; and launch a nationwide anti-trafficking awareness campaign.

Prosecution

The government made minimal efforts to enforce its laws against human trafficking during the reporting period. In the previous reporting period the government named a deputy prosecutor as a focal point for all human trafficking prosecutions; however, the government did not prosecute or convict any trafficking offenders in 2011. Djibouti's Law 210, "Regarding the Fight Against Human Trafficking," enacted in December 2007, prohibits both forced labor and sex trafficking. It also provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to two to five years' imprisonment, penalties are sufficiently stringent. However, these penalties are not commensurate with those prescribed for other serious crimes, such as rape. Djiboutian authorities failed to demonstrate efforts to investigate or punish domestic servitude, other forced labor, or sex trafficking offenses. The government did not provide anti-trafficking training to officials during the year.

Protection

The government demonstrated decreased efforts to protect victims of trafficking during the reporting period and did not provide shelter or services directly to victims of trafficking. Unlike in 2010, the government did not report the rescue of any children from prostitution or their referral to care in 2011. With few resources itself and a small pool of underfunded NGO partners, the government had little means with which to address the needs of trafficking victims during the year.

During 2011, IOM identified and repatriated 17 Ethiopian, Somali, and Eritrean trafficking victims in Djibouti, including four children and 12 adults. The Ministry of Health in Obock provided care to African migrants, including food and emergency outpatient care for dehydration, pregnancy, or injuries received while traveling. The Coast Guard provided water and bread to migrants aboard smuggling vessels intercepted at sea and referred them to hospital care if needed. Djiboutian authorities continued to lack a formal system to proactively identify victims of trafficking among high-risk populations, such as undocumented immigrants and those arrested for prostitution. The government regularly deported undocumented foreigners and did not screen for indicators of human trafficking. Additionally, the government detained street children, including potential trafficking victims, following sweeps to clear the streets in advance of holidays or national events. Although victims of trafficking were permitted to file civil suits against their traffickers, there did not appear to be encouragement from the government for victims to assist in criminal investigations of their traffickers. Foreign victims of trafficking are not offered legal alternatives to removal to countries in which they may face hardship or retribution.

Prevention

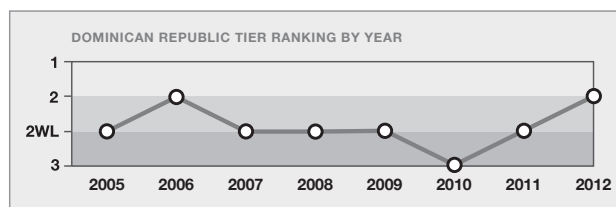
The government made modest efforts to prevent trafficking during the year. It remains unclear whether the government's working group on trafficking, led by the Ministry of Justice, met during 2011 or finalized the national anti-trafficking action plan. The government continued its partnership with IOM to inform migrants of the potential dangers of irregular migration through billboard, radio, and television campaigns. The Ministry of Justice, in partnership with IOM, created and distributed a French-language pamphlet to raise awareness of trafficking in persons among the Djiboutian population. In January 2012, the Governments of Djibouti and Ethiopia signed an "Agreement to Combat Illegal Immigration and Human Trafficking" and a Memorandum of Understanding on labor exchange that establish legal recognition of and access to labor protection for undocumented Ethiopians residing in Djibouti. In fall 2011, the government created the Djiboutian Coast Guard, which interdicted 20 overloaded boats of Ethiopians and Somalis making the water crossing to Yemen during the year. The government did not take any known measures to reduce the demand for commercial sex acts or forced labor; the Ministry of Labor did not conduct any child labor inspections in 2011.

DOMINICAN REPUBLIC (Tier 2)

The Dominican Republic is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Reports indicate that Dominican women and children are subjected to sex trafficking throughout the Dominican Republic, the Caribbean, Europe, South America, the Middle East, and the United States. Additionally, child sex tourism is a problem, particularly in coastal resort areas of the Dominican Republic, with child sex tourists arriving year-round from the United States and European countries. Dominican officials and NGOs have documented cases of children being forced into domestic service, street vending, begging, agricultural work, and construction. Reportedly, forced labor of adults exists in construction, some sectors of agricultural production, and service sectors. Street

children and the large population of undocumented or stateless people of Haitian descent are groups particularly vulnerable to trafficking, though authorities identified Dominican victims in the Dominican Republic as well.

The Government of the Dominican Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government made notable progress in identifying and assisting child trafficking victims as well as convicting child trafficking offenders. Authorities continued to face challenges in addressing official complicity, proactively identifying and protecting adult trafficking victims, coordinating the government's anti-trafficking efforts, and addressing the demand for human trafficking within the country.



Recommendations for the Dominican Republic: Vigorously prosecute and punish offenders involved in the trafficking of children and adults, including public officials complicit in forced prostitution or forced labor; encourage the identification and documentation of more victims by working with NGOs to establish formal procedures for officials' identification of adult and child trafficking victims, especially those in the legalized sex trade, and referring them to available services; ensure adequate shelter and services are available to adult male victims; establish formal legal alternatives to removal for foreign victims to countries where they would face retribution or hardship; empower an interagency task force that meets regularly and is made up of police, prosecutors, victim services providers, and NGOs with tools and resources to ensure coordination of anti-trafficking efforts, justice for perpetrators, and restorative care for victims; implement a forced labor and forced prostitution awareness campaign in Spanish and Creole that targets the demand for commercial sex acts and forced labor as well as trafficking victims.

Prosecution

The government made clear progress in prosecuting trafficking offenders during the reporting period. Dominican Law 137-03 of 2003 prohibits all forms of human trafficking and prescribes penalties of up to 20 years' imprisonment with fines. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported at least 39 new human trafficking investigations during the reporting period, an increase from 35 investigations last year, and 14 new sex trafficking prosecutions and eight forced labor prosecutions, a noted improvement from the lack of any confirmed prosecutions last year. The government also reported five new convictions for sex trafficking offenders, all of which involved child sex trafficking; this contrasts with no convictions reported in the preceding reporting period. Convicted offenders received sentences ranging from one to ten years' imprisonment. One sentence – for two years' imprisonment – was suspended, and one

prosecution resulted in an acquittal that the government has since appealed. Official complicity with trafficking remained a problem, but the government did not report any prosecutions, convictions, or sentences of trafficking officials complicit in human trafficking during the reporting period. Despite the lack of prosecutions of government officials, the Dominican government demonstrated a willingness to investigate possible trafficking cases with potential official ties. One alleged case of prostitution of a child involving members of the military was swiftly investigated, the military members were detained, and the case was referred to civilian prosecutors for action. In this particular instance, officials determined the case did not involve child trafficking. In labor trafficking cases that also involved other labor violations, the prosecution of the trafficking case reportedly was conditional on the success of the separate labor violation proceedings, and in cases where the labor proceeding was dismissed or withdrawn due to victim intimidation or bribery, the trafficking case was brought to a standstill.

In February 2012, the District Attorney for Santo Domingo announced the creation of a new dedicated unit to investigate and prosecute cases of trafficking. The government reported it spent the equivalent of over \$112,000 on trafficking-specific training during the reporting period, including the Ministry of Foreign Affairs' specialized training for ministry officials and 467 members of the Tourism Police.

Protection

The government made progress in the identification and protection of child trafficking victims during the reporting period, though progress in the identification and protection of adult victims was less apparent. During the reporting period, the government reportedly identified 76 adult and child trafficking victims. It was not clear how many of these victims were in forced labor or sex trafficking. The Dominican Republic's trafficking statute mandates that trafficking victims shall receive physical, psychological, and social assistance, as well as advice and information regarding their rights from government agencies in coordination with NGOs. The government did not report the amount of funding that it spent on trafficking victim protection during the year. The government operated short-term shelter facilities for adult female and child trafficking victims during the reporting period; however, it did not offer specialized care for male trafficking victims. The government's child protection agency reported assisting 60 child trafficking victims in cooperation with NGOs during the reporting period. The government did not, however, provide data on the number of adult trafficking victims, if any, to whom its agencies offered assistance. The government did not develop or implement formal procedures to guide many front-line responders, such as police, labor inspectors, and health workers, on how to proactively identify trafficking victims among vulnerable groups, such as people in the Dominican Republic's legalized sex trade and migrant workers, and refer them to available services. However, the Ministry of Foreign Affairs, in partnership with IOM, developed and disseminated a comprehensive consular manual on addressing human trafficking cases and assisted with the rescue and repatriation of at least six Dominican trafficking victims during the reporting period. The government did not provide formal long-term reintegration assistance programs for repatriated Dominican trafficking victims, or legal alternatives to foreign victims' deportation, though the government provided limited immigration relief

for Haitian child victims of trafficking displaced as a result of the earthquake. Although the Dominican trafficking law protects victims from being punished for crimes committed as a direct result of their being trafficked, there were reports of some victims being detained and fined by law enforcement.

Prevention

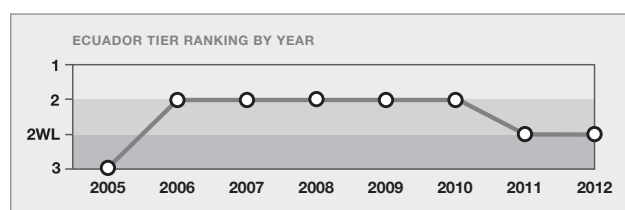
The government made some progress in the prevention of human trafficking during the reporting period. The government, in partnership with NGOs, undertook some public awareness efforts to clarify the difference between human trafficking and human smuggling. The Office of the First Lady launched an anti-trafficking website to provide information on the legal framework, government institutions and NGOs addressing trafficking, as well as a mechanism for victims to report cases. In addition, the Ministry of Foreign Affairs and Ministry of Women continued additional anti-trafficking campaigns. The General Migration Directorate carried out a national radio campaign to create awareness about the exploitation of street children. The Dominican government announced a plan to issue identity cards to resident and nonresident temporary workers, including undocumented Haitians, although the Minister of Migration noted that workers must first present proof of citizenship in order to receive the cards. The Ministry of Foreign Affairs chaired an interagency anti-trafficking commission. There were reports that the commission has had limited effectiveness as a coordinating body because it lacked adequate staffing and did not hold regular meetings. The Dominican government, with assistance from a foreign government, maintained a specialized police unit empowered to vigorously investigate and prosecute child sex tourism cases in the Dominican Republic. The Office of the First Lady signed a memorandum of understanding with an NGO to educate travel agency workers on human trafficking. The government did not undertake efforts to reduce the demand for commercial sex acts or forced labor during the reporting period.

ECUADOR (Tier 2 Watch List)

Ecuador is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. The majority of trafficking victims are believed to be women and children recruited within the country from border and central highland areas and moved to urban centers where they are exploited for sex trafficking, as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. Indigenous Ecuadorians are vulnerable to forced labor. Some families reportedly allowed traffickers temporarily to take their children in order to earn money either within the country and or in neighboring countries; these children are forced to work as domestic servants, street vendors, and beggars. There also have been reports of Ecuadorian children being forced to engage in criminal activity, such as drug trafficking and robbery, and Ecuadorian children have been recruited by armed groups along the northern border with Colombia. Ecuadorian children were identified in situations of forced labor in Brazil and Venezuela during the year. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, and Spain. Ecuador is a destination for Colombian and Peruvian women and girls exploited in sex trafficking. Colombian refugees and migrants are subjected to forced labor in palm oil plantations. There were limited reports

of child sex tourism involving Ecuadorian citizens visiting tourist destinations, such as Tena and the Galapagos Islands.

The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year authorities increased efforts to investigate trafficking offenses by establishing a dedicated anti-trafficking police unit, and supplemented the number of centers providing general assistance to at-risk youth, including trafficking victims. However, the government did not convict any trafficking offenders during the year, official complicity continued to be a significant and largely unaddressed problem, and victim services remained minimal in many parts of the country; therefore, Ecuador is placed on Tier 2 Watch List for the second consecutive year.



Recommendations for Ecuador: Match the increased effort to investigate and prosecute trafficking offenses with an effort to convict and punish trafficking offenders, including public officials complicit in trafficking crimes; develop and implement formal procedures for identifying trafficking victims among vulnerable populations, such as those in prostitution or among child and migrant workers; increase funding for specialized care services for trafficking victims, including for adults; increase anti-trafficking training for local police officers, judges, labor inspectors, immigration officials, social service workers, and other government officials; provide foreign victims with formal legal alternatives to their removal to countries where they may face hardship or retribution; enhance data collection and coordination; and increase public awareness of all forms of human trafficking.

Prosecution

The government made uneven progress in its law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking in Article 190 of its penal code, amended in 2005, which prescribes punishments of six to nine years' imprisonment for labor trafficking offenses, and eight to 12 years' imprisonment for sex trafficking offenses. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Other statutes, including those prohibiting various forms of sexual exploitation, also are used to prosecute human trafficking crimes.

In July 2011, the government established an anti-trafficking police unit with a staff of 14 in Quito to improve efforts to identify and investigate trafficking cases. During the previous year, the police unit responsible for investigating all crimes against children had been responsible for trafficking cases but was unable to report how many were investigated. The organized crime prosecutorial unit continued to handle trafficking cases with insufficient resources to deal with a large caseload. Data collection on trafficking crimes remained uneven.

The new police unit reported initiating 49 trafficking investigations between June and December 2011, with a significant number of cases involving forced labor. Authorities reported that all of these investigations led to prosecutions, due to a new policy of police and prosecutors working closely during the investigative stage. However, the government did not report any convictions for human trafficking in 2011; while authorities achieved convictions under statutes prohibiting various sexual crimes, there was no disaggregated data available to confirm whether any of these convictions were for human trafficking crimes. In comparison, officials reported convicting three sex trafficking offenders in 2010.

Some judges demonstrated a lack of knowledge about trafficking: one judge dismissed a child sex trafficking case because prostitution is legal over the age of 18, while another dismissed a domestic servitude case on the grounds that the accused were helping the victim by providing food and shelter. Other judges reduced charges of trafficking to charges of pimping or disappearance, crimes that carry shorter sentences. Civil society organizations and some officials noted that corruption impeded investigation and prosecution efforts. According to NGOs, police officers were partners in brothels that employed women and girls with false documentation, civil registry officials issued false identity documents to children, and police threatened Colombian women with deportation in order to obtain sexual favors. Some corrupt officials allegedly informed traffickers prior to law enforcement operations. Despite these reports of trafficking-related corruption, no prosecutions or convictions of complicit officials took place last year, although one local government official reportedly was under investigation for trafficking offenses. The specialized police unit trained several thousand police officers in seven cities, and officials attended other training sessions provided by international organizations. Ecuadorian officials partnered with Venezuelan, Brazilian, and Colombian authorities to investigate several international labor trafficking cases.

Protection

The Ecuadorian government sustained limited protections for victims of trafficking throughout the year. Authorities reported continued efforts to remove children from commercial sexual exploitation but did not have systematically applied procedures to identify adult victims among vulnerable populations, such as women in brothels. Authorities referred victims to services through the National Institute for Children and Families, although NGOs noted that sometimes cases were not properly referred. There was no reliable estimate of the total number of trafficking victims identified during the reporting period, although one NGO reported assisting more than 79 child sex trafficking victims at its shelter, and the dedicated police unit reported rescuing 12 victims – four were victims of sex trafficking, while the rest were victims of forced labor, and seven were children.

One NGO maintained a dedicated shelter capable of caring for 25 girl sex trafficking victims at a time, and was almost always at capacity. There were few specialized services and no specialized shelters for adult trafficking victims or for boys. Authorities reported that child victims could receive general care services through a network of government-run at-risk youth protection centers that expanded from 43 to 86 over the last year. However, there were no data on how many child trafficking victims were helped at these centers, nor were all of these centers able to provide adequate services or

protection for trafficking victims. The government provided limited funds to other general-purpose shelters operated by civil society organizations. In addition to these short-term services, the government reported providing victims with counseling, protection, job training, and educational training but did not report how many victims received these services during the year.

The government encouraged victims to assist with the investigation and prosecution of trafficking offenders, and at least one victim did so during the year. The government maintained and funded a victim and witness protection program, although this program had insufficient resources for adult victims. Many victims chose not to participate in investigations due to inadequate protection or lack of faith in the justice system. Authorities did not penalize identified trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, although it often allowed identified foreign victims to remain in the country temporarily. In the past, however, there were reports that some foreign victims were not identified and were deported instead of receiving care services. The government reportedly provided victim services to repatriated Ecuadorian trafficking victims.

Prevention

The Government of Ecuador maintained trafficking prevention efforts last year. The interagency anti-trafficking working group reportedly began meeting on a biweekly basis in late 2011, and the Ministry of the Interior created an anti-trafficking sub-directorate to coordinate government anti-trafficking efforts. A draft national anti-trafficking plan, which included a budget and sought to address challenges such as poor data collection mechanisms and limited funding, was discarded, and officials reported using the 2006 anti-trafficking plan. The Ministry of Tourism continued an awareness campaign aimed at preventing sexual exploitation of children in tourist areas. Local authorities worked with an international organization and with NGOs to conduct awareness and prevention activities in their localities. The government continued to fund a campaign to prevent seasonal begging, a practice that sometimes involves forced child labor. Most awareness efforts focused on child sexual exploitation or child labor. The government did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor during the reporting period.

EGYPT (Tier 2)

Egypt is a source, transit, and destination country for women and children who are subjected to conditions of forced labor and sex trafficking. Men and women from Egypt, South and Southeast Asia, and Africa may be subjected to forced labor in Egypt. Workers in domestic service in Egypt may have been held in conditions of forced labor, including foreign women from Indonesia, the Philippines, Sudan, Eritrea, Ethiopia, and possibly Sri Lanka; Indonesians make up the largest number of foreign domestic servants, including those that are held in conditions of forced labor. Some of these conditions include no time off; sexual, physical, and emotional abuse; withholding of wages and documents; and restrictions on

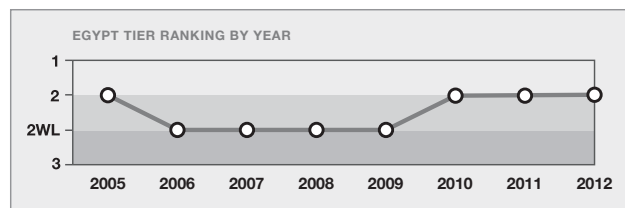
movement. Employers may use the domestic workers' illegal status and lack of employment contracts as coercive tools.

During the reporting period, there has been an increase in foreign migrants, particularly from Eritrea, Sudan, and to a lesser extent Ethiopia, who are smuggled or kidnapped by organized criminal groups and, in many cases, held captive under extended periods in the Sinai by Bedouin and other Egyptian smugglers as they attempt to migrate to Israel. An increasing number of these migrants are reportedly forced into sexual servitude or forced labor during their captivity, based on documented victim testimonies; in many cases, there were also allegations of extreme torture. As many as 2,000 migrants, including men, women, and children, cross the Israeli border from the Sinai every month; Egyptian border patrols commonly shoot and sometimes kill these migrants, some of whom may be trafficking victims, as they attempt to cross the Israeli border. Young and middle-aged Egyptian men filled construction, agriculture, and low-paying service jobs in Jordan; NGO and media reports indicate some Egyptians are forced to work in Jordan and experience the withholding of passports, forced overtime, nonpayment of wages, and restrictions on their movements.

Some of Egypt's estimated 200,000 to one million street children – both boys and girls – are subjected to sex trafficking and forced begging. Informal criminal groups are sometimes involved in this exploitation. Egyptian children are recruited for domestic service and agricultural labor; some of these children face conditions indicative of forced labor, such as restrictions on movement, nonpayment of wages, threats, and physical or sexual abuse. In addition, wealthy men from the Gulf, including Saudi Arabia, the United Arab Emirates, and Kuwait reportedly continue to travel to Egypt to purchase "temporary" or "summer marriages" with Egyptian females, including girls who are under the age of 18; these arrangements are often facilitated by the females' parents and marriage brokers who profit from the transaction. Children involved in these temporary marriages suffer both sexual servitude and forced labor as servants to their "husbands." Child sex tourism occurs in Egypt, particularly in Cairo, Alexandria, and Luxor. Egypt is a destination country for women and girls forced into prostitution, including refugees and migrants, from Asia and sub-Saharan Africa and to a lesser extent the Middle East. In previous reporting periods, some evidence suggested that Egypt is a transit country for women from eastern European countries trafficked to Israel for commercial sexual exploitation; however, little evidence indicates that this is still a preferred trafficking route.

The Government of Egypt does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. Due to prolonged political unrest, the Government of Egypt was unable to provide law enforcement and prosecution data on its efforts to combat trafficking during the reporting period. However, Egypt operated shelters, provided services for victims, and provided in-kind assistance to IOM to operate a shelter for victims of trafficking in Cairo. Egypt continued to develop strategies to implement its comprehensive action plan to address all aspects of trafficking; the government completed a national victim referral mechanism to facilitate victim identification and treatment, in cooperation with IOM. However, the government did not proactively identify victims of trafficking among vulnerable groups, and the government's capacity to do so remained limited. The government also did not report any

significant efforts to address forced child labor in domestic servitude and forced domestic labor of female migrant workers. Moreover, Egypt failed to investigate and prosecute government officials who were complicit in trafficking offenses, particularly the forced labor of domestic workers in their private residences. The government's security forces continued a practice of shooting foreign migrants in the Sinai, including possible trafficking victims.



Recommendations for Egypt: Implement the 2010 anti-trafficking law and the 2008 child trafficking law by increasing investigations and prosecutions against all forms of trafficking, including against domestic servitude and other forms of forced labor, as well as forced prostitution; cease shooting foreign migrants, including possible trafficking victims, along the Sinai border, and make efforts to identify and assist victims of trafficking among foreign migrants exploited in the Sinai; undertake greater efforts to investigate, detain, prosecute, and punish smugglers, including in the Sinai, for trafficking victims from the Horn of Africa to Israel; utilize the national victim referral mechanism to better institute and apply formal procedures to identify victims of trafficking among vulnerable groups, including those arrested for prostitution, street children, and undocumented migrants; ensure identified trafficking victims, including those subject to forced prostitution, are not punished for unlawful acts committed as a direct result of being trafficked; further expand the scope of protection services and make these services available to all victims of trafficking; encourage victims of trafficking to assist in investigations against their traffickers; assess the potential for forced labor and related offenses among domestic servants; improve legal protections for domestic workers; make greater efforts to investigate and punish government officials complicit in trafficking offenses; continue to implement the national action plan on human trafficking; and raise awareness on the definition and dangers of trafficking among the public and government officials.

Prosecution

The Government of Egypt made minimal progress in its anti-trafficking law enforcement efforts during the reporting period. Egypt prohibits all forms of human trafficking through its 2010 anti-trafficking law, which prescribes penalties from three to 15 years' imprisonment along with fines ranging from \$8,300 to \$33,300. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Amendments to the Child Law (No. 126 of 2008) include provisions prohibiting the sex trafficking of children and forced labor, which prescribe sentences of at least five years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Due to sustained political instability and unrest, and a concomitant diminishment in capacity of the country's policing and court functions, the government did not report data on its efforts to investigate, prosecute, convict, or punish trafficking offenders using the 2010 law, nor did it provide

official data on investigating and prosecuting "summer marriages" under the Child Law or other criminal codes. The government, however, reportedly cooperated with Indonesia on investigations into allegations of abuse of Indonesian female domestic workers in Egypt. Despite this effort, international organizations and source country embassies report that the Government of Egypt failed to investigate accusations that multiple government officials, including judges, Ministry of the Interior officials, and other high level government leaders, forcibly held Indonesian domestic workers inside their homes, and in some cases physically and sexually abused them. At the end of this reporting period, the women were still being held in conditions of forced labor without pay or access to travel documents. The government did not report any efforts to punish government officials for complicity in trafficking offenses during the reporting period. The government provided trafficking-related trainings, but owing to a lack of resources and budget constraints, relied in many cases on support from international organizations and NGOs. Six-hundred government officials and NGO workers participated in National Council for Childhood and Motherhood (NCCM)-organized and IOM-funded trainings on trafficking issues. NCCM reported providing another 800 officials with in-house anti-trafficking training using its own resources. The government, in conjunction with IOM, also distributed 500 copies of victim identification guidelines – with copies of the relevant laws – for investigating and prosecuting trafficking offenses to government officials, including law enforcement, immigration, medical, and social service officials.

Protection

The Government of Egypt made significant, yet uneven, progress in its efforts to protect victims of trafficking during the reporting period. The government, in partnership with international organizations and NGOs, provided shelter and a range of protective services to trafficking victims during the reporting period; however, most government officials failed to employ victim identification and referral procedures to proactively identify victims among vulnerable groups, thus treating many trafficking victims as criminals. A joint IOM-NCCM shelter designated for female and child trafficking victims provided female victims of forced prostitution and forced labor with medical, psychological, legal, vocational, and repatriation assistance. The facility provided shelter for 12 victims for up to three months; the shelter was usually at full capacity, indicating a need for additional space or shelters. The Ministry of Health, with international assistance, began operation of a treatment center for victims of trafficking in a Cairo hospital. This day facility served four or five victims a day by the end of the reporting period; however, it is not intended as an overnight or long-term facility. With international assistance, the Ministry of Social Affairs opened a new shelter in Cairo during this reporting period to assist vulnerable children, including trafficking victims, with walk-in services, an overnight shelter, and a juvenile detention center; it is unknown how many child trafficking victims the shelter assisted during the reporting period. However, many other government facilities for street children were reportedly in disrepair, lacked funds, and were not prepared to specifically identify and assist trafficking victims. There were reports, however, that government officials who visited one shelter suggested that a child trafficking victim return to her family, despite the fact that the family was involved in the trafficking. IOM and NCCM provided protection and assistance to 122 victims of trafficking from January 2011 to February 2012. The

majority of these victims were Indonesian; 75 of them were victims of forced labor, 31 were victims of sexual exploitation, two were victims of child marriage, and one was a victim of forced begging. In addition, an international NGO, in partnership with the government, continued to run a day center in Cairo to care for abused street boys involved in forced begging or petty crime; the center provided counseling, medical care, and literacy and computer classes. In another positive development from the previous reporting period, the government adopted a formal IOM-recommended victim referral mechanism in February 2012, which designates NCCM as the approved entity for victim screening and identification and case management; the referral mechanism was developed to identify victims and refer them to shelter, medical, legal, and other services.

Despite the adoption of the victim referral mechanism, most government personnel did not systematically employ victim identification and referral procedures to proactively identify and assist trafficking victims among vulnerable groups during the majority of the reporting period. As a result, trafficking victims, including many street children, women in prostitution, and some foreign migrants held in the Sinai, were often treated as criminals rather than victims; some were prosecuted on charges of prostitution, robbery, or immigration violations. Anecdotal reporting suggests that some trafficking victims were deported during the reporting period. In early 2011, the government's National Center for Social and Criminological Research found that 40 percent of women in jail charged with crimes of prostitution were forced or coerced into prostitution through methods of trickery, threat, or rape. In addition, law enforcement officers may have further mistreated trafficking victims, including minor girls, through verbal, physical, and sexual abuse. Egyptian border security personnel in the Sinai continued to shoot some undocumented migrants attempting to enter Israel, including suspected trafficking victims, often killing them. Egyptian authorities made no attempt to identify trafficking victims among these migrants transiting the Sinai. Some children may be sent to juvenile detention centers that are in poor condition, while others may be subject to incarceration with adults despite the Child Law, which prohibits this practice. Some foreign trafficking victims were not offered legal alternatives to removal to countries in which they faced hardship or retribution. The government did not actively encourage victims to assist in investigations against their traffickers. Domestic workers were not covered by existing labor laws, making them vulnerable to abuse and forced labor.

Prevention

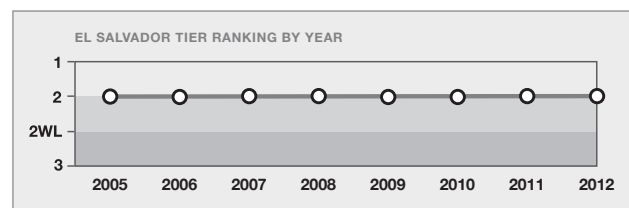
The government made some efforts to prevent trafficking in persons during the reporting period. The government continued to implement its 2010 comprehensive national action plan to combat trafficking in persons in the areas of cooperation with international and local NGOs and developing victim identification procedures, though political instability and lack of funding hindered full implementation of the plan. NCCM organized, and sometimes funded, trainings that addressed victim identification and victim protection measures for over 1,400 government and NGO officials. The government actively cooperated with international donors on defined benefit and education programs to prevent trafficking and forced child labor in agriculture. Unlike the previous reporting period, the government did not engage in anti-trafficking information or education campaigns. There was

no evidence that the government took measures to prevent forced domestic servitude, though the government began a study to determine the scope of forced child labor in domestic servitude. The government did not make efforts to reduce the demand for commercial sex acts or to raise awareness of sex tourism. While there were no reports of government efforts to provide anti-trafficking training for its troops before deploying them to international peacekeeping missions, the government provided training to 25 judges who will participate in peacekeeping operations with Egyptian troops.

EL SALVADOR (Tier 2)

El Salvador is a source, transit, and destination country for women, men, and children who are subjected to sex trafficking and forced labor. Women and girls, many from rural areas of El Salvador, are exploited in sex trafficking in urban centers. Some Salvadoran adults and children are subjected to forced labor in agriculture, domestic service, and forced begging. The majority of foreign victims are women and children from neighboring countries, particularly Nicaragua, Guatemala, and Honduras, who migrate to El Salvador in response to job offers, but are subsequently forced into prostitution, domestic service, construction, or work in the informal sector. Gangs continued to use children for illicit activities, in some cases using force or coercion, and police reported that over 2,500 gang members detained in 2011 were children. Salvadorans have been subjected to sex trafficking and forced labor in Guatemala, Mexico, Belize, and the United States. Members of organized criminal groups are reportedly involved in some trafficking crimes in El Salvador.

The Government of El Salvador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its convictions of sex trafficking offenders and maintained a shelter for underage victims of sex trafficking. However, there was little information regarding victims identified or assisted, minimal specialized services for adult victims, and only modest interagency public awareness efforts.



Recommendations for El Salvador: Provide comprehensive victim services and assistance for victims, particularly for adults, through increased funding for such services; strengthen efforts to investigate and prosecute trafficking offenses, and to convict and sentence trafficking offenders, including government officials complicit in trafficking offenses; proactively investigate possible cases of forced labor, including domestic servitude; increase training on victim identification and assistance for local immigration, law enforcement, and judicial officials; enhance funding and capacity for specialized police and prosecutorial anti-trafficking units; establish formal mechanisms for identifying victims among vulnerable populations; provide foreign victims with legal alternatives

to their deportation; improve data collection capacity regarding victim identification and care; and increase public awareness of all forms of human trafficking.

Prosecution

The Government of El Salvador's law enforcement efforts against human trafficking during the reporting period included increased convictions of traffickers; however, official complicity remained a problem. Article 367B of the Salvadoran Penal Code prohibits all forms of human trafficking and prescribes penalties of four to eight years' imprisonment. Such penalties are sufficiently stringent, though not commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years' imprisonment. Cases involving children who may have been forced by gangs to engage in illicit activities were not investigated or handled as potential trafficking cases, despite indications that force or coercion may have been involved. The government's dedicated anti-trafficking police and prosecutorial units were located in the capital, and officers highlighted the need for more effective investigative efforts at the local level. During the year, police significantly increased the number of "work teams" in the special unit for investigation of trafficking, smuggling, and crimes against sexual liberty, from three to eight.

Officials reported investigating 76 potential cases of human trafficking in 2011. Authorities prosecuted fifteen traffickers, and obtained nine convictions for sex trafficking with imposed sentences ranging from four to nine years' imprisonment. This is an increase compared with five prosecutions and three convictions reported in 2010. There was no information available regarding the investigation of the former head of the dedicated prosecutorial anti-trafficking unit for trafficking-related complicity. NGOs reported that corruption is a significant obstacle to trafficking convictions. In November 2011, a judge dismissed charges against nine suspects in a child sex trafficking case and stated that the underage victim should have been prosecuted for having false identity documents; the attorney general's office is appealing the case. Dependence on witness testimony in the judicial process and the absence of witness protection provisions left victims and their families vulnerable to threats. Some officials demonstrated a limited understanding of human trafficking. During the reporting period, the government conducted investigations with other governments and extradited a trafficking suspect from the Dominican Republic.

Protection

The Salvadoran government maintained a shelter for underage girls who were victims of sex trafficking in the capital, but services for other victims remained minimal. Immigration officials continued efforts to identify possible trafficking victims in border regions, notifying the police and referring victims to care facilities; in general, however, the Salvadoran government did not proactively identify trafficking victims among vulnerable populations, such as people in prostitution or migrant laborers. The government's San Salvador shelter accommodated up to 15 girls at a time and offered victims psychological and medical care as well as education and vocational training; victims could not leave the shelter unaccompanied. During the year 22 victims received assistance at this shelter. Most assistance and services, including shelter, were not readily accessible to adults or male children, and many services, including vocational training, were provided

by NGOs and international organizations. The government did not report funding civil society organizations to provide care to trafficking victims.

Authorities did not report the number of victims identified or assisted during the year, but noted that 26 victims were involved in the 76 cases under investigation. Authorities encouraged identified victims to assist with law enforcement efforts and provided limited psychological and medical assistance to those who did; 24 victims participated in investigations or prosecutions of their traffickers during the reporting period. Other victims chose not to assist law enforcement efforts due to social stigma, fear of reprisals from their traffickers, or lack of trust in the judicial system. Identified trafficking victims generally were not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked. The government offered no legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

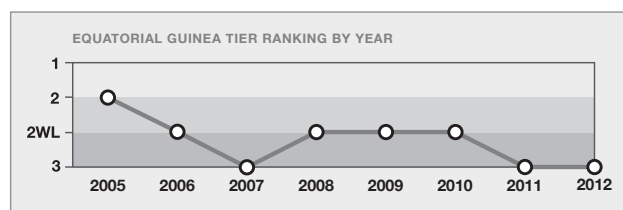
The Salvadoran government maintained modest prevention efforts during the reporting period. In July 2011 the government replaced its anti-trafficking committee with a new anti-trafficking council. This move was intended to reflect a higher level of commitment to the issue, but the new council was not noticeably active during the reporting period. The government indicated it maintained a campaign about child sex tourism, but there were no details, and authorities did not report identifying or investigating any cases of child sex tourism during the year. No specific government efforts to reduce demand for commercial sex acts or forced labor were reported over the last year.

EQUATORIAL GUINEA (Tier 3)

Equatorial Guinea is a source and destination for women and children subjected to forced labor and sex trafficking. The majority of trafficking victims are believed to be exploited in Malabo and Bata, where burgeoning construction and economic activity funded by oil wealth has contributed to increases in the demand for cheap labor and commercial sex acts. Children are transported from nearby countries – primarily Nigeria, Benin, Cameroon, Togo, and Gabon – and may be forced to work as domestic servants, market laborers, ambulant vendors, and launderers. In some instances, distant relatives claiming to be their parents are responsible for subjecting these children to forced labor. Equatoguinean girls, some as young as 14 or 15, are victims of sex trafficking in Malabo and Bata, and reports indicate some parents may encourage their daughters to engage in prostitution, especially with foreigners, in order to receive groceries, gifts, housing, and money. Women from Cameroon, Benin, and other neighboring countries are recruited for work in Equatorial Guinea, but may be subsequently subjected to forced labor or forced prostitution. Some Chinese women migrate to Equatorial Guinea for work or to engage in prostitution and may be subject to passport confiscation. In 2011, an Equatoguinean woman was identified and rescued from forced prostitution in Spain. Sub-contractor staff in the oil services and construction sectors, including migrants from Africa, Asia, and the Americas, may be vulnerable to forced labor, as they reportedly endure sub-

standard working conditions and, in some instances, may be subject to passport confiscation.

The Government of Equatorial Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Over the reporting period, the government neither identified a single victim of human trafficking nor made any efforts to provide victims of trafficking with protective services, despite the mandate to do so in its 2004 anti-trafficking law. If the government had recognized a child victim of human trafficking it could possibly refer the child to a church-run orphanage and provide a scholarship for the child's care. The government routinely deported illegal immigrants without attempting to determine whether they were victims of trafficking or referring them to assistance services, and rarely notified embassies that their nationals had been detained. Prevention efforts were extremely limited; the government did not undertake any public awareness campaigns and its interagency commission on human trafficking took no action. The government's response to human trafficking has been negligible, particularly given its substantial financial resources.



Recommendations for Equatorial Guinea: Increase the use of the 2004 anti-trafficking law to prosecute and convict trafficking offenders and complicit officials; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; dedicate funding for the sheltering and protection of trafficking victims and develop a formal system to refer victims to such care; train law enforcement officials, immigration officials, and social workers in the use of identification and referral procedures; cease summary deportation of foreign men, women and children from Equatoguinean territory without first screening for trafficking and, if appropriate, providing them with care and safe, voluntary repatriation; notify embassies when their nationals have been detained; research the extent and nature of the problem of human trafficking within the country; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Equatorial Guinea demonstrated minimal anti-trafficking law enforcement efforts during the reporting period. The 2004 Law on the Smuggling of Migrants and Trafficking in Persons prohibits all forms of trafficking and prescribes penalties of 10 to 15 years' imprisonment, punishments which are sufficiently stringent. Despite having a law in place and reports of child trafficking, the government initiated no investigations or prosecutions of suspected trafficking offenses. Foreign embassies reported the resolution outside the justice system of potential trafficking cases involving their nationals; Ministry of Justice officials confirmed that this practice inhibits their ability to prosecute offenders. The Ministry of National Security reported conducting a training session on methods for identifying victims of human

trafficking for police officers at the airport, border patrol agents, and chiefs of inspections. This training was funded by the Government of Equatorial Guinea.

Protection

The Government of Equatorial Guinea failed to demonstrate effective measures to protect trafficking victims during the reporting period. It did not identify or refer any victims to protective services in 2011. Although the 2004 anti-trafficking law mandates the government's provision of legal assistance, psychological and medical care, counseling, lodging, food, access to education, training, and employment opportunities to trafficking victims, the government failed to provide any of these protective services during the year. Care for possible Equatoguinean child trafficking victims continued to be provided by church-run orphanages with scholarships provided by the Equatoguinean government; foreign children continued to be deported summarily. There were no shelters or other types of protective services in Equatorial Guinea for adult trafficking victims. Law enforcement authorities did not employ procedures to identify victims of trafficking proactively and did not make efforts – in either a systematic or an *ad hoc* way – to refer victims to organizations that provide short- or long-term care, although the Ministry of National Security claimed it had procedures in place to screen illegal immigrants detained at the border to determine if they were victims of human trafficking. The absence of a proactive victim identification process, including procedures for screening deportees, impaired the government's ability to provide care or assistance to foreign trafficking victims. The government continued to penalize victims for unlawful acts committed as a direct result of their trafficking; it detained foreign nationals, including potential trafficking victims, at police stations for periods of several days to several months, and seldom notified their embassies of their detention or deportation. The overwhelming majority of those detained were young men, though children and women were also sometimes detained and deported. The government did not provide foreign trafficking victims with temporary or permanent resident status, or any other legal alternatives to their removal to countries where they might face retribution or hardship. Officials did not appear to fine or prosecute detainees, but sometimes confiscated their possessions and money.

Prevention

The Government of Equatorial Guinea decreased its efforts to prevent trafficking during the reporting period. It did not launch any anti-trafficking informational or educational campaigns for the general public. The effectiveness of the Interagency Commission for Trafficking in Persons, directed by the Prime Minister's Office and chaired by the Ministry of Justice, remained limited, and it did not convene or produce any results during the year. The national action plan, produced following passage of the 2004 law, has not been implemented and is out of date. In February 2010, the government consulted with UNICEF and UNDP to revise this plan to include an initial study on the extent of child trafficking and establishment of a pilot shelter in Malabo, but it has still not finalized or implemented the plan. The Government of Equatorial Guinea worked with UNDP to revise and implement a new anti-trafficking plan as part of a wider human rights strategy for 2012. During the reporting period, the government made significant improvements in the residency cards it issues to foreigners to include biometric and holographic security

features, which were not present in previous residency cards. In 2011, the Ministry of Labor conducted numerous workplace inspections to verify adherence to labor laws in regard to pay, benefits, and working conditions; when violations were found, the government required some employers to correct the problem, pay fines, or pay reparations to the employees. The Government of Equatorial Guinea did not participate in or implement any programs to address forced child labor, and did not identify a single child labor victim despite having 100 labor inspectors dedicated to documenting labor infractions. It did not undertake any discernible measures to reduce the demand for commercial sex acts during the year.

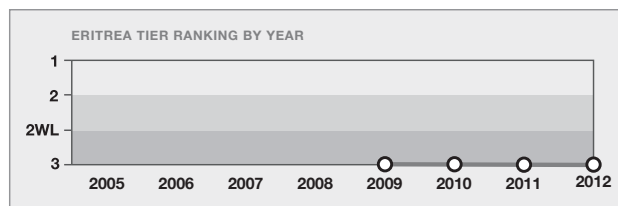
ERITREA (Tier 3)

Eritrea is a source country for men, women, and children subjected forced labor and, to a lesser extent, sex trafficking. During the reporting period, forced labor occurred in Eritrea, particularly due to the country's national service program. Under the Proclamation of National Service (No. 82/1995), men aged 18 to 54 and women aged 18 to 47 are required to provide 18 months of military and non-military service in any location or capacity chosen by the government. Some national service conscripts, however, are required to continue their service indefinitely, beyond the duration specified by law, with many required to serve in their positions for more than 10 years under the threat of inhuman treatment, including harsh working conditions, torture, or punishment of their families. There continue to be reports that some Eritrean conscripts are forced to build private homes for army officers, as well as to perform agricultural labor on farms and construction activities for firms owned by the state, the ruling party, senior army officers, and private investors, functions that fall outside the scope of the proclamation. During the reporting period, the Ministry of Education continued *Mahtot*, a national program in which schools send children to build stone terraces, maintain roads, and lay power lines. The military's four command zones reportedly use conscripted labor to undertake diversified economic activities, including trading, farming, property development, and infrastructure construction, for the enrichment of the government, the ruling party, and high-ranking army officers. National service conscripts could not resign from their jobs or take new employment, received no promotions or salary increases, and could not leave the country because they were denied passports or exit visas. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the government or the economy; these individuals continued to receive only their national service salary and were required to forfeit to the government any money they earned above and beyond that salary.

Eritrean children work in various economic sectors, including domestic service, street vending, small-scale manufacturing, and agriculture; child laborers frequently suffer abuse from their employers and some may be subjected to forced labor. In addition, children may be exploited in Eritrea's sex trade. Each year, tens of thousands of Eritrean workers migrate in search of work, particularly to the Gulf States and Egypt, where some become victims of forced labor, primarily in domestic servitude. Smaller numbers of Eritrean women and girls are subjected to sex trafficking inside the country and potentially in Gulf countries.

Over the past decade, large numbers of Eritreans have fled the country to find work or escape indefinite conscription. During the past three years, an estimated 2,000 to 3,000 Eritreans have escaped to refugee camps in eastern Sudan each month; traffickers seek out vulnerable Eritreans in the camps, some of whom were extorted and tortured as they were transported through the Sinai Peninsula. A significant number of fleeing Eritreans encounter serious risks of being shot and killed by Eritrean authorities, or forcibly repatriated to Eritrea, where they are at times tortured or killed by the Eritrean government. Adolescent children that attempt to leave Eritrea have been forced into military service despite being younger than the minimum service age of 18. As part of the requirements to complete their senior year of high school, adolescent children are also sent to *Sawa*, Eritrea's military academy, prior to their eighteenth birthday. Over the reporting period, there were numerous reports of Eritrean nationals being brutalized by smugglers operating in the Sinai; victims were often chained together, whipped and beaten regularly, deprived of food, raped, and forced to do construction work at gunpoint at smugglers' personal homes. Eritrean refugees were concerned that Eritrean and Sudanese officials colluded with smugglers to abduct Eritreans from Sudanese refugee camps, targeting those refugees that voiced dissent against the government or were prominent military figures.

The Government of the State of Eritrea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Eritrean government does not operate with transparency and did not publish data or statistics regarding any effort to combat human trafficking; it did not respond to requests to provide information for this report.



Recommendations for Eritrea: Pass and enforce a comprehensive anti-trafficking statute that includes prohibitions against forced labor; launch a campaign to increase the general public's awareness of human trafficking at the local, regional, and national levels; cease indefinite conscription and the use of threats and physical punishment for non-compliance; cease sending children to *Sawa*, the military school; allow international NGOs to assist in combating trafficking in Eritrea; institute trafficking awareness training for diplomats posted overseas; provide training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; and in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims.

Prosecution

The Government of the State of Eritrea made no known progress in prosecuting and punishing trafficking crimes over the reporting period. Article 605 of the Eritrean Transitional Criminal Code prohibits trafficking in women and young persons for sexual exploitation, which is punishable by

up to five years' imprisonment, or from three to 10 years' imprisonment if aggravating circumstances are present; these penalties are sufficiently stringent, but not commensurate with punishments prescribed for other serious crimes, such as rape. Article 565 prohibits enslavement and prescribes punishment of five to 20 years' imprisonment, penalties which are sufficiently stringent. Forced labor and slavery are prohibited, except where authorized by law under Article 16 of the ratified, but suspended, Eritrean Constitution. Proclamation 11/199 prohibits the recruitment of children younger than 18 years of age into the armed forces. Though the penalties are sufficiently stringent, the government has never used these statutes to prosecute cases of human trafficking. The government did not publish information on its investigations or prosecutions, if any, of human trafficking offenses during the reporting period. Eritrea similarly did not report any law enforcement efforts against official complicity in trafficking offenses, such as the use of forced labor to build personal homes or for other personal gain of military officers and government officials. Forced labor of conscripts within the national service continued without any government effort to abate or eliminate this practice. The government provided no known training to its law enforcement officials on identifying and responding to trafficking crimes.

Protection

The government made no discernible efforts to protect victims of trafficking during the reporting period. The government did not report identifying any trafficking victims, and it has no known facilities dedicated to trafficking victims. During 2011, the government forced the few remaining international NGOs to leave Eritrea. It is not known whether the government encouraged victims' assistance in the investigation and prosecution of trafficking crimes. The Ministry of Labor and Human Welfare oversees the government's trafficking portfolio, but individual cases of transnational human trafficking are reportedly handled by the Eritrean embassy in the country of destination; information regarding embassy efforts to assist trafficking victims was not provided. The government reported no efforts to train its diplomatic officials on identifying and responding to trafficking situations involving Eritreans overseas.

Prevention

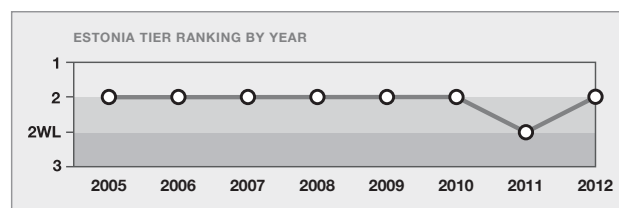
The government made no known efforts to prevent trafficking during the reporting period. Eritrean media, all of which is state-owned, made neither public announcements nor media presentations regarding human trafficking during the reporting period. There were no anti-trafficking public awareness or other education campaigns. Although the government does not publicly acknowledge human trafficking as a problem, an office exists within the Ministry of Labor to handle labor cases, including human trafficking cases; the accomplishments of this office during the reporting period are unknown. The government made no known efforts to reduce the demand for commercial sex acts. Eritrea is not a party to the 2000 UN TIP Protocol.

ESTONIA (Tier 2)

Estonia is a source, transit, and destination country for women subjected to forced prostitution, and for men and women

subjected to conditions of forced labor. Estonian women are subjected to sex trafficking in Finland, the Netherlands, the United Kingdom, Germany, Spain, France, Cyprus, Portugal, Ireland, and Italy. Estonian women, including women with mental disabilities, were forced into prostitution in Tallinn. Estonian men were reportedly subject to labor trafficking in Finland and the United Kingdom. Young Estonian women forced into marriage abroad after promises of employment are also vulnerable to trafficking in persons. Men and women from Estonia are subjected to conditions of forced labor in Spain, Sweden, Norway, and Finland. Men and women with Russian citizenship or stateless residents of Estonia are the most vulnerable to labor trafficking. Third-country nationals who enter Estonia on the basis of the Schengen agreement are at risk for labor trafficking within the country. Ukrainian nationals were reportedly subjected to labor exploitation within Estonia within the reporting period.

The Government of Estonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In March 2012, the Government of Estonia took an important step forward in its anti-trafficking efforts by enacting a law criminalizing trafficking in persons. The government collaborated closely with NGOs on the law, which should set the groundwork for future efforts to prosecute trafficking offenders and protect victims. Prior to enacting the law, the Government of Estonia pursued very few criminal trafficking cases in comparison to the number of victims of trafficking identified. In 2011, Estonian authorities failed to convict any trafficking offenders under the previous law against enslavement (Article 133). Nevertheless, the government funded trafficking victim care through NGOs, which reported a strong and supportive relationship with the Ministry of Social Affairs. The government also funded an active anti-trafficking hotline to educate vulnerable individuals about trafficking and to refer them to care.



Recommendations for Estonia: Implement the new anti-trafficking statute vigorously; using the new trafficking statute, increase efforts to investigate, prosecute, convict, and punish trafficking offenders; increase efforts to investigate labor recruiters as potential trafficking offenders; broaden the authority of the labor inspectorate to investigate human trafficking and energize labor inspectors to address trafficking in persons; increase government efforts to proactively identify victims of trafficking; strengthen anti-trafficking training to include adding a distinct section on human trafficking to the curriculum of the Public Service Academy and other professional development programs for law enforcement personnel, and encourage a diverse range of government officials to engage in the trafficking victim identification process; ensure that potential trafficking victims are fully informed of their rights upon identification, including the right to apply for a residency permit; encourage more victims to assist in the prosecution of trafficking offenders by consistently funding legal counsel for victims; consider incorporating NGOs into law enforcement interviews; increase

victim protections during trial; increase the number of repatriated Estonian trafficking victims assisted; consider coordinating trafficking victim services with the Ministry of Foreign Affairs to ensure that repatriated victims are fully aware of available victim services; fully implement the trafficking-specific policy objectives in the Development Plan for Reducing Violence for Years 2010-2014; collect law enforcement data and victim protection data on trafficking; and publish an annual report on trafficking.

Prosecution

The Government of Estonia improved its law enforcement efforts during the reporting period by enacting legislation that prohibits all forms of trafficking in persons. In March 2012, the Estonian parliament passed an anti-trafficking law that amended Article 133. The penalties trafficking offenses now range up to 15 years' imprisonment, penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as forcible sexual assault. During the reporting period, Estonian authorities conducted three new investigations and prosecuted one trafficking offender under the existing Article 133, compared with approximately three investigations and three prosecutions under this statute in 2010. The Estonian police also investigated a high profile sex trafficking case under a non-trafficking statute in February 2012. Estonian authorities did not convict any trafficking offenders under Article 133, compared with three convictions in 2010. Many trafficking cases were closed in the pre-trial investigation stage. A study on labor trafficking concluded that awareness of trafficking remained low among law enforcement officials. Prosecutors allegedly lacked experience trying trafficking cases and had difficulty constructing trafficking cases because of victims' unwillingness to testify given uncertainties in the victim protection scheme. The government did not report conducting any specialized anti-trafficking trainings for law enforcement officials during the reporting period. Law enforcement officials did have access to a government-produced trafficking victim identification guide in Estonian and Russian. The government had no specialized law enforcement unit for trafficking. Estonian law enforcement authorities collaborated on trafficking investigations with foreign counterparts, including authorities in the Netherlands, Finland, Sweden, Germany, Norway, Cyprus, and Luxembourg. The Estonian government did not report the investigation, prosecution, or conviction of any government employees complicit in trafficking during the reporting period.

Protection

The Government of Estonia modestly improved victim protection efforts during the reporting period, mainly by increasing its funding of victim services. Nevertheless, victim identification remained low. Government-funded NGOs assisted 56 victims of trafficking in 2011; 57 trafficking victims were assisted in 2010. Of the 56 victims, 39 were women and 17 were men; 37 were sex trafficking victims, and 19 were labor trafficking victims. The government did not record the number of victims it directly identified; one NGO reported that two of the 29 trafficking victims it cared for were referred by law enforcement during the reporting period. NGOs reported that the law enforcement authorities struggled with victim identification and that the government focused disproportionately on victim identification for sex trafficking rather than labor trafficking. According to a

study, the institutions with access to workplaces vulnerable to labor trafficking, such as the labor inspectorate, lacked the jurisdiction and interest to investigate suspected labor trafficking offenses. In total, the government allocated the equivalent of approximately \$158,000 for victim assistance during the reporting period, an increase from \$142,630 in 2010. During 2011, as in 2010, no victims participated in the prosecution of trafficking offenders. NGOs reported that victims of trafficking were afraid to cooperate with the police or testify in court, in part because of fear of reprisals. The government assisted three trafficking victims repatriated to Estonia by providing them with medical aid, shelter, financial and legal assistance; an inter-governmental organization funded the travel costs of the victims' repatriation. The government claimed that no identified trafficking victims were penalized for unlawful acts committed while being trafficked. Although foreign victims are eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings in which they participate, no victims applied for such residency in 2011; one NGO reported that no trafficking victim has ever applied for a trafficking temporary residence permit since the introduction of such permits in 2007.

Prevention

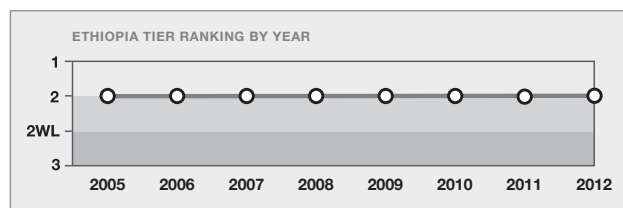
The government demonstrated limited prevention activities during the reporting period. The government provided an NGO with the equivalent of \$42,148 to operate an anti-trafficking hotline; the hotline received an average of 50 calls a month from individuals vulnerable to trafficking. In 2011, consular officers from the Ministry of Foreign Affairs visited Estonian schools to educate middle school students on the dangers of human trafficking, reaching approximately 500 students. The government also distributed trafficking related materials at an annual tourism fair and at three job fairs intended to recruit Estonian job seekers for foreign employment. The Government of Estonia collaborated with other Nordic and Baltic countries in the Council of Baltic Sea States project "DEFLECT" in addressing labor trafficking. Nevertheless, the Government of Estonia conducted no broad-based awareness raising campaign on trafficking during the reporting period. The Ministry of Justice led the government's anti-trafficking working group, bringing together approximately 75 representatives of various government agencies who met regularly to discuss anti-trafficking policy. The working group prepares an annual report of activity. There were no special campaigns to reduce the demand for commercial sex acts, though the topic was covered at trainings and seminars conducted by the Ministry of Social Affairs.

ETHIOPIA (Tier 2)

Ethiopia is a source country for men, women, and children who are subjected to forced labor and sex trafficking. Girls from Ethiopia's rural areas are exploited in domestic servitude and, less frequently, prostitution within the country, while boys are subjected to forced labor in traditional weaving, herding, guarding, and street vending. Brokers, tour operators, and hotel owners in the Southern Nations, Nationalities, and Peoples Region (SNNPR) facilitate child prostitution for tourists. Ethiopian girls are forced into domestic servitude and prostitution outside of Ethiopia, primarily in Djibouti and South Sudan – particularly in Juba, Bor, and Bentiu – while Ethiopian boys are subjected to forced labor in Djibouti

as shop assistants, errand boys, domestic workers, thieves, and street beggars. Young women, most with only primary education, are subjected to domestic servitude throughout the Middle East, as well as in Sudan and South Sudan, and many transit through Djibouti, Egypt, Somalia, Sudan, or Yemen as they emigrate seeking work. Some women become stranded and exploited in these transit countries, unable to reach their intended destinations. Many Ethiopian women working in domestic service in the Middle East face severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, withholding of passports, confinement, and murder. Many are also driven to despair and experience psychological problems, with some committing suicide. Although the Ministry of Labor and Social Affairs (MOLSA) reported a fourfold increase – from 20,000 to 80,000 – in applications to work overseas in 2011, it estimated that this represents only 30 to 40 percent of Ethiopians migrating to the Middle East; 60 to 70 percent of labor migration is facilitated by illegal brokers, increasing migrants' vulnerability to forced labor. Ethiopian women are also exploited in the sex trade after migrating for labor purposes – particularly in brothels, mining camps, and near oil fields in Sudan and South Sudan – or after fleeing abusive employers in the Middle East. Low-skilled Ethiopian men migrate to Saudi Arabia, the Gulf States, and other African nations, where some are subjected to forced labor. In 2011, Ethiopian victims of sex and labor trafficking were also identified in the United States, the United Kingdom, and Ecuador.

The Government of Ethiopia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the Federal High Court convicted an increased number of transnational labor traffickers, the government's continued failure to investigate and prosecute internal labor or sex trafficking crimes, to compile data on such efforts from local jurisdictions, and to utilize the criminal code's trafficking-specific provisions remained a concern. The government's provision of assistance to trafficking victims remained stymied by its reticence to partner with NGO service providers actively and consistently. The limited and inconsistent assistance provided to trafficking victims by Ethiopian diplomatic missions in the Middle East was inadequate compared to the scale of the problem; the parliament did not allocate funds for the establishment of labor attaché positions in these missions.



Recommendations for Ethiopia: Strengthen criminal code penalties for sex trafficking, and amend Criminal Code Articles 597 and 635 to include a clear definition of human trafficking and explicit coverage for male victims and to enhance penalties to make them commensurate with other serious crimes; continue to improve the investigative capacity of police and enhance judicial understanding of trafficking throughout the country to allow for more prosecutions of internal child trafficking offenses; increase the use of Articles 596, 597, and 635 to prosecute cases of labor and sex trafficking; appropriate funding for the deployment of labor attachés to overseas

diplomatic missions; institute regular trafficking awareness training for diplomats posted overseas, as well as labor officials who validate employment contracts, regulate employment agencies, or provide pre-departure training to migrant workers; engage Middle Eastern governments on improving protections for Ethiopian workers; partner with local NGOs to increase the level of services available to trafficking victims returning from overseas, including by allocating funding to enable the continuous operation of either a government or NGO-run shelter; improve the productivity of the National Anti-Trafficking Task Force; and launch a campaign to increase awareness of internal trafficking at the local and regional levels.

Prosecution

Although the government convicted and punished an increased number of transnational trafficking offenders during the reporting period, it failed to utilize the trafficking-specific articles of its criminal code to deal with these crimes and did not provide information on its efforts to address internal trafficking cases. Regional law enforcement entities throughout the country continued to exhibit an inability to distinguish human trafficking properly from human smuggling crimes and lacked capacity to properly investigate and document cases, as well as to collect and organize relevant data. Ethiopia's criminal code criminalizes sex trafficking in Article 635 (Trafficking in Women and Minors) and prescribes punishments not exceeding five years' imprisonment, penalties which are sufficiently stringent, though not commensurate with penalties prescribed for other serious crimes, such as rape. Article 636, which outlines aggravating factors, prescribes penalties of three to 10 years' imprisonment if the victim is a minor or the offender uses force, fraud, or coercion. Articles 596 (Enslavement) and 597 (Trafficking in Women and Children) outlaw slavery and labor trafficking and prescribe punishments of five to 20 years' rigorous imprisonment, penalties which are sufficiently stringent. Articles 597 and 635, however, lack a clear definition of human trafficking and have rarely been used to prosecute trafficking offenses; instead, Articles 598 (Unlawful Sending of Ethiopians to Work Abroad) and 571 (Endangering the Life of Another) are regularly used to prosecute cases of transnational labor trafficking. These statutes prescribe penalties of five to 20 years' and three months' to three years' imprisonment, respectively. The continued lack of a legal definition of human trafficking impeded the Ethiopian Federal Police (EFP) and Ministry of Justice's (MOJ) ability to investigate and prosecute trafficking cases effectively. Despite recent improvements in overall law enforcement capacity, Ethiopian police remained unable to respond adequately to the high rate of incidence of human trafficking in the country.

The EFP continued to make progress in investigating transnational labor trafficking cases, as well as cooperating with the Federal Prosecutor's Office to bring an increased number of cases to trial and conclusion. The EFP's Human Trafficking and Narcotics Section, located within the Organized Crime Investigation Unit, investigated 136 suspected cases of transnational labor trafficking during the reporting period; at year's end, 13 cases remained under investigation, 38 had been initiated as prosecutions in the court (compared to 33 in 2010), and eight were dropped due to lack of evidence. The Federal High Court's 11th Criminal Bench secured 77 convictions (compared to 71 in 2010) under Articles 598 and 571 and ordered punishments ranging from one year's to 12 years'

imprisonment, with no suspended sentences. In contrast to the previous reporting period, the government did not prosecute any sex trafficking offenses last year. Local law enforcement bodies, including regional governments, had responsibility for investigating and prosecuting internal trafficking cases and there was minimal liaison between federal and local law enforcement entities on data collection and information sharing. Regional police in the SNNPR arrested six suspected trafficking offenders in the vicinity of Arba Minch in 2011 and local judicial officials prosecuted and convicted all six under the criminal law, imposing sentences of one year's imprisonment for each trafficker. The government did not provide any trafficking-specific training to its law enforcement officials in 2011. The government did not report taking law enforcement action against any public officials complicit in human trafficking.

Protection

The government provided limited assistance to trafficking victims during the reporting period, continuing to rely on the services of international organizations and NGOs almost exclusively. The January 2009 Charities and Societies Proclamation prohibits charities, societies, and associations that receive more than 10 percent of their funding from foreign sources from engaging in activities that promote, among other things, human rights, the rights of children and persons with disabilities, and justice. These restrictions continued to have a negative impact on the ability of some NGOs to adequately provide a full range of protective services during the reporting period, including assistance to victims in filing cases against their traffickers with appropriate authorities. As a result of the proclamation, the joint police-NGO identification and referral units ceased operation in all Addis Ababa police stations in 2010. In contrast to what was previously a systematic identification and referral process, police and district officials in the capital region referred an unknown number of child trafficking victims to NGO shelters and government orphanages in an *ad hoc* fashion during 2011. Local police and officials in the regional administrations continued to identify trafficked children and assist in the return of these victims to their home areas. For example, police and civil society organizations in Arba Minch and Gamo Gofa jointly rescued and reunited 345 trafficked children with their families. Healthcare and other social services are generally provided to victims of trafficking by government-operated hospitals in the same manner as they are provided to other victims of abuse. The government's over-reliance on NGOs to provide direct assistance to most trafficking victims resulted in unpredictable availability of adequate care in the country. Many of these facilities lacked sustainability as they depended on project-based funding for continued operation. While police strongly encouraged victims' participation in investigations and prosecutions and victims testified during some court proceedings, resource constraints prevented law enforcement authorities from covering travel costs or providing other material resources to enable such testimony in the majority of cases. There were no reports of trafficking victims being detained, jailed, or prosecuted in 2011.

Limited consular services provided to Ethiopian workers abroad continued to be a weakness in government efforts. The Ethiopian consulate in Beirut reportedly provided assistance with mediation between domestic workers and their employers, issuance of new travel documents, visitation of workers held in a detention center, law enforcement and

immigration proceedings, and referrals to NGOs in Lebanon. It also continued operation of a small safe house that provided shelter to trafficked women in 2011, but did not make available information regarding the shelter's capacity or services. In March 2012, Ethiopia's consulate in Beirut filed a lawsuit against a Lebanese employment agent accused of beating an Ethiopian domestic worker in front of the consulate. Specific information regarding the victim services provided by the Ethiopian missions in Kuwait, Saudi Arabia, and Yemen was not made available. The Ministry of Foreign Affairs (MFA) reported that 6,500 stranded or detained Ethiopian migrants returned from abroad in 2011, but did not maintain records as to how many were victimized by trafficking or directly assisted by its overseas missions. Although the Employment Exchange Services Proclamation No. 632/2009, which governs the work of approximately 200 licensed labor recruitment agencies, requires licensed employment agencies to place funds in escrow to provide assistance in the event a worker's contract is broken, the MFA has never used these deposits to pay for victims' transportation back to Ethiopia. Furthermore, while the proclamation mandates the establishment of labor attaché positions in diplomatic missions abroad, the parliament did not appropriate funds for MOLSA to establish these positions. During 2011, airport authorities and immigration officials at Bole International Airport in Addis Ababa routinely referred female victims returning from the Middle East to a local NGO consortium that provided shelter and services for trafficking victims, though such referrals were made only at the behest of self-identified victims of trafficking and not always in a timely fashion.

In 2011, Ethiopia granted asylum to more than 10,000 Eritrean refugees, including an increasing number of unaccompanied children, who allegedly fled Eritrea to escape situations of forced labor associated with the implementation of the country's national service program or were deported from Egypt after being brutalized by smugglers in the Sinai, including under conditions of forced construction or domestic labor.

Prevention

The government sustained its efforts to prevent human trafficking during the reporting period. Working-level officials from federal ministries and agencies met weekly as part of a newly formed Technical Working Group on Trafficking, which identified patterns and tactics of traffickers and selected source regions for targeted public awareness campaigns. The Inter-Ministerial Task Force on Trafficking, which in previous years failed to meet or produce tangible results, built on momentum created by the technical working group and convened its first meeting in January 2012 to review MOLSA-drafted bylaws intended to guide its work; the bylaws await approval by the prime minister. Its draft national anti-trafficking action plan, however, remained pending with the Council of Ministers for a second year. In June 2011, MOLSA, with other stakeholders, organized an event at Chench Woreda (Gamo Gofa Zone) – a major source area for child trafficking – to campaign against child trafficking and identify and assist potentially trafficked children at bus stations during times of peak labor migration to the capital. During the year, a six-*woreda* (district) steering committee in SNNPR partnered with the Bureau of Education and the regional school system to raise awareness of human trafficking among school students and provide protective services. Every *kebele* (local administration) in these six *woredas*, as well as the *woredas* themselves, have local anti-trafficking bylaws, which were stringently enforced, with fines collected

from parents caught sending their children away to work and the funds collected through these fines used to support social services for children in the *kebeles*. During the year, the SNNPR government provided free radio time to a local NGO to air anti-trafficking outreach programming. The SNNPR Tourism and Culture Bureau did not take action to implement or enforce its 2009 tourism code of conduct that bans facilitating or participating in sex tourism by tour operators or tourists. The country's primary school textbooks included instruction on prevention of child labor and trafficking.

Due to the systemic abuses of its nationals in the Middle East, the government continued to bar employment agencies from sending Ethiopian domestic workers to any Middle Eastern country except Kuwait, the United Arab Emirates, or Saudi Arabia. During the reporting period, however, it showed only nascent signs of engaging destination country governments in an effort to improve protections for Ethiopian workers. In December 2011, the government attempted to negotiate a bilateral labor agreement with the Government of Saudi Arabia that reportedly included provisions to prevent forced labor. In 2011, MOLSA reviewed and approved 80,000 contracts for overseas employment, predominantly of domestic workers, a fourfold increase from 2010. It provided a day-long pre-departure orientation session to all workers migrating through this process, which consisted of modules on understanding employment contracts, Middle Eastern culture, health, and financial management. As a result of joint EFP-MOLSA investigations to enforce Proclamation No. 632/2009, the government revoked three private employment agencies' licenses and suspended the operations of four agencies.

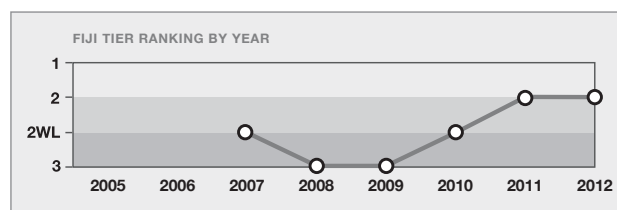
MOLSA's inspection unit – comprised of 130 inspectors – lacked sufficient capacity or resources to enforce labor laws and standards routinely, particularly in rural areas; it removed no children from harmful labor situations in 2011. The national government provided official support, including money and staffing, for some NGO efforts to uproot child labor. One local NGO reported receiving a limited amount of material and logistical support from the Addis Ababa municipal government in 2011, including police protection during unannounced visits to homes where they had reason to believe children were subjected to domestic servitude. A second local NGO spearheaded efforts – in partnership with child protection officers, labor inspectors, police, and local community leaders – to identify and reintegrate child laborers in Addis Ababa and Adama into schools. Ethiopia is not a party to the 2000 UN TIP Protocol.

FIJI (Tier 2)

Fiji is a source country for children subjected to internal sex trafficking and forced labor, and a destination country for foreign men and women subjected to forced labor and forced prostitution. Fiji's role as a regional transportation hub makes it a potential transit area for human trafficking. Victims in Fiji are allegedly exploited in illegal brothels, local hotels, private homes, and other rural and urban locations. Victims primarily are recruited in their home countries or deceptively recruited while visiting Fiji. Family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels have been alleged to participate in the prostitution of Fijian children. Fiji's liberal visa requirements allow many foreign nationals to travel to Fiji without first acquiring a valid visa.

Some Fijian children are at risk of human trafficking if their families follow a traditional practice of sending them to live with relatives or families in larger cities or close proximity to schools. These children may be subjected to domestic servitude or may be coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Over the past year, the Fijian government demonstrated greater efforts to acknowledge publicly and address human trafficking, particularly through increased law enforcement trainings, governmental involvement in public awareness campaigns, and expanded victim protection services. Despite its limited resources, the Fijian government provided a range of victim protection services throughout the reporting period. Nevertheless, the government made insufficient progress in combating the serious problem of sex trafficking, including of children, within the country. Authorities did not widely implement formal procedures to proactively identify victims of trafficking among vulnerable populations during the year.



Recommendations for Fiji: Continue efforts to identify, prosecute, convict, and sentence trafficking offenders under the provisions of the Crimes Decree; increase anti-trafficking cooperation between the Department of Immigration, the police Human Trafficking Unit, the police Transnational Crimes Unit, and other relevant government bodies; institute more trainings for law enforcement and immigration officers on victim identification and protection; continue efforts to finalize the database on child labor statistics and increase efforts to identify, protect, and assist child trafficking victims; develop and strengthen formal procedures to proactively identify victims of trafficking, especially among vulnerable groups, such as migrant workers, those allegedly involved in prostitution, and children exploited by local citizens; enhance efforts to provide access to legal, medical, and psychological assistance to victims of trafficking; make efforts to allow identified trafficking victims to work and earn income while assisting with investigations; develop a specialized care unit for identified victims of trafficking; and disseminate more anti-trafficking awareness campaigns directed at clients of child prostitution, commercial sex, and sex tourism.

Prosecution

The Government of Fiji increased its anti-trafficking law enforcement efforts during the reporting period. The government's 2009 Crimes Decree includes comprehensive anti-trafficking provisions for both domestic and international cases. The prescribed penalties of up to 25 years' imprisonment, and possible fines of up to \$400,000, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In July 2010, the government established a dedicated anti-trafficking police unit, which it staffed during the reporting period with four permanent detectives dedicated

exclusively to human trafficking. The unit works closely with the Department of Immigration, which heads the government's interagency task force on human trafficking, and the police Transnational Crime Unit. As a result, the government investigated 11 cases, of which two were prosecuted during the current reporting period – a significant increase from the lack of any cases prosecuted during the previous year. During the current reporting year, the government funded the Police Human Trafficking Unit's training workshops to train the police personnel at many police stations on how to detect and investigate human trafficking related cases. The Fijian government did not report any investigations, prosecutions, convictions, or sentences of public officials or of peacekeepers complicit in human trafficking.

Protection

The Government of Fiji made modest efforts to identify and protect trafficking victims during the reporting period. Victim identification efforts were sustained, as four adult foreign national victims of forced labor and debt bondage were identified, in addition to one minor domestic victim of sexual exploitation. During the current reporting period, the government provided four Chinese victims with care and coordination in their repatriation. Authorities also provided one underage victim with medical and psychological care, accommodation, and security. The government continues to rely on NGOs and international organizations to supply long-term care facilities and specialized services for trafficking victims. The Fijian government did not penalize trafficking victims for unlawful acts they may have committed while being trafficked. Nevertheless, the government did not offer any trafficking victim long-term shelter or rehabilitation, permanent residency status, or proactively pursue financial restitution for victims before criminal trials were completed. The government has a policy of not punishing trafficking victims detained by police, but rather referring them to the anti-trafficking unit for assistance; however, there was no firm evidence of this policy's wide implementation. While authorities sustained efforts to identify and prosecute trafficking cases, victim screening and identification efforts were minimal. During the year, the Immigration Department and the Police Human Trafficking Unit developed guidelines for identifying potential trafficking victims, and standard operating procedures related to victim identification were put in place with immigration agents at borders. Budgetary allotments were not specifically allocated for trafficking-related cases. The government did not develop or utilize formal procedures to proactively identify victims of trafficking among vulnerable populations with which they come in contact, such as women and girls in prostitution, illegal brothels in operation, and child labor situations.

Prevention

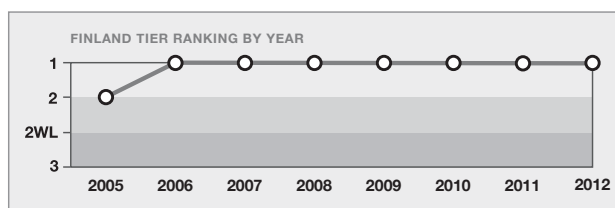
Fijian authorities increased efforts to raise public awareness about human trafficking. The government worked with the media to provide press releases on its anti-trafficking efforts, and the Police Human Trafficking Unit's two public awareness campaigns reached approximately 1,500 people. In addition, the police conducted outreach on trafficking issues at the Police Awareness Centre during the annual Hibiscus Festival, through which approximately 20,000 Fijians were reached during this annual celebration in Suva. The government also sustained a partnership with an NGO to raise awareness, through a poster campaign, at police stations, airports, and other

locations. However, the government did not make efforts to reduce specifically the demand for commercial sex. The Fijian government provided anti-trafficking training as a component of human rights training to military personnel prior to their deployment abroad on international peacekeeping missions. Fiji is not a party to the 2000 UN TIP Protocol.

FINLAND (Tier 1)

Finland is a source, transit, destination, and limited source country for women and girls subjected to sex trafficking, and for men and women subjected to conditions of forced labor. Female sex trafficking victims originate in Russia, Estonia, Latvia, Lithuania, Bulgaria, the Caucasus, and Asia, and the Caribbean. Sex trafficking victims were sometimes forced into prostitution through debt, threats of violence, or voodoo. Forced labor victims come from a variety of countries including India, China, Thailand, Pakistan, Bangladesh, Latvia, Lithuania, and Estonia, and are exploited in the construction industry, restaurants, agriculture, in berry picking fields, and as cleaners and domestic servants. There were reports that migrants who have voluntarily traveled to Finland are coerced to work long hours for minimal wages through threats of violence, deportation, and other means of control; some are forced to sleep at work sites and to surrender their passports. Finnish authorities believed there are likely small numbers of trafficked workers in most major Finnish cities. Recruitment agencies allegedly are involved in labor trafficking cases, extracting high fees from migrant laborers. Some Finnish teenagers reportedly are exploited in prostitution.

The Government of Finland fully complies with the minimum standards for the elimination of trafficking. Concerted efforts by law enforcement officials led to a near doubling of the number of trafficking investigations under the trafficking statute in 2011. Offenders convicted under the trafficking statute received serious sentences, up to twelve years in prison. The Finnish anti-trafficking national rapporteur continued exemplary self-critical reporting on trafficking in Finland. Although Finnish legislation allowed the granting of residence permits to trafficking victims, in practice these permits were rarely given. The government also cared for trafficking victims in mixed-use shelters, which put trafficking victims at risk of being re-victimized.



Recommendations for Finland: Continue making greater use of the trafficking statute to investigate and prosecute cases; continue training for investigators, prosecutors, and judges on human trafficking and the rights of trafficking victims; examine why so few residence permits have been granted to trafficking victims; encourage victims to participate in the criminal process by consistently offering victims the benefits of the reflection period and employing victim-witness safety procedures in all trafficking prosecutions; ensure that victims of trafficking are offered appropriate housing and specialized

care, taking into consideration the risks of secondary trauma inherent in mixed-use shelter; consider establishment of a specialized anti-trafficking police or prosecutorial unit; encourage officials to proactively identify potential sex and labor trafficking victims and refer them to services to which they are entitled under Finnish law; examine the vulnerabilities posed by residence permits that are valid only for one employer; investigate labor recruitment agencies for involvement in human trafficking; and explore increased cooperation between different labor entities, including labor inspectors, the police, the tax authorities, and the safety and health administrations, to prevent and identify labor trafficking.

Prosecution

The Government of Finland significantly improved its anti-trafficking law enforcement activities over the previous year, nearly doubling its investigations under the trafficking statute and awarding serious sentences. Law 1889-39 of the Finnish penal code prohibits all forms of trafficking and prescribes up to 10 years' imprisonment for convicted offenders, penalties sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Other non-trafficking criminal statutes which prescribe lower penalties, such as pandering, continued to be used frequently to prosecute sex trafficking offenders. In 2011, the Government of Finland reported initiating 21 trafficking investigations under the trafficking statute, including seven sex trafficking investigations and 14 labor trafficking investigations. This was a significant increase from 2010, when the government investigated 11 trafficking investigations under the trafficking statute. The police reported that the increase in investigations derived from an improvement in anti-trafficking law enforcement efforts rather than an increase in crime. The government also claimed that it investigated several trafficking offenses under non-trafficking statutes such as pandering and usury. The government prosecuted at least seven alleged trafficking offenders under a variety of statutes. In 2011, Finnish courts convicted two trafficking offenders under the trafficking statute, and sentenced one of them to two and half years' and the other to twelve and a half years' imprisonment; the government convicted no offenders under the trafficking statute in 2010. In trafficking cases charged under an aggravated pandering statute, courts sentenced convicted offenders to sentences ranging from a suspended one year in jail to three years' and five months' imprisonment. In 2010, sentences averaged three years in prison. Police and investigators often investigated potential sex trafficking cases as pandering offenders because pandering was easier to prove and because of possible bias against women in prostitution. In cases not investigated and prosecuted as trafficking cases, victims did not have the same rights and benefits during investigations. The Finnish national rapporteur concluded that trafficking victims in labor cases were more readily identified as trafficking victims than were sex trafficking victims. The Finnish government provided several anti-trafficking trainings for police, border guards and prosecutions to enhance victim identification and prosecutions. Law enforcement authorities collaborated with other governments on trafficking investigations. The Finnish government did not report the investigation, prosecution, or conviction of any government employees complicit in trafficking in persons.

Protection

The government sustained its protection efforts in 2011, although there were continuing reports that problems with victim identification resulted in victims being deported. The government fully funded victim protection efforts for trafficking victims, whether Finnish or foreign. The government provided both direct care and funding for appropriate third-party care for trafficking victims through two asylum reception centers that offer shelter, psychological assistance, medical care, and other services to identified victims of trafficking. The staff of these reception centers was also empowered to identify and authorize care for trafficking victims, even when law enforcement authorities did not identify a person as a trafficking victim. However, both international organizations and the Finnish national rapporteur claimed that the mixed population and lack of specialized care in reception centers posed risks for the re-victimization of some trafficking victims, particularly victims of sex trafficking. In 2011, the government asylum reception centers reported that they spent \$1,535,738 on the care of trafficking victims and for the operating expenses. Officials identified 41 victims during the reporting period, in contrast to 52 victims identified in 2010. In total, 68 potential trafficking victims asked for assistance in 2011.

Finnish police and border guards employed written trafficking identification guidelines developed by the Finnish Immigration Service. These guidelines included a victim-centered protocol for law enforcement interviews. Nevertheless, government reports concluded that officials more readily identified asylum seekers as victims of trafficking than other potential trafficking victims, but that identifying trafficking victims has not taken root in the work of many authorities. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. During the reporting period, approximately ten victims participated in the prosecutions of offenders, with some court cases including multiple victims. Finnish law allowed identified trafficking victims a six-month reflection period, during which they could receive immediate care and assistance while considering whether to assist law enforcement. The rapporteur indicated, however, that the reflection period was not provided consistently. This year no victims received it. The government offered an extended residence permit for victims of trafficking wishing to stay longer than six months, and two trafficking victims received such extended permits during the reporting period. In practice, Finland's immigration service has only issued residence permits to the victims after the trafficking offenders have been convicted. Victims of trafficking who are waiting for their residence permit were unable to work legally and may have been vulnerable to trafficking. Although the government made efforts to ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked, the rapporteur reported that some potential trafficking victims were deported without attempts made to identify possible trafficking indicators.

Prevention

The government improved its anti-trafficking prevention activities in 2011, particularly through the continued strong reporting and awareness raising activities undertaken by the rapporteur. The government organized many of its anti-trafficking activities through its interagency National Steering Group. The national anti-trafficking rapporteur, an independent entity within the government, continued

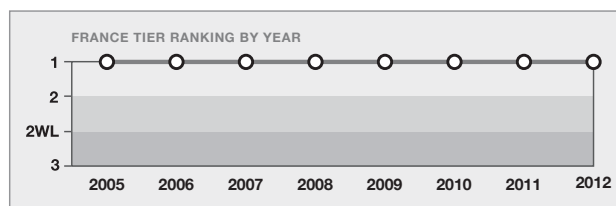
her analysis of the government's anti-trafficking efforts and advocated for specific changes through its public report; her office encouraged self-critical policy examination and positive momentum in the government's anti-trafficking policy. The Government of Finland does not have a national coordinator; in this absence, the national rapporteur performs many of the coordinator functions. The rapporteur's office also arranged a week-long anti-trafficking awareness raising campaign in October, including street signs at bus stops, radio, and newspaper articles. To prevent child sex tourism by Finnish citizens traveling abroad, the government also distributed brochures at a travel show to thousands of potential travelers, highlighting the harm child sex tourism causes to children. The government continued to provide assistance to other governments for counter-trafficking programs and to a regional expert group on trafficking. The Finnish government collaborated with Finnair to train the airline's ground staff to identify trafficking in persons. The Finnish government provided anti-trafficking training to Finnish forces prior to their deployment abroad on international peacekeeping missions.

FRANCE (Tier 1)

France is a destination and transit country for men, women, and children from Eastern Europe, West Africa, and Asia, as well as the Caribbean and Brazil, subjected to sex trafficking and forced labor. France is also a limited source country for French citizens subjected to forced labor and forced prostitution. Sex trafficking networks controlled by Bulgarians, Romanians, Nigerians, and French citizens force women into prostitution through debt bondage, physical force, and psychological coercion, including the invocation of voodoo. Women and children, many from Africa, South Asia, or Brazil, continued to be subjected to forced domestic service. Many of these cases were reportedly inter-familial, in which families exploited family members brought from Africa to work in their households in France; other cases involved a small number of diplomats. Victims in domestic servitude are often falsely promised education; when they arrive in France, they are required to surrender their passports and live in isolation in the family's household. The Government of France estimates that the majority of the 20,000 people in France's commercial sex trade, about 75 percent of whom are foreigners, are likely forced into prostitution. There are also reports that a significant number of children, primarily from Romania, West Africa, and North Africa, are victims of sex trafficking in France. The economic crisis in neighboring countries has led to an increase in the number of child victims of trafficking. The government observed an increase in the number of criminal networks exercising violence against people in prostitution, including Chinese victims. Roma and other unaccompanied minors in France continued to be vulnerable to forced begging and forced theft. Some French citizens were documented to have participated in sex tourism in foreign countries. Women and children from Brazil and Guyana were subjected to forced labor and sex trafficking in the French overseas territory of French Guiana.

The Government of France fully complies with the minimum standards for the elimination of trafficking. The government's number of criminal cases classified as trafficking rather than as pimping, however, remained far below the estimated occurrence of trafficking in France. A report to parliament

concluded that the charging of trafficking cases as pimping impaired international collaboration on criminal cases. Furthermore, victim protection efforts were limited by the system for granting residence permits to trafficking victims. According to experts, France did not administer its residency permit system for trafficking victims in a victim-centered manner, instead putting the needs of criminal investigations before the exigencies of victim care. Nevertheless, the French government funds a range of victim services through dedicated anti-trafficking NGOs. Law enforcement authorities also continued to increase the number of offenders convicted under the trafficking statute. The government enhanced transparency through a broad congressional inquiry and reporting effort aimed at improving conditions for sex trafficking victims and individuals in prostitution.



Recommendations for France: Increase implementation of France's anti-trafficking statute, as directed in the Ministry of Justice Circular of November 1, 2009; increase anti-trafficking training for prosecutors and judges, ensuring that emphasis is placed on increasing the use of the trafficking statute; ensure the safety and confidentiality of trafficking victims during the course of investigations and trials; improve protections for all unaccompanied minors in France who are potentially victims of trafficking; improve implementation of proactive identification procedures and referral for potential trafficking victims, including through offering more training to officials who work in asylum; offer residency permits to all identified victims; consider eliminating, reducing, or allowing waivers for victims' residency permit fees to encourage more victims to apply; soften the requirement that victims of trafficking participate in the prosecution of trafficking offenders in order to receive long-term benefits; ensure that victims are thoroughly explained their rights, including the right to a residence permit and the prosecutor's discretion to give a residence permit in the absence of a conviction, at the outset of any contact with the victim; enhance collection and compilation of law enforcement and victim assistance data, including a breakdown of types of involuntary servitude and prosecutions for forced labor; continue to establish a more victim-centered approach to trafficking in France, including measures to ensure victims who denounce their traffickers are provided with adequate safety and support; establish an independent national rapporteur to ensure consistent self-evaluation on anti-trafficking activities; explore methods to improve trafficking victims' access to restitution through the Crime Victims Compensation Program; and report on assistance provided to identified victims of trafficking in mainland France and in French Guiana.

Prosecution

The Government of France made modest anti-trafficking law enforcement efforts during the reporting period; the majority of trafficking offenses were still charged under non-trafficking statutes. France prohibits all forms of trafficking in persons through Article 225-4 of its penal code, which prescribes

statutory maximum penalties of between seven years' and life imprisonment for trafficking offenses. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government continued to implement the policy specified in a Ministry of Justice circular, urging prosecutors to charge cases under the trafficking statute more frequently, even when those cases are also charged as pimping, exploitation of begging, or under labor statutes. Nevertheless, a report before parliament concluded that the trafficking statute remained under-utilized in trafficking cases. The government had difficulty collecting and reporting current data on its anti-trafficking law enforcement efforts. In 2011, French law enforcement authorities placed 40 individuals under formal investigation for human trafficking and opened 10 new trafficking cases under Article 225-4. In 2010, the most recent year for which comprehensive data was available, French authorities convicted approximately 19 offenders under Article 225-4-2, an aggravated trafficking section, compared with convictions in three cases in 2009. The government also convicted 42 offenders for the prostitution of children in 2010, compared with 17 convictions for the prostitution of children in 2009. In addition, in 2010, the government convicted 24 individuals for the exploitation of begging, including at least two offenders for forcing individuals into begging through violence or constraint. Some trafficking cases may be reflected in the 508 convictions under the aggravated anti-pimping statute; approximately 15 percent of the original arrests in those cases were for trafficking-specific offenses. In 2010, trafficking offenders were sentenced to up to 30 years' imprisonment, though some offenders were sentenced to terms of two years imprisonment with serious fines. Some severe trafficking offenders continued to receive very serious sentences; in 2011, two trafficking offenders charged under non-trafficking statutes were sentenced to terms of thirty years' imprisonment, the highest sentence available under French law. Experts observed that trafficking prosecutions were difficult when certain parts of the trafficking offense, such as recruitment, took place outside of the country, thus requiring international collaboration. The parliamentary report concluded that judges were reserving the use of the trafficking statute for cases in which the offense was especially serious, but cautioned that both victim protection and international cooperation was better in cases charged under the trafficking statute because foreign governments responded to requests for information more readily in trafficking cases, instead of pimping cases. The Central Office for Combating Human Trafficking served as the specialist and coordinating unit of the police, providing guidance to anti-trafficking prosecutions throughout the country. The Ministry of Justice trained prosecutors and magistrates on France's anti-trafficking laws. The French government trained police and distributed pocket-sized cards to border police and NGOs on how to identify trafficking victims. NGOs objected that authorities did not always grant protection to trafficking victims' families during the course of trial; as a consequence, some trafficking victims' families have been vulnerable to retaliation by traffickers. French law enforcement authorities collaborated with several governments, including authorities in Romania, Ukraine, Bulgaria, Nigeria, and Brazil, to investigate human trafficking cases. This year, the government investigated high profile sex trafficking cases involving trafficking networks from Eastern Europe, Brazil, and Nigeria. The government did not report the investigation, prosecution, conviction, or sentencing of any public official for complicity in trafficking in persons.

Protection

The government sustained its victim protection efforts during the reporting period, although the residency permit system did not, in practice, offer protection to the majority of trafficking victims. The Government of France managed its anti-trafficking protection program, named *Ac-Sé*, for adult trafficking victims through a network of 49 NGO shelters funded, in part, by the central government and the City of Paris. *Ac-Sé* assists vulnerable adult victims of sex or labor trafficking; the program assisted over 60 victims of trafficking in 2011, providing shelter, legal, medical, and psychological services. Victims were also given access to French language classes and could have qualified for subsidized housing and job training programs. In 2010, *Ac-Sé* assisted approximately 50 victims. These victims receive the equivalent of approximately \$450 as an initial stipend from the government, and approximately \$150 per month subsequently. NGOs objected that the financial stipend was insufficient to permit victims to rehabilitate successfully. Victims had to wait an average of 40 days for access to a shelter. Other NGOs, partially funded by the central or municipal governments, operated shelters and emergency apartments to give care to other trafficking victims. While French authorities did not report overall funding allocations to NGOs for victims of trafficking, the central government, municipal governments, and the City of Paris provided at least the equivalent of three million dollars to NGOs for victim assistance in 2011.

The government reported that police identified 654 trafficking victims in 2011; French authorities identified 688 trafficking victims in 2010. The government did not report the number of victims it referred to care. *Ac-Sé* had guidelines for victim identification. Nevertheless, reports concluded that some first responders, including those interacting with asylum applicants, needed a stronger and more proactive response to victim identification. The report observed that some trafficking victims attempted to claim asylum with stories devised by traffickers.

Victims of trafficking were eligible for six months' or one year's temporary residency permits, provided they file a formal complaint against their exploiters and made efforts to reintegrate into French society. Victims of trafficking may work or leave the country during trial proceedings. These permits were available during the duration of the criminal process and automatically become permanent upon an offender's conviction. In cases in which offenders were not convicted, local prefects had the discretion to grant permanent residency cards to victims. Nevertheless, victims are often not informed that prosecutors have this discretion until they are deported. A government-funded report concluded that these residency permits were insufficient for granting all trafficking victims effective access to justice, particularly when the case was not formally classified under the trafficking statute. The French government did not report the number of trafficking-specific residency permits granted, but a report to parliament concluded that very few trafficking victims benefitted from the residency permits and that these permits were not always available to victims when the trafficking offenders had already been identified. The Ministry of Justice reports that it is focusing on improving the consistent and effective application of the temporary residency regulations throughout France. A limited number of trafficking victims also received permanent residency in cases of grave threat through the National Asylum Court. Trafficking victims were eligible to receive restitution through the Crime Victims

Compensation Program; only two victims of trafficking have received compensation through the program since its inception. There were no reports that identified trafficking victims were penalized for crimes committed as a direct result of their being trafficked.

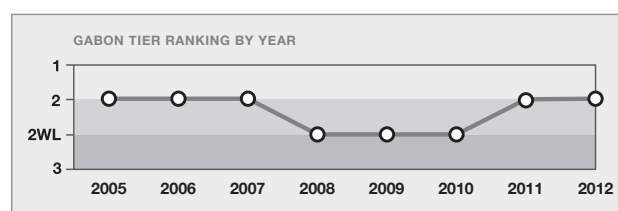
Prevention

The government sustained its prevention efforts during the reporting period. The City of Paris, the Interior Ministry, the Justice Ministry, and NGOs launched a working group in February 2012 to address sex trafficking, focusing on improving victim housing and reintegration. The French government supported anti-trafficking projects in many countries, including through direct funding of victim care through French embassies. The government, through the French International Technical Police Cooperation Service and French embassies, also funded training for foreign governments on trafficking victim identification and prosecution. The French government works closely with source countries on preventing trafficking. In January 2012, France and Bulgaria began a joint project to prevent trafficking in persons. The French government funded programs through airlines and tourism operators describing the penalties for sex tourism. The French government took criminal action against some French citizens who had engaged in sex tourism abroad. In July 2011, a Paris magistrate investigated a 65-year-old French citizen for sexual abuse of minors in the Philippines. France requested the extradition of a French citizen, accused of engaging in sex tourism abroad, who had been convicted of similar crimes in France. All tourism students in France were obligated to take course work on preventing sex tourism. The French government cooperated with other EU countries to identify common trafficking victim identification guidelines. In 2011, the French government focused on addressing the demand for commercial sex. In April 2011, parliament released an extensive report on prostitution in France, as part of an effort to examine how best to shape policy on prostitution, including addressing demand. Nevertheless, the French government did not take any broad based public awareness campaigns on human trafficking. The French government provided anti-trafficking training to all peacekeeping troops prior to their deployment abroad on international peacekeeping missions.

GABON (Tier 2)

Gabon is primarily a destination and transit country for children and women from Benin, Nigeria, Togo, Mali, Guinea, and other West African countries who are subjected to forced labor and sex trafficking. Some victims transit Gabon *en route* to Equatorial Guinea. The majority of victims are boys forced to work as street hawkers or mechanics. Girls are subjected to domestic servitude and forced labor in markets or roadside restaurants. Traffickers appear to operate in loose, ethnic-based crime networks. Most child traffickers are women, who serve as intermediaries in the victims' countries of origin. In some cases, child victims report that their families turned them over to intermediaries promising employment opportunities in Gabon. There is evidence that some traffickers have moved their operations to Lambarene to avoid detection in Libreville. Reports indicate the involvement of Nigerian syndicates in bringing trafficking victims to Gabon. West African women are forced into domestic service or prostitution in Gabon.

The Government of Gabon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained strong prosecution efforts during the year through the initiation of prosecutions of eight alleged trafficking offenders – several of whom remain in prison awaiting trial – and presidential approval of a Ministry of Justice request to hold and fund a special session of the High Court to prosecute pending trafficking cases. The government made strong efforts to protect victims during the year, working with several governments in the region to repatriate 10 foreign victims of trafficking, following their stay in shelters operated by the government or in government-supported NGO shelters. The Inter-Ministerial Committee (IMC) actively and effectively oversaw the efforts of vigilance committees – present in seven provincial capitals – that coordinated between departments on victim care and case follow-up. It also finalized the 2012 National Action Plan. Nonetheless, the government failed to convict any trafficking offenders in 2011.



Recommendations for Gabon: Increase efforts to prosecute, convict, and punish trafficking offenders by convening the High Court; draft and enact provisions prohibiting the trafficking of adults; continue to strengthen cooperation between police, immigration, and gendarmerie to address trafficking cases jointly; and develop a system to track trafficking cases and provide relevant law enforcement and victim protection statistics.

Prosecution

The Government of Gabon maintained strong law enforcement efforts during the reporting period. Existing laws do not prohibit all forms of human trafficking, including bonded labor. Law 09/04, "Concerning the Prevention and the Fight Against the Trafficking of Children in the Gabonese Republic," enacted in September 2004, prohibits child trafficking for both labor and sexual exploitation and prescribes penalties of five to 15 years' imprisonment, along with fines the equivalent of \$20,000 to \$40,000; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Penal code Article 261 prohibits the procuring of a child for the purpose of prostitution and prescribes a sufficiently stringent penalty of two to five years' imprisonment. Law 21/63-94 prohibits forced prostitution of adults and prescribes sufficiently stringent penalties of two to 10 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape. Penal code Article 48 prohibits the use of children in illegal activities, prescribing penalties of five to 10 years' imprisonment. Title 1, Article 4 of the Gabonese labor code (Law 3/94) criminalizes all forms of forced labor, prescribing penalties of one to six months' imprisonment, which are not sufficiently stringent. During the year, the government revised Law 3/94 to list specifically both acceptable and prohibited forms of work for those younger than 16 years of age. The government made

minimal efforts to harmonize its legislation with the 2000 UN TIP Protocol, to which it acceded in 2010.

The High Court is required to hear trafficking cases since they are a crime equivalent to murder; however, the High Court is backlogged with cases filed from as early as 2001 and, due to funding issues, does not routinely meet, presenting a significant obstacle to prosecutions of trafficking crimes. In May 2011, the President approved a request, submitted by the Ministry of Justice, to hold and fund a special session of the High Court to hear pending trafficking cases; however, no special session was held during the year.

Despite the arrest of over 76 suspected trafficking offenders between 2003 and 2011 – including eight during the reporting period – there have been no convictions under the 2004 child trafficking act. The prosecution of 38 alleged trafficking offenders under Law 09/04 – as a result of the government’s December 2010 “Operation Bana,” in cooperation with INTERPOL – remained pending with all offenders in pre-trial detention. The Gabonese government continued work with UNICEF, INTERPOL, and West African governments to verify documents and the identities of trafficking victims and suspected offenders in the “Operation Bana” cases, involving the rescue of 20 child labor trafficking victims and the arrest of their 38 suspected traffickers in the previous reporting period. Following the establishment of a vigilance committee in Mouila (Ngounie Province), authorities arrested and charged several suspected traffickers; tips received in several cases were a direct result of awareness campaigns. Police charged a Malian man with child trafficking, committing a sex crime against a minor, and falsification of a passport for the forced marriage of a 13-year-old Malian girl who came to Gabon for domestic work but instead was forced to marry him and prevented from leaving his home. Authorities also charged the imam who presided over the marriage ceremony and the intermediary who met the child at the airport upon arrival with child trafficking, committing a sex crime against a minor, and document fraud; the two offenders remain in jail awaiting trial, while the imam was released on bail. In another forced marriage case in February 2011, a Malian man was charged with trafficking for forcing his 14-year-old wife to work in a nail salon and enter prostitution; the suspect was released on bail, pending trial. In January 2012, authorities in Mouila charged a Beninese woman with use of false documents and mistreatment of minors for the forced labor of six children; in this case, authorities also charged the former assistant mayor of Mouila with falsifying birth certificates. The government partnered with UNICEF to provide training to 36 police officers, 45 social workers, and nine labor inspectors on anti-trafficking law enforcement and protection mechanisms in Gabon.

Protection

The Government of Gabon sustained strong efforts to ensure that victims of trafficking received access to necessary protective services during the reporting period. It provided the equivalent of approximately \$270,000 to support four centers offering shelter, medical care, education, and psychosocial services to orphans and vulnerable children, including child trafficking victims, in Libreville and Port Gentil. One center is completely government-funded, while the other three are financed partly by the government through financial and in-kind donations, as well as the provision of service support, including social workers. Government officials identified nine victims during the year; a total of 10 victims received care at

these government-funded shelters. The government could shelter trafficked adults in government- and NGO-run transit centers, though it did not identify any adult victims during the reporting period. Working with officials in the countries of origin, the government coordinated the repatriation of one male and nine female child trafficking victims; one victim, rescued in December 2010 in “Operation Bana,” remained in a government-supported NGO shelter for seven months before repatriation. The Ministry of Labor contracted a local NGO to accompany and assist victims during repatriation. If victim repatriation was not an option, the Ministry of Social Affairs would provide a victim with immigration relief and resettle them in Gabon; no victims availed themselves of this legal alternative when offered during the reporting period.

Government personnel employed procedures to identify victims of trafficking among vulnerable groups, such as migrant children, and systematically referred them to government or NGO shelters. In 2011, the IMC trained social workers on the National Procedural Manual for Assisting Trafficking Victims, which outlines standard procedures for the identification and removal of children in trafficking situations, as well as their subsequent care and repatriation. Security forces routinely took testimony at the time of arrest of the trafficking offender or recovery of the victim and prosecutors, with social workers present, had access to the children at shelters for follow-up interviews. The government routinely sought costs of repatriation for the victim from the offender and source country governments but absorbed the costs when these avenues of assistance were unavailable; in June 2011, a prosecutor in Port Gentil secured payment from two alleged trafficking offenders for tickets to repatriate a victim to Benin.

Prevention

The Gabonese government maintained strong efforts to prevent human trafficking over the last year. Created by Law 09/04 and under the leadership of the Minister of Labor, the IMC remained actively engaged and served as an effective coordinating body for the government’s anti-trafficking efforts during the year. In December 2011, the IMC, vigilance committees, and NGOs met to report their activities in 2011 and finalize the 2012 National Action Plan. Vigilance committees in seven regional capitals – including those in Mouila and Tchibanga launched during the reporting period – brought together local government, law enforcement, and civil society actors to raise awareness, facilitate reporting of trafficking cases, and refer victims to care; the IMC provided anti-trafficking training for these two new committees. The government continued its “Be Vigilant” billboard campaign to target those who might exploit trafficking victims, as well as its “door-to-door” public awareness campaigns in Libreville, in cooperation with UNICEF. During “Operation Bana” authorities discovered that traffickers used fraudulent documents to alter the ages of children; as a result, in September 2011, the Ministry of Health initiated a census to determine the number of children living in Gabon without legal birth certificates.

THE GAMBIA (Tier 2 Watch List)

The Gambia is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Within The Gambia, women and girls and, to a lesser extent, boys are subjected to sex trafficking and domestic

servitude. Women, girls, and boys from West African countries – mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea-Bissau, and Benin – are recruited for commercial sexual exploitation in The Gambia, in particular to meet the demands of European tourists seeking sex with children. Observers believe organized networks use travel agencies to promote child sex tourism. Many Gambian boys attend Koranic schools led by *marabouts* (religious teachers). Corrupt or unscrupulous *marabouts* sometimes force such boys into street vending.

Gambian trafficking victims have been identified in neighboring West African countries, as well as in the United Kingdom.

The Government of The Gambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing efforts to address human trafficking over the previous year; therefore, The Gambia is placed on Tier 2 Watch List for a second consecutive year. Although the government established a national agency against trafficking in persons and convicted one trafficker, the sentence of a modest administrative fine did not adequately convey the serious nature of the crime. The government claimed to monitor boys in street vending and unaccompanied girls in resorts known to be destinations of sex tourists, but it did not identify any as victims of trafficking during the reporting period.



Recommendations for The Gambia: Increase efforts to investigate and prosecute trafficking offenses and ensure adequate sentencing for convicted trafficking offenders; train law enforcement personnel to identify trafficking victims proactively among vulnerable populations, such as boys in street vending, unattended children in tourist resorts known to be sex tourism destinations, and women in prostitution, and refer them to protective services; begin to take measures to decrease the demand for commercial sex acts, specifically those committed by sex tourists; engage with anti-trafficking counterparts in the region to enable the safe repatriation of victims to and from The Gambia; and increase efforts to raise public awareness about the dangers of trafficking.

Prosecution

The Government of The Gambia sustained modest anti-trafficking law enforcement efforts during the reporting period. Its 2007 Trafficking in Persons Act prohibits all forms of trafficking, and an October 2010 amendment increased the prescribed penalties to 50 years' to life imprisonment for all forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Gambia's 2005 Children's Act also prohibits child trafficking – though it does not include forced labor in its definition of trafficking – prescribing a penalty of life imprisonment. The 2003 Tourism Offenses Act explicitly

prohibits child sex trafficking, prescribing a penalty of 10 years' imprisonment.

The government investigated one case of suspected sex trafficking during the year. A Nigerian trafficker was arrested and prosecuted on charges of trafficking two Nigerian women to The Gambia for forced prostitution; he was convicted in September 2011 and was fined only the equivalent of \$333 before being deported to Nigeria. Despite reports of the convicted trafficker having three accomplices in Nigeria, the government neither engaged the appropriate Nigerian anti-trafficking authorities for assistance in the case nor even informed the Nigerian government of the offenders' deportation to Nigeria. The March 2011 case against a *marabout* transporting boys to Senegal for forced begging was dropped when the *marabout* promised to stop the practice of sending his students to beg in Senegal. No law enforcement officials were investigated, prosecuted, or convicted for involvement in human trafficking, and the government did not take any action to investigate NGO-reported allegations that an official at The Gambian Embassy in Mauritania allegedly was complicit in a case of cross-border child trafficking between Mauritania and Sierra Leone.

Protection

The Gambian government undertook inadequate efforts to protect trafficking victims during the year, as it identified no Gambian trafficking victims and only two foreign victims of sex trafficking. Although it claimed to monitor the activities of boys in Koranic schools, it did not rescue or provide services to any victims of forced street vending or begging. The Ministry of Social Welfare operated a 24-hour multi-purpose hotline and allocated the equivalent of \$11,500 toward running a shelter and drop-in center, although the government did not report the number of trafficking victims it may have cared for in these shelters. The Department of Social Welfare continued to maintain an electronic child protection database, which includes information on trafficking cases, although no cases were identified in 2011. The Trafficking in Persons Act allows foreign victims to obtain temporary residence visas for the duration of legal proceedings, though the government offers no other legal alternatives to the removal of foreign trafficking victims to countries where they may face retribution or hardship. The government did not provide the Nigerian victims in the aforementioned case with shelter support during their stay in The Gambia. Instead authorities deported them to Nigeria after they provided testimony. There were no reports of victims being penalized for unlawful acts committed as a result of being trafficked; however, the lack of a formal identification system likely resulted in some victims remaining unidentified in the law enforcement system.

Prevention

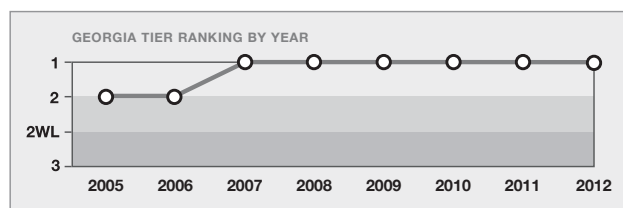
The government made limited efforts to prevent trafficking during the year. In October 2011, The Gambian tourism board officially launched its training manual on addressing child sex tourism. The government also organized a one-day orientation that addressed curbing commercial sex, particularly child sex tourism, for 50 members of the tourism security unit in preparation for the start of the tourism high season. Authorities report removing unattended children from resort areas, in accordance with a policy to combat child sex tourism, but this effort did not lead to the referral of any child trafficking victims to protective services or the apprehension of any

suspected traffickers. In December 2011, the Ministry of Justice launched the National Agency Against Trafficking in Persons with four staff members and a budget the equivalent of \$8,474. The agency began work to develop a trafficking database that will eventually collect trafficking information from all government agencies. It was unclear whether the government provided anti-trafficking training to Gambian troops before their deployment abroad on international peacekeeping missions.

GEORGIA (Tier 1)

Georgia is a source, transit, and destination country for women and girls subjected to sex trafficking and men and women subjected to conditions of forced labor. Women and girls from Georgia are subjected to sex trafficking within the country and also in Turkey and the United Arab Emirates. In recent years, Georgian women and girls have also been subjected to sex trafficking in Egypt and elsewhere. Women from Uzbekistan and possibly other countries are found in forced prostitution in the commercial sex industry in Georgia. Country experts report that foreign women in prostitution in saunas, strip clubs, hotels, and escort services are vulnerable to forced prostitution. Men and women are subjected to conditions of forced labor within Georgia, and Georgians are subjected to forced labor in Russia, Turkey, and elsewhere. In recent years, there have been cases of foreign nationals exploited in agriculture, construction, and domestic service within Georgia. In years past, Turkish men have been subjected to forced labor in the occupied territory of Abkhazia, which remains outside the central government's control. NGOs that work with street children from Georgia, Armenia, and Russia, as well as with Roma children, report that some children are exploited into begging or theft by third parties, including their parents, a form of trafficking. Although children are not commonly found working in agriculture in Georgia, except on family-owned farms, a labor trafficking expert in the country indicated that children working in agriculture and in the informal urban economy are highly vulnerable to forced labor.

The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government increased the number of trafficking cases investigated and the percentage of prosecutions that resulted in convictions of trafficking offenders. The government also significantly increased funding for anti-trafficking training and prevention activities, including in the budgets of its shelters for victims. The government significantly increased the number of Georgian officials provided training on victim identification. During the year, however, local experts expressed serious concerns about the government's view of its trafficking problem and its lack of effective efforts in the first half of the reporting period to proactively identify victims of this serious crime.



Recommendation for Georgia: Employ more effective methods to detect and identify potential trafficking victims, especially those experiencing non-physical forms of coercion, the more common manifestation of trafficking in the country; ensure that NGOs continue to be funded and remain active partners in providing victim services and reintegration; ensure NGOs are provided with funding to assist potential trafficking victims before they receive official victim status and become eligible for state assistance; continue to expand formal partnerships with NGOs to help develop the trust of potential victims and achieve a more multi-disciplinary victim-centered approach to anti-trafficking efforts; systematically check for indicators among deported and returning Georgians at border points and involve NGOs in this process; consider appointing a victim-witness advocate or specialized NGO to help ensure the rights of victims are respected during legal proceedings and to ensure their participation is voluntary; given the absence of labor inspectors in Georgia, ensure proactive outreach to workers, including both documented and undocumented foreign migrants, who are vulnerable to trafficking; ensure that children who are subjected to forced begging and vulnerable to commercial sexual exploitation are not inadvertently criminalized or punished for crimes committed as a direct result of their being trafficked; increase efforts to investigate, prosecute, and convict labor and sex trafficking offenders; ensure children in prostitution are properly identified as trafficking victims; continue awareness campaigns for government officials and the general public about trafficking and its links to prostitution as well as forced labor; and continue the government's active information campaigns targeted at vulnerable groups.

Prosecution

The Government of Georgia demonstrated improvements in its anti-trafficking law enforcement efforts during the reporting period. Georgia prohibits all forms of trafficking in persons through Article 143 of its criminal code, which prescribes penalties ranging from seven to 20 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. In 2011, the government initiated 16 trafficking investigations involving 18 individuals, compared with 11 investigations of 18 individuals in 2010. Authorities prosecuted and convicted five sex trafficking offenders in 2011, including one *in absentia*, an increase from one offender convicted in 2010. Sentences ranged from six to 19 years' imprisonment; one offender who received a 15.5 year prison sentence was convicted and sentenced within two months of his arrest. The government reported it recently reviewed certain criminal cases involving the use of fraudulent passports, illegal border crossings, and the bribery of border and customs officials for elements of possible official complicity in human trafficking. The government reported it found no indicia of complicity in these cases. The government did not report any prosecutions, convictions, or sentences of government officials complicit in trafficking crimes in 2011.

Country experts reported that a lack of labor inspectors and weaknesses in the government's labor code contributed to workers' vulnerability to abuse and forced labor. In September 2011, Georgian trade unionists reported indicators suggesting conditions of trafficking, including employers not returning passports to workers who complained about mistreatment, among 100 Indian nationals working at a steel plant in Kutaisi. In response to these allegations, the government opened a

lengthy investigation into the case, interviewing over 200 persons, including Indian and Georgian workers at the plant, and inspecting salary records and living conditions. The government determined that none of the Indian workers were trafficking victims, all were free to travel inside Georgia and back to India without restriction, and all were paid the full amounts promised in their contracts. The government continued its institutionalized training for law enforcement and provided additional specialized training for prosecutors, judges, immigration officials, border police, and other front-line responders during the year, increasing the number of officials trained by 23 percent over the preceding year.

In addition to basic in-service anti-trafficking training for police and prosecutors, the Georgian government provided at least 40 specialized training sessions on the law, interview and investigative techniques, identification of victims, and working with victim services, often in collaboration with NGOs and international organizations.

Protection

The Government of Georgia maintained protections for identified trafficking victims in 2011. Government efforts to identify victims during the first half of the reporting period were not effective. According to government data, no victims were identified during the first half of 2011. Further, no potential victims were referred to the government's Permanent Group, an alternative mechanism for identification, between December 2010 and September 2011. Most victims were identified by government authorities late in the reporting period, with a total of 18 victims identified. This compares with 19 victims identified in 2010 and 48 victims identified in 2009. During the first half of the year, local experts noted concerns that lack of attention to identification was an impediment to achieving further needed improvements. Specifically, country experts reported concerns with the low level of victim identification and overall lack of success in locating trafficking victims, including children in exploitative situations on the street, children in the sex trade, foreign women in the commercial sex sector, and Georgian and foreign workers in vulnerable labor sectors. Authorities identified two Uzbek victims of forced prostitution in February 2012; one such victim declined the government's offer of residency and, at the victim's request, was repatriated by IOM.

Although one expert reported that government officials' understanding of the nature of trafficking is increasing, some NGOs, trade unions, and other regional experts – including a labor trafficking expert – reported little awareness among Georgian authorities about forced labor. During the reporting period, half of all identified victims took the initiative to report themselves to authorities or to seek assistance themselves, and the other half were identified by Georgian authorities as the result of investigations. According to some country experts, border officials do not systematically look for trafficking victims; few returning trafficking victims are detected at the border. A significant number of Georgian trafficking victims, however, were identified in Turkey during the reporting period.

During the year, the government increased funding for state-provided victim services by nearly 50 percent, including by allocating the equivalent of \$302,000 to two government-run shelters for trafficking victims, an increase from the \$127,000 allotted in the previous year. Two other shelters are run by NGOs; these are used infrequently, largely as a short-

term, interim solution when a victim cannot immediately be housed in a state-run shelter. The government prefers to provide rehabilitation services and shelter directly to victims, although in cases where the government is unable to provide rehabilitation services, it will reimburse an NGO providing such services. During the reporting period, the government reimbursed NGOs an amount equivalent to approximately \$1,700 for rehabilitation services provided to victims. According to a government official, victims were required to have a chaperone – for their own protection – when leaving the shelters during the investigation and prosecution of their cases. The government's state shelters provided medical aid, psychological counseling, and legal assistance to 20 victims of trafficking in 2011, compared with nine in 2010. Six trafficking victims received financial assistance from the government in 2011, consisting of a one-time payment in an amount equivalent to \$650. The government reported it provided foreign victims with legal alternatives to their removal to countries where they would face hardship or retribution; foreign victims were eligible for temporary residence permits, although no foreign victims requested a residence permit in 2011. The government reported that victims were encouraged to assist law enforcement with trafficking investigations and prosecutions; all 18 victims identified by the government assisted law enforcement during the reporting period. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, NGOs reported that children occasionally were arrested for begging and coerced into criminality, as opposed to being identified and assisted as trafficking victims.

Prevention

The Government of Georgia improved its anti-trafficking prevention activities in 2011 and significantly increased cooperation with NGOs to conduct prevention campaigns. The government enacted legislation in December 2011 authorizing the executive branch for the first time to make grants to NGOs. Pursuant to this legislation, the government provided small grants to two NGOs in early 2012 to work on projects related to public awareness of trafficking and information pertaining to victim identification. It also entered into memoranda of understanding with leading NGOs to expand and coordinate cooperation in addressing trafficking.

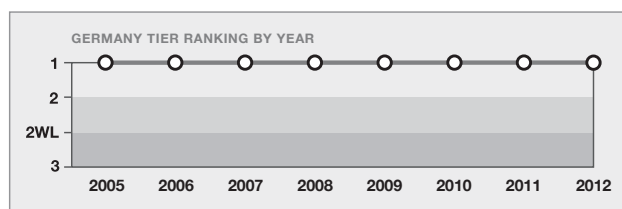
During the year the government conducted multiple information campaigns utilizing a broad array of media, including public service announcements, seminars, and television broadcasts throughout the country. The Civil Registry Agency continued its practice of distributing anti-trafficking related pamphlets when it issued new passports to citizens. The government also conducted numerous outreach events including some focused on specific segments of the population, such as university and high schools students, internally displaced persons, and ethnic minorities living in the regions. Events included numerous panel discussions, a film screening, a peer education campaign, and an essay contest. The government distributed 10,000 donor-funded trafficking indicator cards to front-line responders, including law enforcement and border officials. In coordination with NGOs, the government posted anti-trafficking posters on cross-border buses and distributed multilingual leaflets to cross-border truck drivers and others. In November 2011, authorities created a high-level, interagency steering committee to oversee the implementation of an EU-funded project to address street children. In March 2011, the government approved its new anti-

trafficking National Action Plan for 2011-2012, produced with extensive collaboration with the NGO community. During the reporting period, the government did not initiate any campaigns to reduce demand for commercial sex acts.

GERMANY (Tier 1)

Germany is a source, transit, and destination country for women, children, and men subjected to sex trafficking and forced labor. Approximately 85 percent of identified victims of sex trafficking originated in Europe, including 20 percent from within Germany, 20 percent from Romania, and 19 percent from Bulgaria. Non-European victims originated in Nigeria, other parts of Africa, Asia, and the Western Hemisphere. The majority of sex trafficking victims have been exploited in bars, brothels, and apartments – approximately 36 percent of identified sex trafficking victims reported that they had agreed initially to engage in prostitution. Young German women were sometimes coerced into sex trafficking by purported boyfriends in “loverboy” schemes. Nigerian victims of trafficking are often coerced into prostitution through voodoo rituals. Victims of forced labor have been identified in hotels, domestic service, construction sites, meat processing plants, and restaurants. Members of ethnic minorities, such as Roma, as well as foreign unaccompanied minors who arrived in Germany, were particularly vulnerable to human trafficking. Individuals with disabilities, including those hard of hearing, were vulnerable to forced labor. NGOs reported an increase of domestic workers complaining of abuse in diplomatic households. Various governments reported German citizen participation in sex tourism.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. The German government increased its identification of labor trafficking victims by approximately 75 percent, though the number of sex trafficking victims it identified decreased. The government lengthened the reflection period granted to suspected victims and provided opportunities for certain victims of exploitation to remain in the country during civil claims against their employers. The government proactively identified a high proportion of trafficking victims. Nevertheless, a German government study showed that labor trafficking identification lagged behind sex trafficking victim identification. Sentencing convicted trafficking offenders to terms of imprisonment remained a significant deficiency in the German government’s anti-trafficking efforts. Available statistics continued to indicate the majority of convicted labor and sex trafficking offenders were not required to serve time in prison, placing victims at potential risk when convicted offenders were free after trial.



Recommendations for Germany: Explore ways to increase the number of convicted trafficking offenders who receive sentences commensurate with the gravity of the crime committed; vigorously investigate, prosecute, and convict

labor trafficking offenders; consider expanding residence permit eligibility for trafficking victims that are not reliant on the victim’s willingness to testify at trial; establish an independent national anti-trafficking rapporteur to produce critical assessments on the Government of Germany’s anti-trafficking efforts; ensure forced labor and child victims’ access to appropriate assistance and protection; ensure that labor trafficking victims are fully informed of their rights; standardize victim assistance measures and government-civil society cooperation across the 16 federal states; encourage victims to take advantage of financial restitution procedures available to them in court; ensure that labor trafficking is fully integrated into Cooperation Agreements at the state level; strengthen awareness campaigns targeting beneficiaries of forced labor and clients of the sex trade, particularly in the most frequented red light districts; consider creating a mechanism to coordinate German efforts to address forced labor; and ensure that conviction data reported include all convictions for trafficking in persons.

Prosecution

The Government of Germany sustained its overall anti-trafficking law enforcement efforts during the reporting period. It significantly improved its investigations of labor trafficking cases, though its investigation of sex trafficking cases decreased. German courts continued to grant suspended sentences to convicted offenders. In 2010, the German authorities reported that the overwhelming majority of convicted labor and sex trafficking offenders were given suspended sentences. This practice derived from a provision in the criminal code allowing the suspension of assigned prison terms lower than two years, particularly for first-time offenders. Furthermore, when an accompanying criminal charge, such as one for organized crime, resulted in a higher sentence than that produced by the trafficking charge, the German authorities did not record a conviction as a trafficking conviction. Nevertheless, the reported statistics reveal that convicted traffickers frequently avoided imprisonment, creating potential safety problems for victims of trafficking and a weakened deterrence of trafficking offenses.

Germany prohibits all forms of trafficking; sex trafficking is criminalized under Section 232 of the penal code, and forced labor is criminalized under Section 233. Punishments prescribed in these statutes range from six months’ to 10 years’ imprisonment, and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as forcible sexual assault. In 2010, the last year for which statistics were available, the German state and federal authorities completed 470 sex trafficking investigations, a 12 percent decrease from 534 investigations completed in 2009. The government investigated 24 labor trafficking cases in 2010, a significant increase from 10 cases in 2009. The German authorities prosecuted 172 alleged offenders for sex trafficking offenses in 2010, compared with 189 in 2009. Of those alleged offenders, 115 were convicted, a decrease from 2009, when 135 offenders were convicted. German courts continued to suspend sentences in the majority of cases recorded as trafficking; of the 115 offenders convicted, only 23 (20 percent) were actually imprisoned. These 23 offenders received sentences between two and 10 years in prison. The German authorities prosecuted 17 alleged labor trafficking offenders, of whom 13 were convicted, though none received time in prison. This was an increase from the 15 labor trafficking offenders prosecuted in 2009. German

officials reported that securing victim testimony remained a challenge for prosecutions. According to NGOs and some officials, poor or withdrawn victim testimony impaired trials and may have contributed to the high rate of suspended sentences by resulting in lower initial sentences. Police and prosecutors noted that many trafficking investigations are led by officers with trafficking expertise, whereas many of the prosecutors on trafficking cases are organized crime specialists who have less specialized experience in human trafficking prosecutions. Some NGOs observed that some judges were insensitive to trafficking victims.

In May, the Federal Criminal Police collaborated with police from 120 stations of 13 to 16 federal states and EUROPOL to raid 1,000 prostitution venues across Germany in an effort to identify trafficking victims from West Africa. The Federal Criminal Police collaborated with several governments, including Romania, Switzerland, Bulgaria, Poland, and Nigeria to investigate trafficking cases. The German Federal Criminal Police organized several specialized seminars to educate investigating officers and prosecutors on trafficking topics, focusing, for example, on specific countries of origin and intercultural competence. The German government did not prosecute, convict, or sentence any officials complicit in trafficking in persons this year.

Protection

The German government sustained its victim protection efforts during the reporting period, offering and granting temporary residency to trafficking victims, but identifying fewer trafficking victims. The federal family ministry funded an umbrella organization representing 39 NGOs and counseling centers that provided or facilitated shelter, medical and psychological care, legal assistance, vocational support, and other services largely for adult female victims. These NGOs provided services in all German states. State governments provided significant supplemental funding for the support of trafficking victims, including shelter and counseling.

The German Federal Criminal Police developed new internal tools to improve labor victim identification, including a pocket-sized card containing indicators to guide identification and, in cooperation with the Federal Labor Ministry, other agencies and NGOs, a brochure on identifying labor trafficking victims to help identify potential victims. According to the 2010 Federal Criminal Police report, in 57 percent of all cases, the first contact between police and victims resulted from police measures. Authorities registered 610 victims of sex trafficking in 2010, a decrease from 710 sex trafficking victims in 2009. Of these 610 victims, 35 percent were cared for by counseling centers. The German authorities reported identifying 41 labor trafficking victims, a 78 percent increase from the previous year. The majority of these victims were males exploited in the restaurant sector. In 2011, the German government extended the term of the reflection period for trafficking victims from one month to three months. Trafficking victims who agreed to testify against defendants at trial were entitled to remain in Germany for the duration of the trial with residence permits on humanitarian grounds. Some victims of trafficking who faced personal injury or threats to life or freedom in their countries of origin were granted long-term residence permits during the reporting period. German law permits prosecutors to decline to prosecute victims of trafficking who have committed minor crimes. NGOs reported that, although prosecutors in practice exercise this discretion, victims may have been penalized or

deported on occasion before their legal status as victims of trafficking had been clarified.

German authorities encouraged trafficking victims to participate in investigations and prosecutions of trafficking offenders. One NGO stated that approximately 70 percent of the trafficking victims it counseled were willing to testify in court. This year, the German government amended the Residence Act to extend the right to remain in Germany to certain victims of exploitation if the victims faced an exceptional hardship were they to make claims for outstanding wages from abroad. Trafficking victims were permitted to work during the course of trial. Although compensation procedures have rarely been used in practice, an independent institute, funded in part by the German government and foundations, conducted a project to help trafficking victims claim their financial rights, focusing on educating trafficking victims and government institutions and assisting victims with their claims. Trafficking victims have 11 legal actions pending in civil and labor courts supported by the institute's project.

Prevention

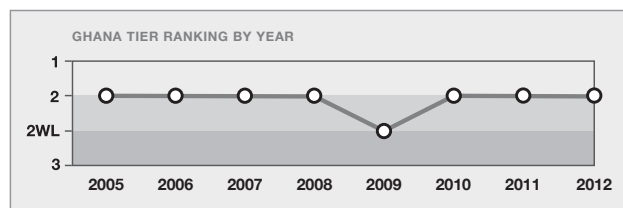
The German government sustained efforts to prevent human trafficking throughout the year. The government sustained funding for NGOs that produced public awareness campaigns in Germany and abroad through websites, postcards, telephone hotlines, pamphlets, and speaking engagements. The umbrella organization of government-funded trafficking NGOs produced a study about the sex trafficking of German citizens. In 2011, the German federal government launched an action plan for the protection of children and teenagers from sexual violence and exploitation. One of the pillars of the action plan focused on trafficking in children for the purpose of sexual exploitation. The German government continued to monitor its anti-trafficking activities through interagency mechanisms. The Federal-State Interagency Working Group on Trafficking in Women, led by the Family Ministry, reviewed counter-trafficking issues, disseminated best practices, and provided input to new laws and directives. The German Federal Criminal Police published an annual report on trafficking in persons in Germany, describing law enforcement efforts, victims, and trends. Several German states also have anti-trafficking working groups to facilitate collaboration between government agencies and NGOs.

The German Institute for Human Rights, in cooperation with a Berlin-based NGO, supported an Indonesian domestic worker's claims against her employer, a Saudi Arabian diplomat. Applying the extraterritorial jurisdiction of German law prohibiting the sexual abuse of children, German authorities in December 2011 charged a 51-year-old German citizen with nine counts of sexually abusing children in Thailand. The government also collaborated with law enforcement officials in Southeast Asia to investigate German sex tourists. NGOs reported that the majority of German sex tourists are prosecuted in destination countries. The government did not take specific measures to reduce the demand for commercial sex acts or focus public awareness on potential clients in some of Germany's best known red light districts. The German government trained military personnel to recognize and prevent trafficking in persons prior to their deployment abroad on international peacekeeping missions.

GHANA (Tier 2)

Ghana is a country of origin, transit, and destination for men, women, and children subjected to forced labor and sex trafficking. The trafficking of Ghanaian citizens, particularly children, within the country is more prevalent than the transnational trafficking of foreign migrants. Ghanaian boys and girls are subjected to conditions of forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to prostitution within Ghana. Child prostitution, and possibly child sex tourism, are prevalent in the Volta region and are growing in the oil-producing Western regions. Ghanaian women and children are recruited and transported to Nigeria, Cote d'Ivoire, Burkina Faso, The Gambia, South Africa, Israel, Syria, Lebanon, Russia, France, the United Kingdom, Germany, and the United States for forced labor and sex trafficking. Women and girls, voluntarily migrating from China, Nigeria, Cote d'Ivoire, Burkina Faso, and Benin are subjected to commercial sexual exploitation after arriving in Ghana. Citizens from other West African countries are subjected to forced labor in Ghana in agriculture or domestic service.

The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The police's Anti-Human Trafficking Unit (AHTU) received reports of 117 suspected trafficking cases and initiated 91 investigations across Ghana's 10 regions. Of those 91 investigations, prosecutions were initiated in 16 cases, 29 trafficking offenders were convicted, including three foreign trafficking offenders who were deported. The AHTU identified 409 trafficking victims during the reporting period and the Department of Social Welfare continued its support of a shelter for trafficking victims. The government engaged in anti-trafficking awareness raising activities across the country and drafted a new national action plan on combating trafficking. Despite conducting a large number of investigations and identifying several hundred victims, the AHTU remains under-staffed and under-funded. AHTU officials are the only government officials able to prosecute trafficking cases, and their limited resources impair the government's ability to adequately address the number of cases brought before it each year.



Recommendations for Ghana: Increase efforts to investigate, prosecute, and convict trafficking offenders, ensuring the AHTU has the necessary resources to achieve appropriate convictions; train law enforcement personnel to identify proactively trafficking victims among vulnerable populations – such as females in prostitution and children working in agriculture – or from emergency calls made to the Ghana Police Service (GPS), and refer them to protective services; increase government funding for protective services to victims and make information about funding allocations available to the public; improve data collection and reporting on victims

identified and assisted, and harmonize law enforcement data across the three entities – the Economic and Organized Crime Office (EOCO), the AHTU, and the Ghana Immigration Service (GIS) – responsible for investigating trafficking cases; implement the National Plan of Action against Trafficking, including a clear division of responsibilities and allocation of resources between the EOCO, GIS, GPS, and the AHTU; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Ghana demonstrated progress in its anti-trafficking law enforcement efforts during the reporting period. The AHTU, the GIS, and the EOCO identified 91 suspected trafficking cases during the last year. The AHTU secured the conviction of 29 traffickers – an increase from four convictions obtained during the previous reporting period. Ghana's 2005 Human Trafficking Act – amended in 2009 to align the definition of trafficking with the 2000 UN Trafficking in Persons Protocol – prohibits all forms of trafficking and prescribes penalties of five to 20 years' imprisonment for all trafficking crimes. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

In May 2011, 232 Ghanaian law enforcement officials worked with agents from INTERPOL to carry out a three-part operation against child trafficking. Despite reports of some 125 brothels operating in Accra, INTERPOL and Ghanaian law enforcement raided only five. During these raids, authorities removed 55 women and 65 underage female victims, although traffickers were not apprehended. During a second operation in May 2011 officials arrested 30 suspected traffickers in Lake Volta fisheries, leading to the prosecution and conviction of 28 of these trafficking offenders under a child exploitation law; each convicted trafficker received a 16-month prison sentence. In the third action, also in May 2011, law enforcement officers removed three children – one from Ghana and two from Burkina Faso – from a cocoa plantation in Tarkwa and arrested a Burkinabe man for alleged child trafficking; his case remains pending before the court. In January 2012, a court convicted and sentenced a Ghanaian woman to five years in prison for trafficking 11 Ghanaian girls to Nigeria for forced labor and prostitution. In August 2011, the AHTU opened its ninth regional Anti-Human Trafficking Unit in the town of Koforidua for the Eastern Region; however, these units remain under-funded and under-trained. EOCO conducted two training courses for its anti-human trafficking unit and members from the GPS participated in an international workshop on human trafficking. An international workshop on human trafficking, led by a local NGO, trained nearly 50 police officers from the AHTU. The GIS, with assistance from UNICEF and IOM, conducted several training courses on trafficking for immigration officers throughout the country, including training 20 GIS staff in data collection, as well as verification and management skills for trafficked and migrant people. In addition, the training also covered personal identification registration systems and in-depth passport verification and was intended to increase GIS abilities to verify travel documents and detect fraud, especially in cases of suspected human trafficking. Observers note that despite law enforcement's awareness of growing numbers of child trafficking victims in regions such as the Volta, they often do not take initiative to address a situation unless prodded by an NGO. The government did not report any investigation, prosecution, or punishment

of government employees complicit in trafficking-related criminal activities during the reporting period.

Protection

The government made limited efforts to protect trafficking victims during the year. The AHTU reported identifying 409 trafficking victims and referred an unknown number of these victims on an *ad hoc* basis to government and NGO-run facilities offering protective care. The government did not employ formal procedures to identify victims among vulnerable groups, such as women in prostitution or children at work sites. The GPS maintained a 24-hour hotline for reporting crime, including trafficking; it is not known if the hotline received any trafficking-related calls during the reporting period. Immigration officials questioned large groups of travelers suspected to include trafficking victims, and identified 15 victims during the year. Law enforcement budgets did not include provisions for victim support and, as a result, law enforcement officials often used personal funds to assist victims. Through a shelter operated in partnership with the Ghanaian government, IOM reported assisting 20 Ghanaian child labor victims during the reporting period. In Accra, the Department of Social Welfare maintained a multipurpose shelter for abused children, which also cared for an unknown number of trafficked children during the report period. If reintegration with family members is not possible, children may be placed in foster families with approval from the courts; it is unknown whether this occurred in 2011. The Department of Social Welfare paid for all medical costs associated with caring for victims, while IOM and UNICEF sponsored psychiatric rehabilitation and care. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders, and provided them with protective escorts and legal counsel during trial proceedings. The government continued to offer foreign trafficking victims temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest; no victims were granted temporary or permanent residency during the year. There were no reports that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

During the year, the government sustained its efforts to prevent trafficking. With support from an international organization, the AHTU conducted educational outreach campaigns in the Volta region; it also joined with the Ministry of Women and Children's Affairs and local NGOs to implement an awareness campaign that reached 500 community members in the Kraboa-Coaltar district in the Eastern Region to warn of the dangers of trafficking. The Ministry of Women and Children's Affairs worked with the police and IOM to air anti-trafficking radio programs in the Upper East, Eastern, and Greater Accra regions. The government also aired human trafficking documentary programs on television. The Human Trafficking Management Board – the inter-sectoral board chaired by the Minister for Women and Children's Affairs and comprised of government agencies and NGOs – met quarterly and drafted a new national action plan against all forms of trafficking in persons, as the 2006 plan remained unimplemented. Although the government took no discernible measures to decrease the demand for forced labor, it launched a child labor monitoring system in March 2012 to monitor

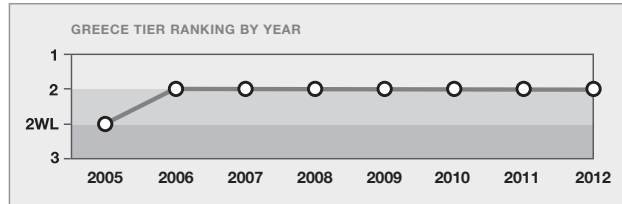
children in the Volta Region as a means of preventing them from being engaged in the worst forms of child labor, including trafficking. The government did not provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions, though such training was provided to Ghanaian troops by foreign donors. Ghana is not a party to the 2000 UN TIP Protocol.

GREECE (Tier 2)

Greece is a transit and destination country for women and children subjected to sex trafficking and for men, women, and children in forced labor. Female sex trafficking victims originate in Eastern Europe – Albania, Belarus, Bulgaria, Latvia, Lithuania, Moldova, Russia, Romania, and Ukraine – the Balkans, and increasingly from Asia and Africa, including Maghreb countries. Labor trafficking victims are primarily men and children from Afghanistan, Albania, Bangladesh, India, Moldova, Pakistan, and Romania who reportedly have been forced to work primarily in the agriculture or construction sectors, with some in domestic servitude. One Greek NGO reported that teenage males, typically unaccompanied children from Afghanistan, Pakistan, Somalia, and other countries in sub-Saharan Africa, are forced into prostitution in Greece. Victims of trafficking from Italy, Malta, and other EU countries transited through Greece. Greek NGOs and police report that traffickers used deception to enter into romantic relationships with young female victims from poorer areas in countries such as Albania or Romania with the goal of forcing the victim into prostitution in Greece. The police reported that the majority of trafficking gangs in Greece were small, cell-based criminal organizations often linked to bars, clubs, and hotels, using restaurants, nightclubs, small businesses, and yacht rental companies as money-laundering fronts. Greek police estimated that there had been likely hundreds of forced labor victims in Greece over the past few years. Police report an increase in “family-based” trafficking, in which Romanian parents bring their own children into Greece and force them to work. NGOs reported children, mainly Roma from Albania, Bulgaria, and Romania, were forced to sell small items, beg, or steal. Adolescents from Afghanistan, Pakistan, and Bangladesh smuggled into Greece were sometimes forced to repay their debt to smugglers by trafficking drugs. Some trafficking victims in Greece had been re-trafficked to Greece multiple times.

The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government identified a greater number of trafficking victims during the reporting period, compared to the previous year. Few trafficking victims were certified for victim assistance, despite a progressive statutory scheme. The government investigated many trafficking cases and imposed serious prison sentences for some of the 19 trafficking offenders convicted in Greece during the reporting period. Unresolved cases of complicity remained a challenge. Despite allegations of low-level police involvement in trafficking, the government did not report convicting any government employees for trafficking complicity. As a consequence of Greece's serious economic crisis, government funding for anti-trafficking NGOs ceased entirely; services were inconsistent and some smaller trafficking shelters struggled to remain open. However, the Ministry of Health's National Center for Social Solidarity (EKKA) operated non-trafficking-specific shelters for 80 persons (including minors) and in

cooperation with NGOs had access to another 120 beds. The judiciary continued to suffer from structural and legal inefficiencies that resulted in low conviction rates, although there was some progress on faster resolution of trafficking cases. Even with dwindling government resources dedicated to NGOs, the government and NGOs created multiple partnerships this year, cooperating and sharing resources to address trafficking, including trafficking awareness training for students.



Recommendations for Greece: Ensure victims of trafficking have an opportunity to be certified under the government program and are offered assistance and deportation relief available under Greek law, including in cases in which a criminal case is not brought; take measures to improve success rates and resolve trafficking prosecutions more quickly, such as increased specialization of prosecutors and judges; vigorously prosecute traffickers with a view to increasing convictions, including against officials complicit in trafficking; collect and provide data on length of sentences for trafficking convictions; encourage victims to participate in investigations and prosecutions by incorporating incentives, such as restitution or other benefits, into criminal proceedings and by providing enhanced protection for victims who testify; encourage sustainable funding for anti-trafficking NGOs; ensure access to specialized assistance for male victims; strengthen the central authority to coordinate and monitor anti-trafficking efforts, giving it a mandate of accountability within the inter-ministerial process; enhance public awareness campaigns targeted toward a Greek audience, including potential clients of the sex trade.

Prosecution

Government law enforcement efforts against trafficking during the reporting period were mixed, with continuing strong investigations against trafficking but low conviction rates. Greek Law 3064/2002 and Presidential Decree 233/2003 prohibit trafficking for both sexual and labor exploitation and prescribe punishments of up to 10 years' imprisonment and fines the equivalent of \$14,000 to \$70,000. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Hellenic Police's Anti-Trafficking Unit, whose head now also leads the Organized Crime Unit, focused on dismantling organized trafficking rings such as various Bulgarian, Romanian, Greek, and other rings, in cooperation with law enforcement authorities from those countries. The police conducted 41 human trafficking investigations in 2011, a decrease from 62 investigations in 2010. Six of the investigations concerned forced labor or forced begging, down from 15 labor trafficking investigations in 2010. In 2011, Greek authorities prosecuted 220 suspected offenders, in contrast to the prosecution of 246 suspected trafficking offenders in 2010. Greek authorities reported 19 new convictions of trafficking offenders in 2011, and six acquittals, compared with 28 new convictions and 14 acquittals in 2010. The Ministry of Justice did not report any suspended sentences in 2011. Sentences for convicted trafficking offenders

ranged from one to 18 years' imprisonment. In many cases, the trafficking offenders were also required to pay large penalties, up to the equivalent of \$140,000. While the government did not report whether cases investigated or prosecuted were sex or labor trafficking cases, the Greek police were known to have investigated a few labor trafficking cases, including cases involving forced begging and forced labor in strawberry fields. There were reports that many judges and attorneys continued to lack a basic understanding of human trafficking and displayed a lack of sensitivity toward victims; nevertheless, NGOs reported some progress in prosecutors' sensitivity toward trafficking. In some of the successful trafficking prosecutions, NGOs played a key role in victim support, including legal and psychological assistance and payment of court fees.

The Hellenic Police incorporated anti-trafficking training in all its police academies. The Anti-Trafficking Unit ensured continuous training for police officers on duty and also provided training to first responders on trafficking, including all 160 first responders in the Attica region. The Greek government enhanced partnerships with NGOs to improve identification at the border. The Greek anti-trafficking unit targeted organized crime groups, such as a Bulgarian trafficking ring that used force and threats to force children and people with mental and other disabilities to beg in Greece. In 2011, the Greek Anti-Trafficking Police reported cooperating with Italy, Romania, Russia, Albania, and Bulgaria on trafficking cases.

There were allegations that local police and vice squad officers took bribes from trafficking offenders. Although the government reported it discharged and investigated corrupt officers in general, the government did not report the investigation, prosecution, conviction, or sentencing of any government employees for trafficking-related crimes. Older trafficking-related corruption cases remained pending, with no accountability reported.

Protection

The government's efforts to protect victims of trafficking diminished during the reporting period. Funding for NGOs ceased as the result of the economic crisis, so some smaller trafficking shelters struggled to remain operational, and fewer victims were certified for care. However, more victims were identified over the year. The government has strong legislative provisions to protect trafficking victims, including three to five month reflection periods and provisions for legal aid. NGOs reported that the reflection period was rarely offered and that victims were sometimes asked to make a decision regarding participation in prosecution immediately when interviewed, even in cases in which the victim still feared the trafficking offenders. NGOs also reported that legal aid provisions are rarely implemented in practice. The Ministry of Interior reported that it granted legal residency permits to 62 trafficking victims – nine new permits and 53 renewals; this is down from 87 residency permits in 2010 – 21 new permits and 66 renewals. The police explained that the number of residency permits decreased because the majority of victims were EU citizens originating in Romania or Bulgaria and thus had the right to residency without a permit.

In 2011, in the wake of newly announced austerity measures, the Ministry of Foreign Affairs ceased funding to NGOs for assistance of trafficking victims even while they continued support and assistance by establishing valuable partnerships with NGOs. As a result, NGOs reported uneven provision

of victim support services, including shelter and legal aid. While the government-run and non-government funded NGO shelters continued to provide care to victims, some smaller domestic NGOs struggled because of lack of private support and unreliable government funding. Nevertheless, the Government of Greece operated various mixed-use shelters to accommodate trafficking victims (including children) and victims of domestic abuse in Athens, and helped victims of trafficking find safe shelter in all areas of the country. The government did not detain victims of trafficking in these shelters; they could leave unchaperoned and at-will. The Greek government did not have special shelters available for adult male victims of trafficking; adult male victims were generally repatriated. In 2011, the Greek government officially identified 97 victims of sex and labor trafficking, in contrast to 92 victims of trafficking identified in 2010. Some NGOs and the police reported that victim identification procedures improved during the last year among front-line Border Police, Coast Guard, and vice squad officers. Of the total number of victims, 70 were referred to care facilities for assistance. Out of the 97 victims identified, approximately nine received official certification as victims, a condition precedent for government-provided care. NGOs reported that it was difficult for victims to receive certification, particularly in cases in which victims chose not to participate in police investigations. Victims could obtain restitution only if they filed civil suits against trafficking offenders. However, obtaining compensation for victims of trafficking was difficult in practice, given the high cost of filing civil lawsuits and the inefficiency of the administrative court system. NGOs reported that, even though victim identification improved over the long term, it continued to be a weakness for the government. The government worked on increasing international partnerships and allocated the equivalent of \$28,000 to an international project aimed to develop common guidelines on trafficking victim identification, collaborating with the governments of France, Bulgaria, the Netherlands, Romania, and Spain.

Prevention

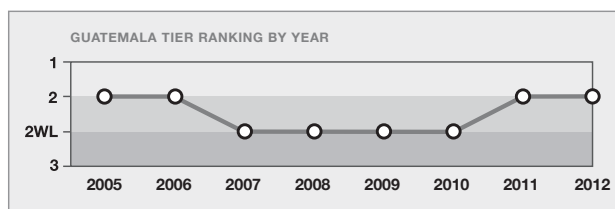
The Government of Greece improved its prevention activities during the reporting period. The General Secretariat for Gender Equality of the Ministry of Interior launched a new anti-trafficking public awareness campaign targeting both victims and clients, broadcasting anti-trafficking messages through major national TV and radio channels. In collaboration with UNHCR and the Ministry for Citizen Protection, the General Secretariat for Gender Equality issued a booklet in Greek and in English with guidelines for first-contact personnel for the protection upon their entrance to Greece of women and girls at risk of trafficking. The Parliament established an anti-trafficking parliamentary committee in January 2012. The government had a national action plan to address trafficking in persons, which it developed in coordination with NGOs. The government also passed a new law, providing that migrants to Greece must be interviewed and informed of their rights on arrival; if this law is applied, it should give trafficking victims an opportunity to be identified. The government collaborated with IOM, NGOs, foreign governments, and other partners on multiple anti-trafficking conferences in 2011, including on promoting a victim-centered approach to trafficking in persons, training of prosecutors and judges, and a trilateral border anti-trafficking conference in collaboration with Bulgaria and Turkey. During the reporting period, the National Coordination Mechanism headed by the Ministry of Foreign Affairs had the authority only to coordinate activities,

but did not have a mandate of accountability. A state-operated gender hotline was available to receive anti-trafficking calls; in 2011, it received one call regarding trafficking in persons. The Greek government collaborated with IOM and other entities to support several anti-trafficking awareness raising events during the reporting period, including a film screening for 500 judges and prosecutors, a theater presentation, and high school outreach. The government did not undertake specific projects to reduce the demand for commercial sex acts during the reporting period. The Greek government trained military personnel on trafficking in persons prior to their deployment abroad on international peacekeeping missions.

GUATEMALA (Tier 2)

Guatemala is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Guatemalan women and children are exploited in sex trafficking within the country, as well as in Mexico and the United States. Guatemalan men, women, and children are subjected to forced labor within the country, often in agriculture or domestic service. Guatemalan men, women, and children also are found in conditions of forced labor in Mexico and the United States in agriculture, the garment industry, and in domestic service. During the year, 19 Guatemalan women and one man were subjected to domestic servitude in Jordan and Israel. Indigenous Guatemalans are particularly vulnerable to forced labor. In the border area with Mexico, Guatemalan children are exploited for forced begging and vending on streets, and forced labor in the majority of municipal dumps throughout the country. Women and children from other countries in the region, including El Salvador, Honduras, Colombia, and Nicaragua, are exploited in sex trafficking in Guatemala. Child sex tourism is prevalent in certain tourist areas such as Antigua, Puerto Barrios, Rio Dulce, around Lake Atitlan, and in Tecun Uman on the Mexican border. Child sex tourists predominately come from Canada, Germany, Spain, and the United States. According to NGOs and government officials, organized crime networks continue to be involved in some cases of human trafficking, and gangs recruit children to commit illicit acts, sometimes using force or coercion.

The Government of Guatemala does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Guatemalan authorities maintained anti-trafficking progress, particularly through continued law enforcement efforts and the sustained funding of a dedicated shelter for adult trafficking victims. The government also launched a program to provide specialized services to victims of trafficking and sexual violence. Investigative units, however, remained under-funded, many judges and law enforcement officials were poorly informed about human trafficking, and official complicity continued to impede anti-trafficking efforts.



Recommendations for Guatemala: Vigorously implement the anti-trafficking law and statutes prohibiting child sex tourism; continue efforts to investigate and prosecute trafficking offenses, especially suspected cases of forced labor and domestic servitude, and convict and punish trafficking offenders; proactively investigate and prosecute public officials complicit in trafficking; improve victim referral mechanisms to ensure that all victims, including victims of forced labor and domestic servitude, are referred to appropriate services, including shelters; enhance the availability of specialized victims services throughout the country, including through partnerships with civil society; continue to conduct training for judges, police, immigration officers, and other government officials on how to identify and assist victims; and increase funding for anti-trafficking efforts, particularly for the country's dedicated prosecutorial and police units.

Prosecution

The government maintained its anti-trafficking law enforcement efforts during the year. Article 202 of the Guatemalan penal code prohibits the transport, transfer, retention, harboring, or reception of persons for the purposes of exploitation, including forced prostitution, sexual exploitation, forced labor or services, begging, slavery, illegal adoptions, or forced marriage, in addition to other prohibited purposes. Penalties prescribed under Article 202 are from eight to 18 years' imprisonment. Such penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Anti-trafficking police and prosecutors suffered from a lack of funding, human resources, and training, and NGOs reported that most cases were reactive responses to NGO complaints, as opposed to proactive investigations. The dedicated anti-trafficking police unit within the national civil police department for the investigation of sexual crimes, trafficking in persons, and disappeared children had only four trafficking investigators to cover the entire country. The government also maintained a small prosecutorial unit to investigate and prosecute human trafficking cases; this unit had only five prosecutors and 10 assistant prosecutors and had insufficient funding and staff. Much of this unit's work focused on crimes such as illegal adoptions and child kidnapping and disappearance, which do not fall within the 2000 UN TIP Protocol; therefore, officials could not indicate how many of the 107 criminal proceedings initiated during the year were for forced labor or sex trafficking.

During the reporting period, authorities convicted five sex trafficking offenders using the anti-trafficking law; sentences ranged from eight to 16 years' imprisonment, plus fines the equivalent of between \$39,000 and \$52,000. In comparison, during the previous year, the Guatemalan government reported 10 convictions for human trafficking offenses, two using the anti-trafficking law and others using different statutes, with sentences ranging from three to five years' imprisonment.

Some judges reportedly dismissed trafficking cases or acquitted trafficking offenders due to a lack of understanding of the crime, and NGOs noted that some officials do not understand that forced labor is a crime. Credible reports from international organizations, NGOs, and several government officials continued to indicate that corrupt public officials impeded anti-trafficking law enforcement efforts and facilitated trafficking activity by accepting or extorting bribes, falsifying identity documents, leaking information about impending police raids to suspected traffickers, and ignoring trafficking

activity in commercial sex sites. The government did not report investigating, prosecuting, convicting, or punishing any officials complicit in human trafficking. Guatemalan authorities held numerous anti-trafficking workshops and conferences aimed at educating and building capacity among judges, police, prosecutors, immigration officers, and other government officials; most trainings were conducted in partnership with civil society and with funds from foreign governments or international organizations. Authorities were attempting to coordinate with Jordanian officials on a joint investigation at the end of the reporting period.

Protection

Although the government largely relied on NGOs and international organizations to provide the bulk of victim services, it maintained a specialized trafficking shelter for adult victims and, during the year, launched a program to provide services to victims of trafficking and sexual violence. While the government reported employing standard operating procedures on how to assist sex trafficking victims, it does not employ procedures for identifying forced labor victims among vulnerable populations, and labor inspectors did not have sufficient training or resources to identify victims. Most NGOs remain critical of the government's ability to identify and refer trafficking victims effectively. While authorities reported identifying hundreds of victims, it was unclear how many of these victims were children involved in illegal adoption and how many were counted multiple times by separate government entities. The Ministry of Foreign Affairs facilitated the repatriation of 50 trafficking victims returning to Guatemala from abroad, as well as the voluntary repatriation of five Colombians from Guatemala. During the year, 10 victims stayed in the government-operated shelter, which had a capacity to care for 20 victims. Child victims could be referred to three NGO-operated shelters dedicated to girl trafficking victims, or could be referred to a government orphanage where they could receive specialized care. The absence of an effective referral mechanism appeared to impede the government's ability to provide victims, particularly adults, with care services. With international organization funding, authorities launched a program to provide client services to victims of trafficking and sexual abuse, although they did not report how many trafficking victims received services through this program during the year. NGOs did not receive government funding to provide services to trafficking victims.

Although Guatemalan authorities encouraged victims to assist with the investigation and prosecution of their traffickers, most victims did not file complaints due to fear of violence or reprisals, lack of faith in the judicial system, and the limitations of the government's witness protection program. Guatemalan law allowed for victim testimony via video. While Guatemalan law established that convicted traffickers should provide restitution to victims, there were no reports that this occurred during the reporting period. The government did not detain, fine, or otherwise penalize identified victims for unlawful acts committed as a direct result of being trafficked. Guatemalan authorities reported that all identified foreign trafficking victims were sent directly from the immigration detention center to the government-run shelter for adult victims. However, victims may not have had their victim status recognized by Guatemalan authorities before being deported as undocumented migrants. Guatemalan law provides legal alternatives to removal of foreign victims who may face hardship or retribution upon repatriation. The authorities

offered these alternatives to foreign trafficking victims but reported that no victims had accepted.

Prevention

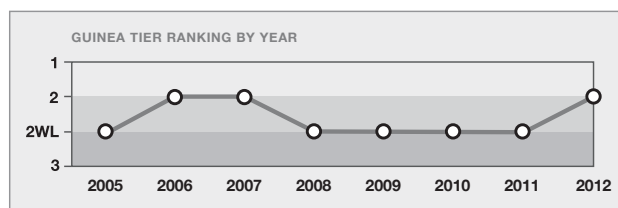
The Government of Guatemala maintained prevention efforts. The Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons (SVET) was responsible for coordinating government efforts, as was the interagency anti-trafficking commission, which met six times during the year. Some officials and NGOs indicated that SVET was a weak coordinating body. Authorities continued public awareness campaigns, including distributing information pamphlets through its consulates abroad. Officials reported re-launching a trafficking hotline in January 2012. The independent human rights ombudsman published a report on the trafficking situation in Guatemala. Despite continued reports of child sex tourism, which is prohibited by Article 195 of the penal code, there were no reported prosecutions or convictions of child sex tourists. Authorities provided training on human trafficking to Guatemalan troops prior to their deployment abroad on international peacekeeping missions.

GUINEA (Tier 2)

Guinea is a source, transit, and, to a lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. The majority of Guinea's trafficking victims are children, and incidents of trafficking are more prevalent among Guinean citizens than foreign migrants residing in Guinea. Girls are often subjected to domestic servitude and commercial sexual exploitation, while boys are forced to beg on the streets, to work as street vendors or shoe shiners, or to labor in gold and diamond mines. Some Guinean women and men are subjected to forced labor in agriculture. Smaller numbers of girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea-Bissau migrate to Guinea, where they are subjected to domestic servitude and likely also to commercial sexual exploitation. Children are sent to the coastal region of Boke for forced labor on farms and to Senegal for education in Koranic schools, some of which exploit students through forced begging. Some Guinean boys and girls are subjected to forced labor in gold mining in Senegal, Mali, and possibly other West African countries. Guinean women and girls are subjected to domestic servitude and forced and child prostitution in Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain. Reports indicate that Chinese and Vietnamese women are subjected to forced prostitution in Guinea and that some Guinean woman who migrate to the Middle East and Europe are subjected to forced prostitution and domestic servitude.

The Government of Guinea does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Since Guinea's first democratic election in December 2010, the government has experienced limited funding, endemic corruption, and austerity measures. Due to funding difficulties, the country's criminal courts, which handle major crimes such as human trafficking, have not convened since 2009. However, the Government of Guinea did achieve a trafficking conviction in 2011 under charges of child abduction, which was prosecuted in a lower court. The government also investigated a significant number of trafficking cases in 2011, compared to no investigations in

the previous reporting period, and identified an increased number of child trafficking victims. The government struggled, however, to provide adequate protection to trafficking victims, and its overall prevention efforts remained weak.



Recommendations for Guinea: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; work towards gaining capacity for the criminal courts to convene; educate prosecutors on trafficking-related statutes that can be pursued through the lower courts until the criminal courts convene; train law enforcement officials and magistrates on anti-trafficking statutes in the child code and the existing penal code; finalize and adopt the implementing text for the child code; increase prescribed penalties for the sex trafficking of adults; provide specialized training to border officials to recognize trafficking victims and to refer them to protective services; investigate allegations of corruption among border officials; implement the 2012-2013 national action plan; develop stronger partnerships with NGOs and international organizations, where possible, to care for victims and develop systemic referral practices for victim care; enhance partnership and information-sharing mechanisms among government agencies involved in combating trafficking; and increase efforts to raise public awareness about trafficking.

Prosecution

The Government of Guinea demonstrated notable progress in its anti-trafficking law enforcement efforts over the past year. It significantly increased its investigations of suspected trafficking crimes during the reporting period; however, only 13 of 59 cases were submitted to the courts for prosecution. Guinean law does not prohibit all forms of trafficking, including forced prostitution of adults and debt bondage. Article 337 of the 1998 penal code prohibits individuals from entering into agreements that deprive third parties of their liberty, prescribing penalties of five to 10 years' imprisonment and confiscation of any proceeds from the crime. Articles 385-396 of the 2009 Child Code prohibit all forms of child trafficking and prescribe penalties of five to 10 years' imprisonment and the confiscation of any proceeds from the crime. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government initiated 59 new trafficking investigations, submitted 13 cases to the courts, and successfully convicted one trafficking offender during the reporting period: a significant increase compared to no anti-trafficking law enforcement activity in 2010. Twelve cases remain pending at the close of the reporting period. The non-functioning of the criminal courts during the reporting period greatly inhibited the government's efforts to secure trafficking convictions. In June 2011, the court of appeal of Kankan confirmed a decision by the justice of the peace of Macenta convicting a trafficking offender under Article 340 (child abduction) of the penal code for kidnapping a six-year-old girl with intent to transport her to Mali. The trafficking offender was sentenced to one year's imprisonment and forced

to pay a fine equivalent to \$70 along with court fees. The prosecutor chose to pursue child abduction charges, as these offenses would not require a hearing before the criminal court. In September 2010, the government imprisoned a Koranic teacher for nearly burning alive a four-year-old child for eating, without permission, the peanuts he was forced to grow for the teacher. His prosecution was delayed pending a determination of the child's medical condition. The Ministry of Security's Office for the Protection of Gender, Childhood and Morals employed approximately 56 police investigators throughout the country to investigate allegations of human trafficking and child labor; the number of trafficking cases this unit investigated during the reporting period is unknown. The government did not provide any specialized training to its officials on the recognition, investigation, and prosecution of human trafficking. Border guards allegedly were involved in trafficking-related corruption, although the government took no known action to address these allegations.

Protection

The government's protection of trafficking victims remained limited and difficult to assess during the reporting period. Government funding for all social programming was constrained by austerity measures taken to avoid fiscal insolvency. The government reported that the Ministry of Social Affairs, in collaboration with local citizens, rescued 30 children in 2011 – an increase from 2010 – but did not specify the nature of the crimes committed against the children. The government reported its security forces either delivered these children to local NGOs or returned them to their homes. The government did not provide trafficking victims with direct access to legal, medical, or psychological services, and did not provide direct or in-kind support to foreign or domestic NGOs that assisted victims; it did, however, refer on an *ad hoc* basis an unknown number of child victims to NGOs that provided such services. The government reported that it operated rudimentary, multipurpose care stations at military bases for child victims prior to their being referred to NGOs, but the services such stations provided were unclear. NGOs reported that local *ad hoc* systems of police referral of victims to NGOs functioned well in certain areas of the country, and an unknown number of potential victims to NGOs and international organizations were referred for assistance. The Ministry of Social Affairs' section for at-risk children provided assistance to a few hundred children, a small number of whom may have been trafficking victims; however, it did not indicate the type of assistance provided. Although it is legally available, the government did not provide temporary or permanent residence status to victims from countries where they would face retribution or hardship; it is unclear if any of the 30 identified victims were offered or requested such immigration relief. The child code contains provisions allowing NGOs to bring cases to court on behalf of victims, and the government reported that a victim could file a civil suit against a trafficking offender provided the victim is older than 12 years of age; however, this did not happen during the reporting period. There was no evidence that the government encouraged trafficking victims to participate in the investigation or prosecution of their traffickers during the year. It is not known whether any trafficking victims were prosecuted for violations of other laws.

Prevention

The Government of Guinea did not conduct any trafficking prevention campaigns during the reporting period, although the Ministry of Social Affairs updated the National Action Plan to Combat Trafficking in Persons to cover through 2013. The National Committee to Fight against Trafficking in Persons (CNLTP) met sporadically throughout 2011. Despite the involvement of numerous government ministries in combating trafficking, the ability to share information among agencies remains limited, and NGO observers stated that the CNLTP is chronically understaffed, poorly trained, and underpaid. Despite having a widespread problem with child labor in Guinea, the government did not implement any social programs to prevent children from entering exploitative work situations, and according to NGOs, labor inspectors lacked the capacity to adequately conduct child labor investigations. The government did not take steps to reduce the demand for commercial sex acts.

GUINEA-BISSAU (Tier 2 Watch List)

Guinea-Bissau is a country of origin and destination for children subjected to forced labor and sex trafficking. The scope of the problem of trafficking in adult women or men for forced labor or forced prostitution is unknown. Unscrupulous *marabouts* (religious teachers), or their intermediaries, recruit boys under the pretense of offering them a Koranic education, but subsequently transport them to Senegal or, to a lesser extent, Mali or Guinea, where they are forced to beg for money. Young boys are increasingly sent to cities within Guinea-Bissau for the same purpose. Men from the regions of Bafata and Gabu – often former students of the *marabouts*, known as *talibes* – who are generally well-known within the communities in which they operate are the principal trafficking offenders. NGOs observed an alarming increase in overall trafficking during the past year. Boys reportedly were transported to southern Senegal for forced manual and agricultural labor, girls were forced into domestic service in Bissau, the capital, and both boys and girls were forced to work as street vendors in Bissau-Guinean and Senegalese cities. Bissau-Guinean girls are subjected to domestic servitude in Guinea and Senegal, while a smaller number are subjected to child prostitution the same countries, including for exploitation by international sex tourists.

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledged that human trafficking is a problem in the country and enacted a comprehensive anti-trafficking law in June 2011, followed by a national plan of action for implementing the law. It also facilitated the repatriation of 120 trafficking victims from Senegal and provided a small amount of funding to NGO shelters that provided victim care. It did not, however, pursue criminal action against trafficking offenders during the year. Anti-trafficking awareness efforts applied the misleading phrase “children in movement” in place of “trafficking” in an attempt to avoid backlash from religious communities. Police claimed to monitor the activities of known trafficking perpetrators, but failed to initiate law enforcement actions against them.



Recommendations for Guinea-Bissau: Focusing first on Pirada and Sao Domingos, transit towns on the border with Senegal, train law enforcement officials and magistrates to use the new anti-trafficking law to investigate and prosecute trafficking offenses; ensure that efforts to hold parents criminally liable for sending their children with abusive *marabouts* are accompanied by efforts to prosecute and convict the unscrupulous *marabouts* who use *talibes* for forced begging; ensure that budget allocations are designated to keep prisons fully operational with furnishings and security staff to ensure that trafficking offenders serve prison sentences; undertake increased efforts to coordinate with NGOs to provide services to trafficking victims; increase partnership and coordination between the National Institute of Women and Children (INMC) and local NGOs to advance anti-trafficking efforts; and in collaboration with NGOs, implement a public awareness campaign warning families about the dangers of trafficking.

Prosecution

Although the Government of Guinea-Bissau enacted comprehensive anti-trafficking legislation during the reporting period, it did not prosecute or punish any trafficking offenders. In June 2011, the Parliament passed Public Law 12/2011, which is Guinea-Bissau's first comprehensive law against human trafficking. The law prescribes penalties of three to 15 years' imprisonment and the confiscation of any proceeds from the crime. The 2009 Child Code prohibits all forms of child trafficking and prescribes penalties of three to 10 years' imprisonment and the confiscation of any proceeds from the crime. The penalties prescribed by these statutes are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, neither these laws nor other existing laws were used to prosecute trafficking cases during the reporting period.

An unknown number of suspected traffickers were arrested and possibly detained, but the government reported no investigations or prosecutions of trafficking offenses. During the reporting period, border police detained and questioned five *marabouts* on suspicion of child trafficking, although they were eventually released and no charges were filed against them. Observers noted that most parents of trafficked children remained unwilling to press charges against suspected traffickers. Guinea-Bissau's judicial system lacks sufficient human and physical capital to function properly and corruption remained pervasive. In contrast to previous years, however, some prisons were staffed and functioning. The government did not provide any specialized training to law enforcement officials on investigating or prosecuting trafficking crimes. During the reporting period, members of an Italian police force provided on-site training to border guards in Pirada, a major trafficking route. There were no investigations into official government complicity, but observers believe police and border guards accepted bribes to release trafficking offenders from detention centers, and politicians intervened

to facilitate the release of influential religious leaders accused of trafficking to garner political support.

Protection

The Government of Guinea-Bissau demonstrated overall inadequate efforts to identify and protect victims during the year, though it provided modest financial assistance to NGO-run shelters that cared for trafficking victims. NGOs reported that the government did not make systematic efforts to identify victims proactively and refer them to NGOs and international organizations. Although the INMC routinely called NGOs to alert them to the arrival of repatriated trafficking victims, the government offered no additional assistance. During the last year, the central government contributed the equivalent of \$16,000 to an NGO that operated two multi-purpose shelters, and two local governments paid the salaries of security guards for two care facilities for previously-exploited *talibes* in their jurisdictions. The Bissau-Guinean Embassy in Dakar organized and funded the repatriation of 120 Bissau-Guinean victims identified in Senegal. There are reports that some children who were able to escape their traffickers walked back to Guinea-Bissau from Senegal on their own; the government did not provide these children with services upon their return, and there were reports that many of them ended up living on the street. Child victims were not encouraged to assist in the investigation and prosecution of trafficking offenses; the government reported encouraging adult family members and neighbors to participate in legal proceedings against the suspected traffickers of their children, although none occurred. There is no evidence that the government detained, fined, or jailed trafficking victims for unlawful acts committed as a result of being trafficked.

Prevention

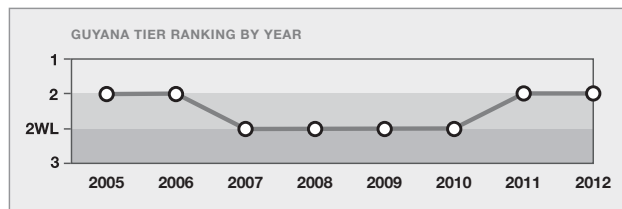
The government undertook minimal anti-trafficking prevention efforts during the reporting period. An inter-ministerial steering committee, chaired by INMC, met once during the reporting period and adopted a national action plan for 2011-2013, which is primarily aimed at providing guidance for implementing the new anti-trafficking law. This plan also obligates the government to contribute to anti-trafficking efforts from its general funds each year. NGOs expressed concern over the lack of transparency and partnership between the INMC and the NGO community. The government participated in NGO-led anti-trafficking awareness campaigns in the form of local workshops, radio and television announcements, informational flyers, and door-to-door campaigns. International donors provided the funding for these outreach events. The government took no discernible measures to reduce the demand for commercial sex acts or forced labor during the year.

GUYANA (Tier 2)

Guyana is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Guyanese nationals have been subjected to human trafficking in other countries in the Caribbean region. Cases of human trafficking reported in the media generally involved women and girls in forced prostitution. Country experts expressed concern that exploitative child labor practices occur within the mining industry, agriculture, and forestry sector. The

limited government control of Guyana's vast interior regions, combined with profits from gold mining and the prostitution that accompanies the industry provide conditions conducive for trafficking. People in domestic service in Guyana are vulnerable to human trafficking, and instances of the common Guyanese practice of poor, rural families sending children to live with higher-income family members or acquaintances in more populated areas creates conditions conducive to domestic servitude. Guyanese from rural, economically depressed areas are particularly vulnerable to trafficking in mining areas and urban centers. There is additional concern that young Brazilian women in prostitution are vulnerable to trafficking as well.

The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increased efforts to identify and assist trafficking victims. There were no prosecutions of trafficking offenders and there was no reported progress on prosecutions initiated in previous reporting periods, highlighting serious concerns about a lack of accountability for trafficking offenders in Guyana. The absence of formal standard operating procedures to guide officials in victim identification and protection, disincentives for reporting and working on trafficking cases, as well as lack of action to address perceived official complicity, were also obstacles to progress.



Recommendations for Guyana: Boost efforts to hold trafficking offenders accountable by vigorously and appropriately investigating and prosecuting forced prostitution and forced labor, including police, customs, and immigration officers complicit in trafficking; in partnership with NGOs, develop standard operating procedures to guide and encourage front line officials, including police, health, immigration, labor, mining, and forestry personnel in the identification and protection of forced labor and forced prostitution, ensuring that victims are not punished for crimes committed as a result of being in a trafficking situation; foster a climate of open dialogue on trafficking and encouraging people to come forward to authorities on potential cases; and consider developing a working level task force to complement the policy level task force that would be able to coordinate the day-to-day efforts of law enforcement, NGOs, prosecutors, as well as labor, health, mining, and forestry officials to address obstacles, plan strategy, and work together on specific cases.

Prosecution

The government made no discernible progress in holding human trafficking offenders in Guyana accountable during the reporting period. The Combating Trafficking of Persons Act of 2005 prohibits all forms of trafficking and prescribes sufficiently stringent penalties, ranging from three years' to life imprisonment. The penalties are commensurate with penalties prescribed for other serious crimes, such as rape. The government reported 13 trafficking reports during the year but reported initiating only two new trafficking investigations.

Authorities reported no new prosecutions or convictions. Of two sex trafficking prosecutions initiated in previous years, one remained pending, and one was dismissed.

There were many challenges to achieving successful prosecutions in Guyana. In almost all cases, the government treated trafficking as a summary offense in the lower courts, where cases are often dismissed, indicating a lack of severity assigned to the crime of trafficking. Guyana's legal system suffered from a severe case backlog in all areas that limits the efficiency and effectiveness of the system; repeated delays in nearly all criminal prosecutions increased the likelihood that victims would become discouraged and cease cooperation as witnesses in trafficking prosecutions. Perceived corruption and low public confidence in the Guyana Police Force also were problems. The government's public insistence that human trafficking in not a significant problem in the country created a potential disincentive for police and court officials to address trafficking cases. There was evidence that people could be penalized for reporting suspected human trafficking crimes to the police. The press reported that police arrested a mother immediately after she reported concern that her daughter was in forced prostitution.

Protection

The government made efforts to protect victims of trafficking during the reporting period. Specifically, in a positive step, the government was able to document that it identified and assisted an increased number of sex trafficking victims during the reporting period. Officials reported identifying 13 sex trafficking victims and assisting six of these during the reporting period, compared with three sex trafficking victims identified and assisted during the previous reporting period. For another year, the government did not identify any victims of forced labor, raising concerns that the government did not employ systematic procedures to guide front-line responders, such as police, mining officials, forestry officials, labor inspectors, and health officials, in identifying victims of human trafficking. Trafficking victims in Guyana faced disincentives to seek help from authorities due to fear of retribution from trafficking offenders and fear of arrest. The government estimated that it spent the equivalent of approximately \$7,500 toward trafficking victim assistance during the reporting period. The government had an unsigned memorandum of understanding with a domestic violence NGO in Georgetown to provide shelter and other assistance; the NGO assisted the six sex trafficking victims referred to it by authorities during the reporting period. There were no shelter facilities in other areas of the country. In accordance with Guyana's anti-trafficking law, there are legal alternatives to the removal of foreign victims to their home countries where they may face hardship or retribution. Highlighting the need for standard operating procedures to guide authorities in the identification and handling of potential trafficking cases, there was evidence that some potential trafficking victims were penalized for crimes committed as a result of being in a trafficking situation. Following anti-trafficking raids of brothels in 2011, some foreign women in prostitution were jailed and deported immediately for immigration violations, without the involvement of an NGO or concerted efforts to identify possible trafficking victims. Local observers have noted that other potential child victims may have been sent to the juvenile detention center.

Prevention

The government made limited progress in preventing human trafficking during the reporting period. The government continued to focus its public comments on the scope of Guyana's trafficking problem, maintaining that it is limited, rather than fostering an open dialogue to build public awareness of the potential for trafficking and how to identify, report, and prevent cases. Minimizing the existence of human trafficking hindered the progress of trafficking awareness campaigns, which were largely donor driven and funded. An NGO that received government funding operated a hotline that had operators trained to assist trafficking victims. The government has not updated its national action plan to combat trafficking in persons since 2005. The Ministry of Home Affairs was the lead agency for combating human trafficking, with the minister of Home Affairs serving as chair of the government's national task force for combating trafficking in persons. The Ministry of Labor, Human Services, and Social Security was the lead agency for victim related issues and child labor. Officials did not report any measures to reduce the demand for commercial sex acts during the reporting period. There were no reports that Guyana was a significant sex tourism destination.

HAITI (Tier 2 Watch List)

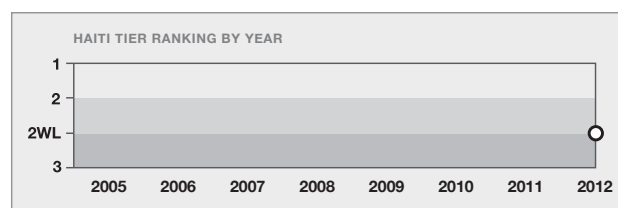
Haiti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Many of Haiti's trafficking cases are the estimated 150,000-500,000 *restaveks* – the term for children in forced domestic service. The majority of children that become *restaveks* do so when recruiters arrange for them to live with families in other cities and towns in the hope of going to school. *Restaveks* are treated differently from other non-biological children living in households; in addition to involuntary servitude, these children are particularly vulnerable to beatings, sexual assaults, and other abuses by family members in the homes in which they are residing. Dismissed and runaway children, many of whom were former *restaveks*, as well as many *restaveks* displaced by the 2010 earthquake, make up a significant proportion of the large population of street children who end up forced into prostitution, begging, or street crime by violent criminal gangs in Haiti. There were some incidents of foreigners procuring child commercial sex acts, including at least two incidents of sexual exploitation and abuse reported by the UN Stabilization Mission in Haiti (MINUSTAH). There have been documented cases of Dominican women in forced prostitution in Haiti.

NGOs monitoring the Haitian-Dominican border reported that children frequently cross the border illegally, often in the company of an adult who is paid to pretend to be the child's parent or guardian until they get to the other side. Some of these children are reunited with parents working in the Dominican Republic, but others are believed to be forced into organized begging rings or in domestic servitude. Authorities have also reported regularly seeing trucks full of children heading for the border, as well as "mobile brothel" trucks containing people in prostitution, driving from town to town and across the Haitian-Dominican Republic border.

Haitian men, women, and children also are subjected to forced labor and sex trafficking in the Dominican Republic, other Caribbean countries, the United States, and South

America. The groups most at risk to trafficking were those from the lowest income backgrounds, especially undocumented Haitians. One Haitian government report estimated that the births of more than 10 percent of Haitians were not registered.

The Government of Haiti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Haiti is placed on Tier 2 Watch List. The absence of strong legislation criminalizing all forms of human trafficking and related policies or laws on victim protection severely limited the government's ability to prosecute trafficking offenders and protect victims. Still recovering from the 2010 earthquake, coordination of anti-trafficking activities remained a challenge and support for victims was almost exclusively donor funded because of the lack of capacity in existing and weak government institutions. However, government officials worked with NGOs to rescue child trafficking victims.



Recommendations for Haiti: Enact legislation prohibiting sex trafficking and all forms of forced labor, including domestic servitude, with penalties that are proportionate to other serious crimes such as rape; investigate, prosecute and convict trafficking offenders, including persons abusing *restaveks* or prostituting children under 18, using available legal instruments; adopt laws or policies to guarantee victims are not punished for crimes committed as a direct result of being trafficked; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of child and adult victims to appropriate shelters and services; raise awareness through high-level public statements to inform the public about the causes and consequences of forced labor and forced prostitution; and establish an inter-ministerial task force to plan and coordinate the government's anti-trafficking efforts.

Prosecution

The government did not make discernible progress in prosecuting traffickers during the reporting period because Haiti does not have a law or laws specifically prohibiting trafficking in persons. Draft human trafficking legislation remained pending in Parliament during the reporting period. There were some laws that could potentially be used to prosecute some trafficking offenses, such as the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill-treatment or Inhumane Treatment against Children of 2003, but the government did not report any prosecutions or convictions of any trafficking offenders in Haiti under this law or under any other statutes during the reporting period. The Brigade for the Protection of Minors (BPM), the government agency responsible for investigating crimes against children, reported initiating 42 cases of child trafficking, resulting in 25 arrests during the reporting period. During

the reporting period, the Haitian government attempted to extradite to the Dominican Republic a person charged with trafficking; however, because no extradition agreement exists between the two countries and there was no clear law against trafficking in Haiti, authorities released the individual after a two-week detention period without charge. The absence of legislation also contributed to confusion among elements of the Haitian government and some of its international donors regarding the crimes of human smuggling, human trafficking, and illegal adoption. In addition to the absence of trafficking legislation, other impediments included widespread corruption; the lack of quick responses to cases with trafficking indicators; the slow pace of the judicial branch to resolve criminal cases; scant funding for government agencies; and low government capacity in general. Specialized training for officials on assisting trafficking victims and investigating human trafficking was limited during the reporting period, but officials participated in training that addressed trafficking sponsored by international organizations, NGOs, and foreign donors, including one training bringing together Dominican and Haitian officials.

Protection

The government made limited progress in the protection of trafficking victims during the reporting period. The government did not track data regarding trafficking victim identification and lacked formal victim identification and assistance procedures and resources. NGOs working with the government were able to identify over 1,000 trafficking victims during the reporting period. The government did not provide direct or specialized services to trafficking victims; however, the government referred suspected cases to donor-funded NGOs which provided shelter, food, medical, and psychosocial support. NGOs reported that they had good working relationships with individual government officials, and the leadership of BPM and the government's social welfare ministry (IBESR) expressed commitment to helping child trafficking victims during the reporting period. Due to budgetary limitations, one senior official used personal funds to provide food for child trafficking victims. One NGO reported that the government assisted it in the safe repatriation of 20 child trafficking victims to their biological families or legal guardians during the reporting period. The government did not have formal trafficking victim protection policies to encourage victims to assist in the investigation and prosecution of trafficking offenders. Moreover, the government did not provide immigration relief for foreign victims of human trafficking facing retribution in the countries to which they would be deported or legal protections to ensure victims were not punished for crimes committed as a direct result of being in a human trafficking situation.

Prevention

Efforts to prevent new incidents of human trafficking in Haiti were largely driven by international organizations and NGOs. There were no reports of government funded anti-trafficking information campaigns conducted or hotlines established during the reporting period. The government did not have a national plan of action to address trafficking in persons in a strategic way; officials expressed the desire to put together such a plan. No single agency or official had the lead in anti-trafficking efforts, and there was no inter-ministerial group to coordinate the government's response to forced labor and sex trafficking. In an action that helped to prevent abuse of

children and child trafficking, the newly installed head of IBESR closed several unregulated children care centers. There were no known measures by the government taken during the reporting period to reduce the demand for commercial sex acts.

HONDURAS (Tier 2)

Honduras is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Honduran victims are often recruited from rural areas with false offers of employment and later subjected to sex trafficking in urban and tourist centers, such as Tegucigalpa, San Pedro Sula, and the Bay Islands. Honduran women and children are exploited in sex trafficking in Guatemala, El Salvador, Mexico, Belize, and the United States. To a lesser extent, women and girls from neighboring countries are exploited in sex trafficking in Honduras. There have also been reports of rural families leasing out their children, who are then exploited in forced labor, including forced begging and commercial sexual exploitation in urban areas. NGOs report incidents of forced labor in Honduras in agriculture and domestic service. Honduran men, women, and children are also subjected to forced labor in other countries, particularly in Guatemala, Mexico, and the United States; some of these migrants are exploited *en route* to or within the United States. Over the last year, officials, NGOs, and the media reported that an increase in cases in which young males in urban areas were coerced and threatened by gang members to transport drugs. In addition to anecdotal reports of incidents in the Bay Islands, Honduran authorities have identified child sex tourists in La Ceiba, San Pedro Sula, and Siguatepeque.

The Government of Honduras does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. These efforts included sustained, modest law enforcement efforts against child sex traffickers and the drafting and the passage of a comprehensive anti-trafficking law. However, government funding for victim services remained inadequate, efforts against forced labor were weak and impeded by the lack of criminal penalties during the year, and authorities did not employ proactive methods to identify trafficking victims among vulnerable populations.



Recommendations for Honduras: Vigorously implement the new comprehensive anti-trafficking law; increase efforts to investigate and prosecute all trafficking offenses, including forced labor crimes and forced prostitution of adult victims, and increase the number of trafficking offenders convicted and sentenced; ensure that specialized services and shelter are available to trafficking victims through dedicated funding, either to government entities or civil society organizations; increase resources and staff for the dedicated police and prosecutorial units; develop and implement formal procedures for identifying victims among vulnerable populations and referring them to service providers; continue to increase training

on victim identification and assistance for immigration and law enforcement officers, labor inspectors, prosecutors, judges, and social workers; improve data collection on law enforcement and victim protection efforts; enhance government planning and coordination mechanisms, perhaps through passing a national plan; and continue to raise awareness about all forms of human trafficking.

Prosecution

The Government of Honduras demonstrated uneven anti-trafficking law enforcement efforts over the last year. While it maintained efforts to investigate and punish sex trafficking crimes involving children and passed comprehensive anti-trafficking legislation prohibiting forced labor, its efforts to investigate cases of sex trafficking of adults or forced labor remained weak. In April 2012, Congress passed a comprehensive anti-trafficking law that prohibits all forms of trafficking, as well as establishes more robust victim protections and interagency cooperation. The law also prohibits illegal adoption, a crime that is distinct from human trafficking, per the 2000 UN TIP Protocol. The law prescribes penalties ranging from 10 to 22.5 years' imprisonment, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. Prior to this, Honduras prohibited forced prostitution through aggravated circumstances in Article 149 of its penal code, which prescribes penalties ranging from 12 to 19.5 years' imprisonment. It did not, however, specifically prohibit forced labor. The government maintained a law enforcement unit dedicated to investigating human trafficking and human smuggling crimes; this unit consisted of 10 investigative officers, all based in the capital. The Office of the Special Prosecutor for Children handles all trafficking cases, including those involving adults. This unit's effectiveness was hampered, however, by limited staff and funding; there were only two prosecutors, four analysts, and two investigators responsible for investigating trafficking crimes, as well as all crimes against children.

There were 48 new investigations and 162 pending investigations into human trafficking complaints during the reporting period. Authorities reported prosecuting and convicting six sex trafficking offenders in 2011, although it was unclear what statutes these cases were prosecuted under, or if they were all human trafficking convictions. Convicted offenders received sentences ranging from three to 19 years' imprisonment, plus fines. In comparison, authorities reported prosecuting 26 trafficking cases and obtained three convictions during the previous year. The lack of specific prohibitions against forced labor remained a significant impediment in law enforcement efforts. The government did not report any investigations, prosecutions, convictions, or sentences of public officials for complicity in human trafficking. NGOs and international organizations continued to deliver most of the anti-trafficking training available to government officials; immigration officials received information on how to identify trafficking victims, municipal employees were trained on how to receive and refer trafficking complaints, and cadets at the national police academy received training on how to identify and respond to trafficking cases.

Protection

The Honduran government provided minimal services to trafficking victims during the year, although it continued to refer victims to NGOs for care. Honduran authorities continued to lack systematic procedures to identify trafficking victims among vulnerable populations, such as people in prostitution. A network of NGOs reported identifying over 90 victims during the reporting period, whereas authorities identified only 16 victims through law enforcement efforts. The government did not fund dedicated shelters or services for trafficking victims. Honduran officials generally referred trafficking victims to NGO facilities on an *ad hoc* basis; these facilities did not receive funding from the government. Although the government continued to offer child victims limited medical and psychological assistance at three government shelters for at-risk children, officials did not record the number of child trafficking victims who received services at these facilities. NGOs have provided services to adult victims of trafficking in Honduras, including repatriated Honduran victims, although government funding for adult victim services was practically nonexistent. The only government-provided shelter accessible to adult male victims was the migrant detention center, which was not appropriate for victims of trafficking. Government-funded victim services were largely limited to the delivery of basic medical, psychological, and dentistry services to some victims at government health facilities; these services are available to all Honduran citizens.

Victims were encouraged to assist in the investigation and prosecution of trafficking offenders, and an unknown number did so during the reporting period. Some trafficking victims declined to cooperate, however, due to distrust in the judicial system, particularly its ability to ensure their personal safety. There were no reports of identified victims being penalized for unlawful acts committed as a result of their being trafficked. The government did not report systematically offering foreign victims legal alternatives to their removal to countries where they may face hardship or retribution, although victims could be granted temporary residency as refugees or migrant workers. However, authorities reported that no foreign victims applied for this status during the year.

Prevention

The government maintained limited efforts to prevent human trafficking during the reporting period through partnerships with civil society organizations. The Inter-Institutional Commission on the Commercial Sexual Exploitation and Trafficking of Children, which is composed of government agencies, NGOs, and international organizations, served as the interagency coordinating body, and met 17 times in 2011. The commission drafted and presented the comprehensive anti-trafficking bill to the Honduran Congress during the year. The government maintained a national hotline for trafficking victims to obtain information and assistance; the hotline was administered by the anti-trafficking police unit. The government reported no investigations, prosecutions, or convictions of child sex tourists during the year. The government did not report efforts to reduce the demand for forced labor or commercial sex acts.

HONG KONG (Tier 2)

The Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is a source, destination, and transit territory for men, women, and teenage girls from Hong Kong, mainland China, the Philippines, Indonesia, Thailand, Vietnam, Nepal, Cambodia, and elsewhere in Southeast Asia, subjected to sex trafficking and forced labor. Some migrants are lured to Hong Kong by criminal syndicates or acquaintances with promises of financial rewards and are deceived about the nature of prospective work. Upon arrival in Hong Kong, these migrants are forced into prostitution to repay money owed for their passage to Hong Kong. According to an NGO and press reports, some victims of sex trafficking have been psychologically coerced into prostitution by trafficking offenders who threaten to reveal photos or recordings of the victims' sexual encounters. Some foreign domestic workers in the territory, particularly those from Indonesia and the Philippines, face notable indebtedness assumed in their home countries as part of the terms of job placement, which have the potential to lead to situations of debt bondage. Foreign domestic workers from the Philippines and Indonesia are generally charged the equivalent of \$1,950 and \$2,725, respectively, by recruiters in their home countries. These debts may comprise more than 80 percent of workers' salaries for the first seven to eight months of employment. During that period, some workers may be unwilling to report abusive employers for fear of losing their jobs. Several of Hong Kong's domestic worker employment agencies have charged fees in excess of Hong Kong law and illegally withheld passports, employment contracts, and bank debit cards of domestic workers until their debt has been paid – factors that could facilitate labor trafficking in the territory.

The HKSAR Government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made no discernible progress over previous years in law enforcement efforts against sex trafficking or forced labor; it secured six sex trafficking convictions and no forced labor convictions. The government identified 12 trafficking victims during the reporting period, and while it trained law enforcement on investigating trafficking, the continued lack of a single, comprehensive law to prohibit all forms of trafficking and protect victims impeded results.



Recommendations for Hong Kong: Enact a stringent, comprehensive anti-trafficking law that prohibits all forms of trafficking and defines terms according to established international standards as set forth in the 2000 UN TIP Protocol; ensure adequate procedures are in place to guide officials in proactively identifying forced labor and sex trafficking victims among vulnerable populations and referring them to available services; grant victims permission to work and study while participating in trafficking investigations and prosecutions; develop a national action plan to commit

resources and develop a clear, overarching strategy to combat trafficking; convene regular meetings of the Security Bureau and other agencies comprising the anti-trafficking working group to more proactively develop efforts to combat trafficking; continue to publicize the availability of these protective service resources among vulnerable populations, such as foreign domestic workers; and educate law enforcement, judges, authority officials, and the public on trafficking definitions in line with established international standards.

Prosecution

The Hong Kong government made no discernible progress in their anti-trafficking law enforcement efforts during the reporting period. The Hong Kong government continued outdated interpretation of trafficking as a phenomenon of movement for prostitution and the lack of a specific criminal prohibition on forced labor hindered anti-trafficking law enforcement efforts. Inconsistent with the 2000 UN TIP Protocol's definition of human trafficking, Section 129 of the Crimes Ordinance, which prohibits "trafficking in persons to or from Hong Kong," requires an element of transnationality in the offense and focuses on movement of persons into or out of Hong Kong for prostitution regardless of whether force, fraud, or coercion has been used. Section 129's prescribed penalty of 10 years' imprisonment is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Other sections of Hong Kong's Immigration Ordinance, Crimes Ordinance, and Employment Ordinance, however, were used to prosecute trafficking offenses during the reporting period. During the year, The Hong Kong government reported the conviction of six offenders under Crimes Ordinance Section 130 – which prohibits forced prostitution but no convictions of forced labor. The government did not report any investigations, arrests, prosecutions, or convictions of government officials complicit in trafficking offenses. While the government provided training to 300 police officers during the reporting period on conducting anti-trafficking investigations, such training was limited by Hong Kong's outdated anti-trafficking laws.

Protection

The Hong Kong government continued its efforts to protect trafficking victims during the reporting period by identifying 12 sex trafficking victims. The Hong Kong government continued its outreach within the foreign domestic worker community to identify victims of forced labor or sexual abuse, but the government did not identify any victims of forced labor during the reporting period. A local NGO and consulate identified one victim of forced labor who remained jailed at the end of the reporting period for immigration and labor violations. Law enforcement and social services officials reportedly followed systematic procedures in identifying the full range of potential trafficking victims, particularly among high-risk populations such as foreigners arrested for prostitution or immigration violations, although the low number of trafficking victims identified by the government and the imprisonment of a forced labor victim raised concerns about the effectiveness of these procedures. The government subsidized six NGO-run shelters and three government-owned and operated shelters that serve victims of abuse, violence, exploitation, and trafficking. These shelters provided temporary free accommodations, counseling, and access to public hospital services to the 12 identified victims during the reporting period. Services were available for local and foreign men and women, as well as

children. The government claimed that it encouraged victims to participate in the investigation and prosecution process; however, the government did not permit victims to work while remaining in Hong Kong to participate in trials, and Hong Kong does not specifically allow for permanent residency status for cases in which repatriation may constitute a risk of hardship or retribution. While victims have the ability to file civil charges for compensation against their traffickers, there were no such cases in which this occurred.

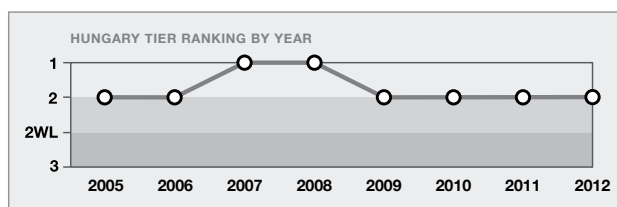
Prevention

Hong Kong continued efforts to prevent trafficking in persons during the reporting period. In February 2011, a Hong Kong immigration officer participated in the Indonesian consulate's monthly orientation program for new foreign domestic workers and educated the workers on their rights under Hong Kong law. The Labor Department organized a number of seminars for foreign domestic worker employment agencies on regulations those agencies must follow, including penalties for withholding travel documents and underpaying wages. The Hong Kong government continued to disburse anti-trafficking pamphlets in six different languages aimed at educating the public on trafficking issues. The Labor Department also widely distributed information packets for foreign domestic workers in eight different languages discussing ways to prevent and report human trafficking. The government continued to provide new foreign domestic workers arriving at the airport with information on preventing trafficking, which was available in multiple languages. The Security Bureau coordinated Hong Kong's anti-trafficking efforts through leadership of a working group that involved several other agencies; the working group met one time during the reporting period. The Hong Kong government reported no efforts to prevent or combat child sex tourism. Hong Kong is not a party to the 2000 UN TIP Protocol.

HUNGARY (Tier 2)

Hungary is a source, transit, and destination country for women and girls subjected to sex trafficking and a source country for men and women subjected to forced labor. Women from Hungary are forced into prostitution in the Netherlands, Switzerland, the United Kingdom (UK), Denmark, Germany, Austria, Italy, Norway, Spain, Ireland, Belgium, Greece, and the United States. Women from eastern Hungary are subjected to forced prostitution in Budapest and in areas of Hungary along the Austrian border. Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to sex trafficking within the country. Men and women from Hungary are subjected to conditions of forced labor in the UK, Spain, Canada, and the United States, as well as within Hungary. During the last year, government officials reported an increase in forced labor cases. Women from Slovakia, Romania, Moldova, Poland, Ukraine, and China are transported through Hungary to the Netherlands, the UK, Denmark, Germany, Austria, Italy, Switzerland, France, and the United Arab Emirates where they are subsequently subjected to forced prostitution; some of these victims may be exploited in Hungary before they reach their final destination country. Romanian women and children are subjected to sex trafficking in Hungary. Men from Western Europe travel to Budapest for the purpose of adult sex tourism, which may sometimes involve the exploitation of trafficking victims. Roma are disproportionately represented among trafficking victims in Hungary.

The Government of Hungary does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2011, the government increased its anti-trafficking investigations and courts strengthened penalties for some convicted trafficking offenders. Furthermore, the government remedied a previous shortcoming by providing year-round funding to an NGO assisting trafficking victims. During the year, however, the parliamentary commissioner for civil rights reported that Hungarian police treated children found in prostitution as offenders, reflecting a serious misunderstanding of the internationally recognized definition of child sex trafficking. Furthermore, the overall conviction rate for trafficking offenders continued to decline and the government provided limited assistance to victims. Finally, the government did not vigorously investigate or prosecute trafficking-related complicity, which hampered its ability to investigate trafficking and identify victims.



Recommendations for Hungary: Develop, implement, and support victim assistance programs for all trafficking victims in Hungary and increase incentives for victims to voluntarily cooperate with law enforcement; increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders while ensuring the human rights of victims; designate specific national-level funding for trafficking victim assistance; improve anti-trafficking training for local police to ensure children in prostitution are not treated as offenders and punished for unlawful acts committed as a direct result of being trafficked; amend the criminal code to ensure necessary compliance with international standards – including through revising Paragraph 175/b which requires proof that a victim is bought or sold – with a view toward increasing investigations and prosecutions of trafficking; institutionalize partnerships with NGOs, including those representing Roma, on victim identification and assistance in order to achieve a more victim-centered approach to addressing trafficking in Hungary; and consider establishing specialized prosecutors and judges to litigate trafficking cases.

Prosecution

The Hungarian government demonstrated some improvements in its law enforcement efforts by increasing its investigations of trafficking cases in 2011. Hungary prohibits all forms of trafficking through Paragraph 175/b of its criminal code. Prescribed penalties range from one to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Hungarian officials and outside experts continued to cite the narrow scope of Hungary's trafficking laws and a precedent set by the Hungarian Supreme Court – specifically that a victim of human trafficking must have either been bought or sold by another person, or that direct or recently committed violence as opposed to the use of psychological coercion or abuse of a position of vulnerability had been used as a form of coercion – for creating overly strict evidentiary requirements

for prosecutors to prove the crime of human trafficking. Because of these legal hurdles, prosecutors continued to use other statutes to prosecute trafficking offenders, which carry lighter sentences than the trafficking statute. Police increased the number of investigations of trafficking cases in 2011, initiating 18 new trafficking investigations, including two forced labor investigations. This is an improvement from eight investigations initiated in 2010. Courts prosecuted and convicted eight sex trafficking offenders in 2011, a decline from 12 convicted trafficking offenders in 2010 and a sustained decline from 23 convicted offenders in 2009. As opposed to the previous year, the courts did not convict any labor trafficking offenders in 2011. Sentences for the eight convicted offenders ranged from a one-year suspended sentence to nine years' imprisonment. There continued to be a lack of specialized judges and prosecutors for trafficking cases, and few county police officers were trained in combating trafficking. The government did not provide data on any investigations or prosecutions of trafficking-related complicity. However, a 2011 report based on interviews with survivors of sex trafficking contained reports of police discouraging victims who sought help from pursuing criminal cases. Further, the report contained strong indications of trafficking-related complicity, including reports of officers physically abusing and humiliating trafficking victims and not taking action when victims disclosed the names of their pimps. Country experts reported that police often failed to investigate trafficking cases that involved Roma victims.

Protection

The Hungarian government demonstrated some progress in its protection of trafficking victims in 2011. During the reporting period, the government reported identifying 34 victims in Hungary; the Hungarian Consular Services identified 90 additional Hungarian victims abroad. The government did not offer evidence that it provided reintegration assistance upon these victims' return to Hungary; according to country experts, there were no government social services available for repatriated victims. One NGO reported that the government only formally recognized trafficking victims if they agreed to testify in court and that NGOs must finance any care provided to victims during the 30-day reflection period during which victims may decide whether to participate in legal actions against their traffickers. While the government provided an amount equivalent to \$27,000 for the operation of an NGO shelter for victims of trafficking – which provided assistance to 24 Hungarian victims in 2011 – it failed to renew its contract with this NGO once the year ended. Another NGO provided separate assistance to 15 victims and IOM assisted in the repatriation of 20 Hungarian victims exploited abroad. Moreover, the government's Victim Support Service assisted 14 victims from the UK, Switzerland, the Netherlands, and Germany, who had been exploited within Hungary. An ombudsman report issued in December 2011 exposed a deep misunderstanding among Hungarian authorities of child trafficking issues and highlighted the problem of police treating children in prostitution as perpetrators, as opposed to victims of trafficking. One NGO reported that more than 100 Hungarian children were charged with solicitation for prostitution over an eight-month period in 2011. Furthermore, the same NGO reported that at least 16 potential trafficking victims, including 11 Romanians, were charged and prosecuted for begging offenses.

The government did not provide adequate incentives for victims to participate in the investigation and prosecution of their traffickers in 2011. The government offered foreign victims a 30-day reflection period to decide whether to assist law enforcement; however, no foreign victims applied for or received this temporary immigration relief in 2011. NGOs continue to report that a 30-day reflection period is insufficient time for victims to work through the trauma and decide whether to testify against their exploiters. Foreign victims may apply for a six-month temporary residency permit if they choose to cooperate with law enforcement. Country experts noted concerns in 2011 that victims who chose not to assist law enforcement were forced to testify; other victims continued to be charged for violating prostitution, labor, or migration laws.

Prevention

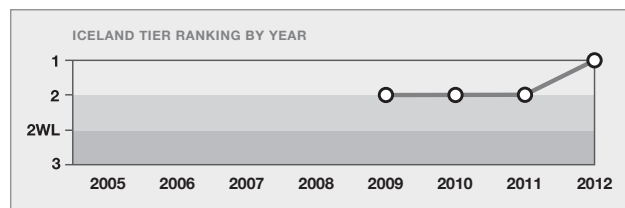
The Government of Hungary demonstrated some improvements in its efforts to prevent human trafficking. In December 2011, the national coordinator chaired an NGO roundtable to improve the work of the National Coordination Mechanism. In May 2011, the Office of the Prosecutor General funded and organized anti-trafficking training for county prosecutor offices. The government did not demonstrate transparency and accountability in its anti-trafficking efforts by systematically monitoring or assessing these efforts during the reporting period. However, in November 2011, it launched a new website listing information on its anti-trafficking efforts, indicators of trafficking, and checklists for Hungarians planning on working abroad. The government did not undertake specific measures to reduce the demand for commercial sex acts during the reporting period. The government provided anti-trafficking training to Hungarian crisis management troops prior to their deployment abroad on international peacekeeping missions.

ICELAND (Tier 1)

Iceland is a destination and transit country for women subjected to forced prostitution. Some reports maintain Iceland also may be a destination country for men and women who are subjected to conditions of forced labor in the restaurant and construction industries. Female victims of human trafficking in Iceland come from Eastern Europe, Russia, Africa, and Brazil. These victims may stay for several months before being trafficked onward, while others may spend only a few days in Reykjavik before moved abroad. Authorities suspect the involvement of organized crime in trafficking.

The Government of Iceland fully complies with the minimum standards for the elimination of trafficking. The Icelandic government increased the maximum criminal penalty for human trafficking offenses from eight years of imprisonment to 12 years, a penalty that obliges Icelandic police to hold human trafficking suspects in pre-trial detention without bail. The government provided funding for a new shelter to aid the long-term reintegration of trafficking victims that opened in September 2011. During the year, victim identification became a core part of the curriculum at the national police college, and NGOs reported victims were more knowledgeable about available services due to the Icelandic police following formal guidelines for victim identification created in 2010. Nevertheless, the number of victims identified dropped this year and no cases were prosecuted. The Government of Iceland

continued to develop a public awareness campaign, which it had not yet launched at the time of this report.



Recommendations for Iceland: Vigorously investigate, prosecute, and convict trafficking offenders; continue to formalize victim identification and care procedures for all care providers; expand training on proactive identification and referral of victims to prosecutors, labor inspectors, and health officials; conduct an awareness and prevention campaign focused on both sex and labor trafficking and the demand for both forms of trafficking; provide specialized training to the national emergency hotline operators on responding to trafficking calls; and consider establishing a hotline for reporting suspected instances of human trafficking.

Prosecution

The Government of Iceland strengthened its legal framework on human trafficking during the reporting period, though it did not initiate any prosecutions or convict any trafficking offenders. Iceland prohibits both sex and labor trafficking under Article 227a of its criminal code. In June 2011, the Icelandic parliament passed legislation that raised the maximum penalty for human trafficking, prescribed by Article 227a, from eight years of imprisonment to 12 years, which is sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. The stricter penalty enables police and prosecutors to hold human trafficking suspects during pre-trial detention, which government officials had noted prior to the new legislation as an obstacle in criminal trafficking investigations. Police conducted two trafficking investigations during the reporting period, the same number of investigations initiated in the previous year. However, one of the investigations did not produce evidence sufficient for prosecution; the other was ongoing at the time of this report. Icelandic authorities did not initiate any other trafficking prosecutions during the reporting period, nor did they achieve any convictions. Last year, they similarly did not initiate any prosecutions nor convict any trafficking offenders. The Government of Iceland's Specialist and Coordination Team for Human Trafficking coordinated law enforcement efforts as well as other inter-governmental anti-trafficking projects. Due to government budgetary constraints in the wake of the country's economic crisis, resources for overall law enforcement shrank, which included a reduction in the total number of police officers. Several reports from NGOs suggested that the police could be more vigorous in initiating human trafficking investigations. The government did not report the investigation, prosecution, conviction, or sentencing of any government official allegedly complicit in trafficking. Icelandic authorities continued to hold classes for students at the national police college on recognizing victims; investigating human trafficking issues will become a core part of the curriculum at the college in 2012. The police have also received "passenger analysis" training that they employ at the airports to assist in identification of potential trafficking victims. Additionally, the government

has sent senior Keflavik International Airport officials and border police to anti-trafficking courses abroad, for example at the European Police Academy, as well as to conferences on human trafficking sponsored by OSCE and the Nordic Council of Ministers.

Protection

The Icelandic government sustained robust efforts to protect trafficking victims, yet victim identification efforts showed need for improvement. The government granted the equivalent of \$79,100 to an NGO that opened a long-term shelter in September 2011 for women who were victims of trafficking or who have been in prostitution and are making an effort to transition to a different life. The shelter has a capacity for housing four to six women. The government allocated the equivalent of an additional \$345,000 to a domestic violence shelter that was available to house trafficking victims. Victims of trafficking were permitted to leave the shelters unchaperoned and at will. The government did not offer male trafficking victims specialized services, though they had access to general social services. In cases involving unaccompanied children, municipal and state child protection services are responsible for assistance. The government offered free health care and legal aid to all trafficking victims, though it is not known how many victims accepted this assistance during the year. Trafficking victims regularly used psychological services offered through a government-supported NGO. The Government of Iceland offered both short- and long-term residency permits for victims of trafficking: a six-month reflection period to foreigners if there was suspicion that they were victims of trafficking and a second one-year renewable permit for victims who cooperated with law enforcement or who found themselves in compelling circumstances, such as facing retribution or hardship in their home countries. During the reporting period, the government did not grant any new permits to victims, although it extended a temporary residence permit for one victim. Victims can obtain a work permit to seek legal employment while in temporary residency status. During the previous reporting period, the National Police Commissioner published formal rules of procedure for identifying, contacting, and caring for suspected victims of trafficking. The Government of Iceland identified three trafficking victims during the reporting period, compared to six victims in the previous year and three victims two years ago. The government provided direct assistance to two victims during the reporting period and a third victim refused an offer of government assistance. NGOs reported identifying three to four additional victims of trafficking. The government reported that no trafficking victims were detained, fined, or jailed for unlawful acts committed as a result of their being trafficked. The government encouraged victims to participate in the investigation of trafficking.

Prevention

The Icelandic government made some progress in its efforts to prevent human trafficking during the reporting period. Although there were no specific anti-trafficking awareness campaigns in Iceland during the year, the government continued to develop a comprehensive campaign to launch later in 2012. In public appearances by senior officials, the government continued to recognize that trafficking remained a problem in the country. The government coordinated its anti-trafficking activities through its anti-trafficking team, and reported its progress to complete all steps of its 2009-

2012 National Action Plan by year's end. The government continued to provide funds for field projects via OSCE, which, in this reporting period, contributed to a special course on human trafficking at Moscow State University, provided anti-trafficking financial assistance to the Government of Belarus for a project administered by the Icelandic Red Cross, and helped fund the Council of the Baltic Sea States' Task Force on Trafficking in Human Beings. The Government of Iceland continued to take steps to reduce the demand for commercial sex acts by convicting one client of prostitution during the reporting period.

INDIA (Tier 2)

India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. The forced labor of millions of its citizens constitutes India's largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. A common characteristic of bonded labor is the use of physical and sexual violence as coercive tools. Ninety percent of trafficking in India is internal, and those from India's most disadvantaged social strata, including the lowest castes, are most vulnerable. Children are also subjected to forced labor as factory workers, domestic servants, beggars, agricultural workers, and to a lesser extent, in some areas of rural Uttar Pradesh as carpet weavers. There were new reports about the continued forced labor of children in hybrid cottonseed plots in Gujarat, and reports that forced labor may be present in the Sumangali scheme in Tamil Nadu, in which employers pay young women a lump sum to be used for a dowry at the end of a three-year term. An increasing number of job placement agencies lure adults and children for forced labor or sex trafficking under false promises of employment. Indian boys from Bihar were increasingly subjected to forced labor in embroidery factories in Nepal.

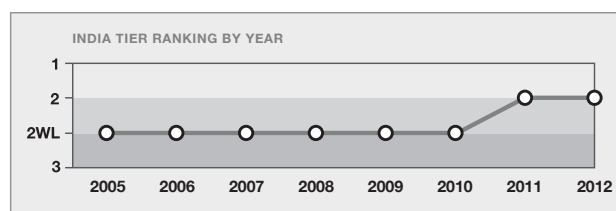
Women and girls are trafficked within the country for the purposes of forced prostitution. Religious pilgrimage centers and cities popular for tourism continue to be vulnerable to child sex tourism. Women and girls from Nepal and Bangladesh, and an increasing number of females from Uzbekistan, Ukraine, and Russia, are also subjected to sex trafficking in India. There were increasing reports of females from northeastern states and Odisha subjected to servile marriages in states with low female-to-male child sex ratios, including Haryana and Punjab, and also reports of girls subjected to transactional sexual exploitation in the Middle East under the guise of temporary marriages. Maoist armed groups known as the Naxalites forcibly recruited children into their ranks. Establishments of sex trafficking are moving from more traditional locations – such as brothels – to locations that are harder to find, and are also shifting from urban areas to rural areas, where there is less detection.

Some Indians who migrate willingly every year for work as domestic servants and low-skilled laborers find themselves in forced labor in the Middle East and, to a lesser extent, Southeast Asia, the United States, Europe, Southern Africa, the Caribbean, and other countries. In some cases, such workers are lured from their communities through fraudulent recruitment, leading them directly to situations of forced labor, including debt bondage; in other cases, high debts incurred to

pay recruitment fees leave them vulnerable to labor trafficking. Nationals from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East.

In March 2012, a U.S. court entered a default judgment of \$1.5 million in favor of an Indian domestic worker who sued a former Indian consular officer who had employed her while assigned to duty in the United States; no appeal was filed. The domestic worker accused the Indian diplomat of forcing her to work without adequate compensation for three years and subjecting her to physical and mental abuse.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Ministry of Home Affairs (MHA) continued to establish Anti-Human Trafficking Units (AHTUs), which were responsible for combining law enforcement and rehabilitation efforts. The Central Bureau of Investigation launched an anti-trafficking unit in the reporting period and gave investigation authority under trafficking-related laws to all its police officers. Challenges remain regarding overall law enforcement efforts against bonded labor and the alleged complicity of public officials in human trafficking.



Recommendations for India: Develop a comprehensive anti-trafficking law or amend anti-trafficking legislation to be in line with the 2000 UN TIP Protocol, with adequate penalties prescribed by the UN Transnational Organized Crime Convention; increase prosecutions and convictions on all forms of trafficking, including bonded labor; prosecute officials allegedly complicit in trafficking, and convict and punish officials complicit in trafficking; encourage states to establish special anti-trafficking courts; improve distribution of state and central government rehabilitation funds to victims under the Bonded Labor (System) Abolition Act (BLSA); improve protections for trafficking victims who testify against their traffickers; encourage AHTUs to address both sex and labor trafficking of adults and children; encourage state and district governments to file bonded labor cases under appropriate criminal statutes; improve central and state government implementation of protection programs and compensation schemes to ensure that certified trafficking victims receive benefits; and increase the quantity and breadth of public awareness and related programs on bonded labor.

Prosecution

The government continued to make progress in its law enforcement efforts to combat human trafficking in 2011, but concerns remain over the uneven enforcement of trafficking laws and alleged official complicity. India prohibits most forms of forced labor through the Indian Penal Code (IPC), the BLSA, the Child Labor (Prohibition and Regulation) Act, and the Juvenile Justice Act. These laws were unevenly enforced, and their prescribed penalties are not sufficiently stringent. India

prohibits most forms of sex trafficking. Prescribed penalties for sex trafficking under the Immoral Traffic Prevention Act (ITPA) and the IPC, ranging from three years' to life imprisonment, are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The ITPA also criminalizes other offenses, including prostitution, and has some sections that are sometimes used to criminalize sex trafficking victims.

The government did not report comprehensive law enforcement data, and the challenges of gathering accurate, comprehensive, and timely data make it difficult to assess law enforcement efforts. However, the Ministry of Home Affairs established scorecards for its AHTUs in June 2011 to improve the availability of real-time data. A variety of sources noted that there were many investigations, including inter-state investigations. In Mumbai, in 2011, there were 242 sex trafficking cases prosecuted in the special ITPA court; 125 sex trafficking offenders were convicted with sentences of up to three years' imprisonment. Two NGOs reported that six trafficking offenders were convicted for forced and bonded labor. Four offenders were sentenced to one year in prison – these sentences are being appealed – and two offenders were charged with fines. Most government prosecutions were supported in partnership with NGOs. A senior government official noted that while trafficking rescues and registration of cases have increased, convictions remain low. However, conviction rates were low across the penal system. Some NGOs continued to criticize the categorization of trafficking crimes as bailable offenses, which in some cases resulted in the accused absconding after receiving bail. Enforcement of trafficking laws, particularly labor trafficking laws such as the BLSA, remained a challenge.

NGOs continued to report that official complicity in trafficking remained a problem. Corrupt law enforcement officers reportedly continued to facilitate the movement of sex trafficking victims, protect suspected traffickers and brothel keepers from enforcement of the law, and receive bribes from sex trafficking establishments and sexual services from victims. Some police allegedly continued to tip-off sex and labor traffickers to impede rescue efforts. Some owners of brothels, rice mills, brick kilns, and stone quarries are reportedly politically connected. The Indian government reported no prosecutions or convictions of government officials for trafficking-related offenses during the reporting period; NGOs said this was due to a lack of sufficient evidence. In September 2011, the police arrested a member of the border security force for trafficking. He was released on bail as of December 2011, but there is no further information on that case. There was no information on the status of an arrest of a former member of parliament or an investigation on an Indian Administrative Services officer – as noted in the 2011 TIP Report – for his involvement in human trafficking.

The Central Bureau of Investigation established a dedicated federal anti-trafficking unit in January 2012 whose police officers have nationwide investigative authority. The government continued to implement its three-year nationwide anti-trafficking effort by disbursing funds to state governments to establish at least 107 new Anti-Human Trafficking Units in police departments during the reporting period, for a total of at least 194 AHTUs. Some NGOs believed that some units were more focused on sex trafficking than labor trafficking, including bonded labor. Some units appeared to focus on child trafficking rather than on the trafficking of both children

and adults. Some units continued to be understaffed, which hampered efforts. The government funded more than 500 police officers to participate in a six-month anti-trafficking course at the Indira Gandhi National Open University. The government reported that it covered transportation and lodging expenses for over 5,000 government officials who participated in NGO-organized anti-trafficking trainings.

Protection

India made efforts to protect and assist trafficked victims. The MHA, through a 2009 directive, advised state government officials to use standard operating procedures developed in partnership with UNODC to proactively identify trafficking victims and refer them to protection services; however, the implementation of these procedures is unknown. The government continued to fund over 100 NGO-run hotlines that help assist vulnerable people, including trafficking victims. The Ministry of Labor and Employment reported 865 bonded laborers rescued and the equivalent of almost \$170,000 distributed in government-mandated rehabilitation funds in 2010-11, the latest data available. This represents a small fraction of the millions of Indian citizens subject to bonded labor. There were some NGO reports of delays in obtaining release certificates, and distribution of rehabilitation funds was uneven across states. There were numerous reports that sex trafficking victims were rescued, most often in partnership between police and NGOs. There were increased reports of inter-state coordination among the AHTUs resulting in rescues. In one case, the Manipur, Rajasthan, and Kerala AHTUs collaborated in the rescue of 33 trafficked children.

The Ministry of Women and Child Development (MWCD) allocated the equivalent of \$118 million for 2011-12 to fund 153 projects in 17 states under the Ujjawala program – which seeks to protect and rehabilitate female sex trafficking victims – and 58 new Swadhar projects – which help female victims of violence, including sex trafficking. Some NGOs have cited difficulty in receiving timely disbursements of national government funding of their shelters under these programs. India does not provide care for adult male trafficking victims. Conditions of government shelter homes under the MWCD varied from state to state. NGOs reported that a number of shelters were overcrowded and unhygienic, offered poor food, and provided limited, if any, services. There were some NGO reports that some shelters did not permit victims to leave the shelter purportedly for security reasons; this violates international principles on the protection of victims. In some cases, traffickers continued to re-traffic victims by approaching shelter managers and pretending to be family members to get the victims released to them, although this practice is declining. Some Indian diplomatic missions in the Middle East provided services, including temporary shelters, medical care, legal assistance, and 24-hour hotlines, to Indian migrant laborers, some of whom were victims of trafficking.

There were some reports of trafficking victims being penalized for acts committed as a result of being trafficked. Section 8 of the ITPA (solicitation) and Section 294 of the IPC (obscenity in public places) continued to be used to criminalize sex trafficking victims. Reports indicated that some victims are punished for being undocumented migrants or for document fraud. Foreign trafficking victims were not offered special immigration benefits such as temporary or permanent residency status, although some NGOs reported that foreign victims had the same access to care as domestic victims. Foreign

victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution. In most cases, NGOs assisted rescued victims in providing evidence to prosecute suspected traffickers. Many victims declined to testify against their traffickers due to the fear of retribution by traffickers, who were sometimes acquaintances. Some NGOs continued to report the government was increasingly sensitized against not treating victims as perpetrators, and law enforcement activities against victims decreased. There were some reports of police treating victims as perpetrators, not using victim-centric policies, and not improving victim-witness security, which hindered victim testimony and prosecutions.

Prevention

The Government of India continued to make progress in its efforts to prevent human trafficking. The MHA's Anti-Trafficking Nodal Cell continued bimonthly inter-ministerial meetings on trafficking, which also included participation of anti-trafficking officers from state governments. The Ministry of Home Affairs raised public awareness on trafficking through radio talk shows and press conferences; the Ministry of Overseas Indian Affairs continued to work with state governments to conduct safe emigration awareness campaigns; and the Bureau of Police Research and Development organized a workshop on the linkages between missing children and human trafficking and encouraged all police officers to track cases of missing persons.

The Ministry of Labor and Employment continued its preventative convergence-based project against bonded labor in Tamil Nadu, Andhra Pradesh, and Odisha, but not in Haryana. The government reduced the demand for commercial sex acts in the reporting period by convicting clients of prostitution. The government continued its multi-year project to issue unique identification numbers to citizens; more than 100 million identify cards were issued in the reporting period. Training for Indian soldiers and police officers deployed in peacekeeping missions reportedly included awareness about trafficking.

INDONESIA (Tier 2)

Indonesia is a major source country and, to a much lesser extent, a destination and transit country for women, children, and men who are subjected to sex trafficking and forced labor. Each of Indonesia's 33 provinces is a source and destination of trafficking, with the most significant source areas being the provinces of West Java, Central Java, East Java, West Nusa Tenggara, and Banten. A significant number of Indonesian migrant workers face conditions of forced labor and debt bondage in more developed Asian countries and the Middle East, particularly Saudi Arabia, Malaysia, Singapore, Taiwan, and Hong Kong. The government reports that there are 4.3 million documented Indonesian migrants working outside the country and estimates another 1.7 million undocumented workers, including an estimated 2.6 million workers in Malaysia and 1.8 million in the Middle East. During 2011, Saudi Arabia was the leading destination for newly departing migrant workers registered with the Indonesian government, followed closely by Malaysia. An estimated 69 percent of all overseas Indonesian workers are female. The Indonesian government estimates that two percent of Indonesian workers abroad who are properly documented become victims of

trafficking. The actual number of Indonesian trafficking victims is significantly higher, particularly among the more than one million undocumented workers abroad. During 2011, Indonesian trafficking victims were reported in all of the Gulf countries, Malaysia, Taiwan, Chile, New Zealand, the Philippines, Egypt, and the United States, among others.

In assessing 2011 data, IOM reported a new trend of women, including some children, trafficked for commercial sexual exploitation at mining operations in Maluku, Papua, and Jambi provinces. There were reports of an increasing number of children exploited in prostitution in Batam district of the Riau Islands province and children from North Sulawesi province being exploited in prostitution in West Papua province. Contacts in several large cities reported a new trend of university and high school students selling underage friends, male and female, for sex. Some women from Uzbekistan and Colombia are subjected to forced prostitution in Indonesia.

Government and non-governmental sources reported an increasing number of undocumented workers travelling abroad. As the government expands its use of biometric travel documents, false documents are becoming more difficult and expensive to obtain. As a result, more undocumented workers are traveling by sea, primarily from Batam and the Riau Islands and by land from Kalimantan, to Malaysia where they remain or transit to a third country. Undocumented workers are at a significantly higher risk of becoming trafficking victims than documented workers. A labor trafficking trend that gained international attention during the year was the forced labor of Indonesian men aboard Korean-flagged fishing boats operating in New Zealand waters as well as the forced labor of Burmese and Cambodian fishermen who escape Thai fishing boats while in Indonesian waters. According to press and NGO reports, over 1,000 such undocumented Burmese fishermen are stranded on the remote Indonesian island of Tual. According to IOM, labor recruiters are responsible for more than 50 percent of the Indonesian female workers who experience trafficking conditions in destination countries. Some recruiters work independently, while others work for Indonesia-based international labor recruitment companies called PJTKIs. Some PJTKIs operate similarly to trafficking rings, leading both male and female workers into debt bondage and other trafficking situations. Traffickers regularly operate with impunity and escape punishment because of endemic corruption among law enforcement officials and the government's lack of commitment to upholding the rule of law. Trafficking victims often accumulate debts with labor recruiters that make victims vulnerable to debt bondage. Licensed and unlicensed companies used debt bondage, withholding of documents, and threats of violence to keep Indonesian migrants in situations of forced labor.

Indonesian women migrate to Malaysia, Taiwan, and the Middle East and are subsequently subjected to forced prostitution; they are also subjected to forced prostitution and forced labor in Indonesia. Children are trafficked internally and abroad primarily for domestic servitude, forced prostitution, and work in cottage industries. Many of these trafficked girls work 14 to 16 hours a day at very low wages, often under perpetual debt due to pay advances given to their families by Indonesian brokers. Debt bondage is particularly pronounced among sex trafficking victims, with an initial debt the equivalent of some \$600 to \$1,200 imposed on victims; given an accumulation of additional fees and debts, women and girls are often unable to escape this indebted servitude, even after years in prostitution.

An estimated 60 percent of children under five years of age do not have official birth certificates, putting them at higher risk for trafficking. Traffickers employ a variety of means to attract and control victims, including promises of well-paying jobs, debt bondage, community and family pressures, threats of violence, rape, false marriages, and confiscation of passports. Country experts reported a trend of recruitment of Indonesian migrant workers in Malaysia for Umrah, a religious pilgrimage to Mecca continued during the year; once in the Saudi Kingdom, Indonesian migrants are trafficked to other points in the Middle East. Some Indonesian children are recruited into sex trafficking through Internet social networking media. More than 25 sex trafficking victims from Uzbekistan were identified in 2010. Six sex trafficking victims from Colombia were identified in 2011.

Internal trafficking is also a significant problem in Indonesia, with women and girls exploited in domestic servitude, commercial sexual exploitation, and in forced labor in rural agriculture, mining, and fishing. Many victims were recruited originally with offers of jobs in restaurants, factories, or as domestic workers before they were coerced into prostitution. Child sex tourism is prevalent in the Riau Islands bordering Singapore and is reported to occur in Bali and in other locations around Indonesia.

The Government of Indonesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government undertook new efforts to improve protections for Indonesian migrants, particularly through the National Agency for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI). The government did not make progress in curbing the trafficking complicity of Indonesian security personnel and senior officials and increasing the effectiveness of law enforcement and judicial officials in upholding the country's anti-trafficking laws, as would be indicated by an increase in the number of prosecutions and convictions of traffickers. A decentralized government structure presented considerable challenges to coordinating nationwide anti-trafficking programs and policies; nonetheless, the government undertook no visible efforts to improve the centralized collection of data on prosecutions and victim protection data from local governments.



Recommendations for Indonesia: Improve the collection, analysis, and public reporting of comprehensive data on legal proceedings against traffickers taken under the 2007 law; undertake greater efforts to criminally prosecute and punish labor recruitment agencies and corporations involved in trafficking; increase efforts to prosecute and convict public officials who are involved in trafficking; undertake efforts to prosecute and punish those who obtain commercial sexual services from children; create a national protocol that clarifies roles and responsibilities for prosecuting trafficking cases when the crime occurs outside a trafficking victim's province of residence, particularly with regard to responsibilities for

funding the involvement of victims as witnesses in proceedings; increase government funding to support trafficking victims' participation in legal proceedings; increase efforts to combat trafficking through awareness campaigns targeted at the public and law enforcement personnel at all levels of government in primary trafficking source regions; and consider amending the 2004 Overseas Labor Placement and Protection Law in order to provide effective protections to Indonesian migrants recruited for work abroad, particularly female domestic workers, as a means of preventing potential trafficking of these migrants.

Prosecution

The Indonesian government sustained anti-trafficking law enforcement efforts during the reporting period, although an inability to collect and report on national anti-trafficking law enforcement efforts gives the appearance that the numbers of trafficking offenders prosecuted and convicted declined for a second consecutive year. Through a comprehensive anti-trafficking law passed in 2007 and implemented in 2009, Indonesia prohibits all forms of trafficking in persons, prescribing penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. While Indonesian National Police (INP) investigators used the 2007 law to prepare cases for prosecution, some prosecutors and judges still use other, more familiar laws to prosecute traffickers. Police and other law enforcement officials complained about the difficulty of coordinating among police, prosecutors, witnesses, and courts to obtain successful convictions.

The government does not aggregate nationwide records of trafficking prosecutions. Statistics on human trafficking prosecutions and convictions remain available exclusively at the district and province levels. Only the police aggregate nationwide data on human trafficking investigations; during 2011, the INP reported initiating 133 new trafficking investigations involving 179 suspected trafficking offenders. The INP also reported the referral to local prosecutors of 50 cases, of which 41 were accepted for prosecution. Based on incomplete reports during the year from four of Indonesia's 33 provinces – East, Central, West Java, and North Sulawesi – 16 trafficking offenders were convicted by province- and district-level courts. This compares with incomplete reporting on the convictions of 25 trafficking offenders in 2010. The national Attorney General's Task Force on Transnational Crime reported an additional prosecution of eight trafficking offenders in 2011, but no convictions. The Indonesian government cooperated with New Zealand authorities to investigate allegations, published in the international media, of Indonesian fishermen who were recruited by licensed PJTKIs for work on Korean fishing vessels operating in New Zealand waters, and subjected to forced labor, including debt bondage, aboard the boats. Indonesian authorities, however, have not initiated criminal investigations or prosecutions of the recruiters cited in the allegations.

Endemic corruption among members of Indonesian security forces and government officials remained an impediment to increased effectiveness in anti-trafficking law enforcement efforts, according to NGOs and government officials. Corruption sustained trafficking at a number of levels: in the issuance of false documents for future victims; through lax border controls where trafficking would otherwise be detected;

through the tolerance and profiting from illegal commercial sex sites; and through the compromise of law enforcement investigations and judicial processes.

Protection

The Indonesian government continued its provision and coordination of modest and uneven efforts to protect victims of trafficking during the year. The government's Centers for Integrated Service for the Empowerment of Women and Children provided shelters and trauma clinics to trafficking victims through 172 centers at the provincial and district level. The government provides limited funding to other organizations for the provision of services to trafficking victims, but since 2005 is increasingly channeling support through the Centers for Integrated Service. The Centers for Integrated Service also receive private funding. The National Police operated 306 Women and Child Service Units in police stations around the country, which provided emergency protection and medical services to victims of violence, also accessible to victims of trafficking. The government continued to rely significantly on international organizations and NGOs for the provision of services to victims, particularly for repatriated Indonesian victims of trafficking abroad, although it increased the role of its Centers for Integrated Service during 2011, adding 51 centers for a total of 172 throughout Indonesia. Although the government did not collect or report comprehensive data on victims identified throughout the country, the Ministry of Women's Empowerment reported 358 victims in 2011, including 111 women and no children; most of these victims (53 percent) were from West Java. IOM reported assisting 227 victims in 2001, including 120 Indonesians, 65 Cambodian men who escaped forced labor aboard Thai fishing boats, 36 Burmese men who escaped the same forced labor conditions, and six Colombian women who had been subjected to forced prostitution in Jakarta.

The central government largely funds provincial governments through block grants, and provinces have significant discretion on the use of these funds, including decisions on trafficking-related programs. As a result, provincial governments' funding of victim protection services varies greatly. In West Java, the Council on Women's Empowerment and Family Planning reported that in 2011 the provincial government doubled its budget for assistance to trafficking victims to the equivalent of \$1,111 per victim. The West Java Center for Integrated Service for the Empowerment of Women and Children, which receives most of its funding from the provincial government, reported that in 2011 its budget for assistance to trafficking victims increased from the equivalent of \$833,000 to \$2.2 million. In Riau Islands province, the Child Welfare Commission reported a 50 percent increase in its budget for victim protection services in 2011. Some provinces have not established anti-trafficking task forces and provide only minimal funding for the protection of trafficking victims. The Riau Islands provincial-level INP reported having no budget for the protection of trafficking victims or for the investigation of trafficking allegations. The INP, Attorney General's Office, Ministry of Law and Human Rights, Department of Immigration, the Witness Protection Program, the National Commission on Women, and a number of NGOs actively cooperated in an IOM-led task force to revise the 2007 edition of "Guidelines for Law Enforcement and the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases." The final draft is completed and awaits funding for publishing.

Prevention

The Indonesian government made progress in preventing human trafficking during the reporting period, particularly through improved, centralized oversight of labor migrants and the licensed recruiting agencies sending them abroad. Most other prevention work was conducted at the district and province levels; 21 provincial and 73 district or municipal anti-trafficking task forces continued to coordinate local anti-trafficking efforts with a wide variety in levels of funding, staffing, and energy. While the West Java provincial task force includes 66 government and civil society representatives that meets regularly and funds over the equivalent of \$2.2 in victim protection activities, the task force in Riau Islands province – a major transit area for trafficking victims from throughout the country – did not meet during the year. The Coordinating Minister for Social Welfare nominally chaired the government's anti-trafficking taskforce, and the Ministry of Women's Empowerment and Child Protection (MWECP) provided active direction. The national taskforce met in September 2011 with 21 ministries, departments, and agencies represented; the national anti-trafficking taskforce does not have a budget and is funded by the participating ministries and departments. Anti-trafficking in persons campaigns continued during the reporting period and were maintained by MWECP, the Ministry of Manpower, the Ministry of Education, the INP, numerous Centers for Integrated Service for the Empowerment of Women and Children throughout the country, and NGOs in cooperation with local governments. The campaigns were delivered via conferences, radio, newspapers, billboards, pamphlets, school programs, and neighborhood meetings.

The government strengthened the ability of BNP2TKI to monitor outbound Indonesian workers and protect them from fraudulent recruitment and human trafficking. Using a new database and national worker's identify card system, the BNP2TKI registered and gave biometric identity cards to 581,081 workers who left for work abroad in 2011. Through its centralized database, it was able to improve verification of intending workers' eligibility and the *bona fides* of PJTKIs, while reducing the opportunities for corruption at the local level. BNP2TKI did not report the recruiters it referred to the Ministry of Manpower and Transmigration for trafficking. The Ministry, however, reported revoking the licenses of 28 firms in 2011.

During the year, the MWECP issued Ministerial Decree No. 9/2011 on Early Warning TIP Indicators as a guide to its branch offices and NGOs who provide support to trafficking victims. The Ministry issued Ministerial Decree No. 7/2011 on the Policy to Increase Family Resilience of Children in Need of Special Protection. The decree is an effort to identify the problem of vulnerable children, including trafficked children, as a national priority, and lead an interagency effort to address the problem by strengthening vulnerable families. Also in February 2012, MWECP cooperated with IOM to produce a manual on "Recovery, Return and Reintegration" training for trafficking victim care providers. The Ministry also published a training manual titled "Training Guide: Witness Assistants And/Or Victims of Trafficking" and in 2011 conducted training on facilitating victims of trafficking as criminal witnesses to 87 anti-trafficking front-line workers from government agencies, non-governmental organizations, and individuals who are interested in providing assistance to witnesses and victims of trafficking from East Nusa Tenggara, Bali, and Riau Islands. In early 2012, IOM conducted training

for 205 participants from West Java, West Kalimantan, and Yogyakarta. The ministry published a program called “early warning system,” targeting communities in five provinces: East Java, North Sumatra, West Nusa Tenggara, East Nusa Tenggara, and North Sulawesi with populations vulnerable to trafficking crimes. These communities also had locally based and directed awareness programs. The MWECP created a telephone and postal hotline for reporting suspected trafficking cases; there were 250 reported complaints filed in 2011. In June 2011, BNP2TKI also implemented a national trafficking in persons hotline that was advertised widely to workers going overseas and their families. The data is reported directly to the president monthly, while BNP2TKI works with embassies to follow up on cases of suspected trafficking abroad.

The government continued partnerships with NGOs and international organizations to increase public awareness of trafficking. The International Catholic Migration Commission (ICMC) organized a cross-border exchange meeting in September 2011 at the Indonesia-Malaysia border crossing at Nunukan, East Kalimantan. Eighty-eight representatives from local Indonesian and Malaysian governments, law enforcement agencies, NGOs, and the Indonesian Consulate in Tawau, Malaysia, shared expertise and experiences with a focus on increasing arrests, prosecutions and convictions of trafficking offenders. In December 2011, the Indonesian government concluded two years of negotiations with Malaysia on revising a 2006 memorandum of understanding (MOU) on The Recruitment and Placement of Indonesian Domestic Workers. The revisions, agreed by both governments, establish a joint task force “to provide appropriate solutions on matters concerning Indonesian domestic workers” and gives Indonesian workers the right to retain possession of their passports while working in Malaysia. To improve coordination of anti-trafficking programs, a number of provinces signed inter-provincial MOUs in 2011 that included guidelines for cooperating in the provision of care to trafficking victims who are located outside of their home provinces. West Java signed four MOUs with the provinces of Riau Islands, Bangka, West Kalimantan, and East Kalimantan. Riau Islands signed six MOUs with the provinces of West Java, Jakarta, Central Java, West Kalimantan, East Kalimantan, and Lampung. North Sumatra signed an MOU with Central Java.

There were reports of individuals from Australia, Canada, China, France, Germany, Italy, Japan, Korea, Malaysia, Singapore, Taiwan, the Middle East, the Netherlands, the United Kingdom, and the United States coming to Indonesia as child sex tourists. One UK citizen was arrested in the district of Batam, Riau Islands province, in November 2011 for sexually exploiting children and is in jail awaiting trial. There were no reports of Indonesian peacekeeping troops engaging in trafficking-related offenses. The government provided Indonesian military personnel with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not report efforts to reduce the demand for forced labor or the demand for commercial sex acts during the year.

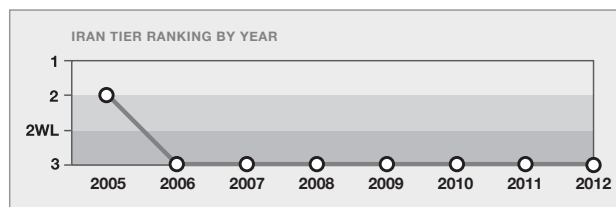
IRAN (Tier 3)

Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Iranian and Afghan boys and girls residing in Iran are

forced into prostitution within the country. Iranian women, boys, and girls, are subjected to sex trafficking in Iran, as well as in Pakistan, the Persian Gulf, and Europe. Azerbaijani women and children are also subjected to sex trafficking in Iran.

Afghan migrants and refugees are subjected to forced labor in Iran. Men and women from Pakistan, Bangladesh, and Iraq migrate voluntarily to Iran, or through Iran, to other Gulf states, particularly the UAE, and Europe, seeking employment. Some are subsequently subjected to conditions of forced labor, including debt bondage, through the use of such practices as restriction of movement, nonpayment of wages, and physical or sexual abuse. NGO reports indicate criminal organizations, sometimes politically connected, play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan in connection with the smuggling of migrants, drugs, and arms. Unconfirmed reports indicate that religious leaders and immigration officials are involved in human trafficking.

The Government of Iran does not comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. The government did not share information on its anti-trafficking efforts with the international community during the reporting period; this impedes the collection of information on the country’s human trafficking problem and the government’s efforts to curb it. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless indicate that the Iranian government is not taking sufficient steps to address its extensive trafficking challenges. For these reasons, Iran is placed on Tier 3 for a seventh consecutive year.



Recommendations for Iran: Significantly increase efforts to investigate trafficking offenses and prosecute and punish trafficking offenders, including officials who are complicit in trafficking; institute victim identification procedures to proactively identify victims of trafficking, particularly among vulnerable populations such as persons in prostitution, children in begging rings, and undocumented migrants; offer protection services to victims of trafficking, including shelter and medical, psychological, and legal assistance; cease the punishment of victims of trafficking for unlawful acts committed as a result of being trafficked; and increase transparency in government anti-trafficking policies and activities through public reporting.

Prosecution

The Government of Iran made no discernible law enforcement efforts against human trafficking during the reporting period. A 2004 law prohibits trafficking in persons by means of threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, removal of organs, slavery, or forced marriage. The prescribed penalty under this law reportedly is up to 10 years’ imprisonment, which is sufficiently stringent, but not commensurate with

penalties prescribed under Iranian law for other serious crimes, such as rape. The Constitution and Labor Code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one year's imprisonment is not sufficient to deter these serious crimes. In addition, the Labor Code does not apply to work in households. NGO sources report that these laws remain unenforced due to a lack of political will and widespread corruption. There were no reports of investigations or prosecutions of trafficking cases or convictions of trafficking offenders. It was extremely difficult for women in forced prostitution to obtain justice; first, because Iranian courts accord legal testimony by women only half the weight accorded to testimony by men, and second, because women who are victims of sexual abuse are liable to be prosecuted for adultery, which is defined as sexual relations outside of marriage and is punishable by death. There were no reports of government officials being investigated or punished for complicity in trafficking offenses during the reporting period.

Protection

The Government of Iran made no discernible efforts to protect victims of trafficking during the reporting period. There is no evidence that the government has a process to identify trafficking victims among vulnerable populations found in the country. Iran has deported large numbers of undocumented Afghans without attempting to identify trafficking victims among them. The government also has reportedly punished victims of sex trafficking for unlawful acts committed as a direct result of being trafficked, for example, adultery and prostitution. There were no reports that the government referred trafficking victims to protective services. Some welfare organizations unrelated to the government may help Iranian trafficking victims. The Iranian government did not provide foreign victims of trafficking with a legal alternative to removal to countries in which they may face hardship or retribution.

Prevention

There were no reports of efforts by the Government of Iran to prevent trafficking during the past year, such as campaigns to raise public awareness of trafficking, to reduce demand for commercial sex acts, or to reduce demand for child sex tourism by Iranians traveling abroad. A news report indicated that in February 2012, President Mahmoud Ahmadinejad attended a two-day trilateral summit with the presidents of Afghanistan and Pakistan in Islamabad; one of the summit's agenda items was transnational organized crime, including human trafficking. There was no improvement in the transparency of the government's reporting on its own anti-trafficking policies or activities and no apparent efforts to forge partnerships with international organizations or NGOs in addressing human trafficking problems. According to UNHCR, in June 2011, the Iranian government began re-registering Afghan refugees – a group vulnerable to trafficking – extending the validity of their registration card to one year. Iran is not a party to the 2000 UN TIP Protocol.

IRAQ (Tier 2 Watch List)

Iraq is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Iraqi women and girls are subjected to conditions of trafficking within the country and in Syria, Lebanon, Jordan, Kuwait,

the United Arab Emirates, Turkey, Iran, Yemen, and Saudi Arabia for forced prostitution and sexual exploitation within households. Anecdotal reporting suggests that trafficking in forced prostitution and bonded labor are increasing in Iraq, partially owing to pervasive corruption and an overall increase in criminal activity.

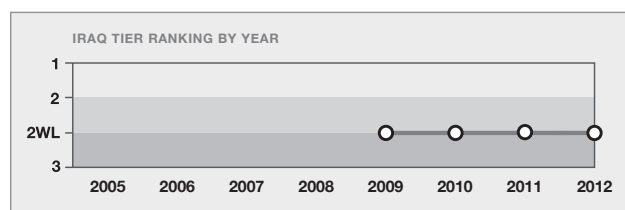
Women are lured into forced prostitution through false promises of work. An international organization reports an increase in forced prostitution in the city of Tikrit; women between the ages of 15 to 22 years from Baghdad, Kirkuk, and Syria are sold to traffickers in Tikrit for the equivalent of \$1,000-5,000 and then replaced or sold again every two or three months. Women are also subjected to involuntary servitude through forced marriages, often as payment of a debt, and women who flee such marriages are often vulnerable to further forced labor or sexual servitude. One NGO reports that recruiters rape women and girls on film and blackmail them into prostitution or recruit them in prisons by posting bail and then forcing them into prostitution via debt bondage. Some women and children are pressured into prostitution by family members to escape desperate economic circumstances, to pay debts, or to resolve disputes between families. NGOs report that these women are often prostituted in private residences, brothels, restaurants, and places of entertainment. Some women and girls are trafficked within Iraq for the purpose of sexual exploitation through the use of temporary marriages (*muta'a*), by which the family of the girl receives money in the form of a dowry in exchange for permission to marry the girl for a limited period of time. Some Iraqi parents have reportedly collaborated with traffickers to leave children at the Iraqi side of the border with Syria with the expectation that traffickers will arrange forged documents for them to enter Syria and find employment in a nightclub. An Iraqi official revealed networks of women have been involved in the trafficking and sale of male and female children for the purposes of sexual exploitation.

The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked. Women from Iran, China, and the Philippines reportedly may be trafficked to or through Iraq for commercial sexual exploitation. Some Iraqi refugees in Syria reportedly have contracted their daughters to work as maids in Syrian households, where they may have been subsequently raped, forced into prostitution, or subjected to forced labor. In other instances, Iraqi refugees' children remained in Syria while their parents left the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Iraqi women deported from Syria on prostitution charges are vulnerable to re-trafficking by criminal gangs operating along the border. After political unrest escalated in Syria, Iraqi refugees remaining in Syria reported they were unable to find work in the informal sector, coerced into taking part in anti-government protests, and harassed by Syrian authorities, all of which increased this vulnerable population's susceptibility to trafficking.

Iraq is also a destination for men and women who migrate from Bangladesh, India, Indonesia, Nepal, the Philippines, Sri Lanka, Thailand, Pakistan, Georgia, Jordan, and Uganda and are subsequently subjected to involuntary servitude as construction workers, security guards, cleaners, handymen, and domestic workers. Such men and women may face confiscation of passports and official documents, nonpayment of wages, long working hours, threats of deportation, and

physical and sexual abuse as a means to keep them in a situation of forced labor. Some of these foreign migrants were recruited for work in other countries such as Jordan or the Gulf States, but were forced, coerced, or deceived into traveling to Iraq, where their passports were confiscated and their wages withheld, ostensibly to repay labor brokers for the costs of recruitment, transport, food, and lodging. Other foreign migrants were aware they were destined for Iraq, but once in the country, found the terms of employment were not what they expected or the jobs they were promised did not exist, and they faced coercion and serious harm, financial or otherwise, if they attempted to leave. The Governments of Nepal and the Philippines continue to ban their citizens from migrating to Iraq for work. In addition, some Iraqi boys from poor families are reportedly subjected to forced street begging and other non-consensual labor exploitation and commercial sexual exploitation. Some women from Ethiopia, Indonesia, Nepal, and the Philippines who migrated to the Iraqi Kurdistan Region experienced conditions of domestic servitude after being recruited with offers of jobs different than they received.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Iraq is placed on Tier 2 Watch List for a fourth consecutive year. Iraq was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The Iraqi Parliament passed a comprehensive anti-trafficking law on April 30, 2012; this law prescribes punishments for both sex trafficking and labor trafficking. The Iraqi government reported negligible efforts to prosecute or punish traffickers under existing laws. The government demonstrated some efforts to identify and assist victims of forced labor, yet the government continued to punish victims of forced prostitution, while providing no systematic protection services to victims of trafficking.



Recommendations for Iraq: Implement legislation that prohibits all forms of trafficking; continue to use existing Iraqi criminal statutes – including those prohibiting kidnapping and detention by force or deception – to investigate and prosecute human trafficking offenses and convict trafficking offenders; institute a procedure to proactively identify victims, such as by comprehensively training police and immigration officials who may come into contact with trafficking victims; cease punishing identified victims of trafficking for crimes committed as a direct result of being trafficked, including forced prostitution; provide protection services to victims and proactively refer victims to available non-governmental protection services; under the new trafficking law, decriminalize NGO shelters that provide assistance to victims of sex trafficking; encourage victims' assistance in prosecuting

offenders; provide assistance to Iraqi victims of trafficking identified abroad; offer legal alternatives to removal to foreign victims of trafficking; take steps to end the practice of forced marriages that entrap girls in sexual and domestic servitude; regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor; and undertake a public awareness campaign to raise awareness of sex trafficking and forced labor.

Prosecution

The government demonstrated modest law enforcement efforts against trafficking in persons during the reporting period, as the Iraqi Parliament adopted a comprehensive anti-trafficking law on April 30, 2012. During the reporting period, the Iraqi government had several existing provisions in its penal code through which it could prosecute, convict, and punish trafficking offenses, including those prohibiting the unlawful seizure, kidnapping, and detention of a person by force or deception with penalties of up to seven years' imprisonment and up to 15 years' imprisonment if the victim is a child and force is used. The penalty for sexual assault or forced prostitution of a child is up to 10 years' imprisonment, which is sufficiently stringent to deter this activity, though not commensurate with the penalties prescribed for rape, which is up to 15 years' imprisonment. Iraq's anti-trafficking law prescribes some punishments for both sex trafficking and labor trafficking that are sufficiently stringent. The government does not collect statistics on prosecutions, convictions, or sentences of trafficking offenders.

The government did not make demonstrable efforts to investigate or punish official complicity in trafficking offenses. The Government of Iraq has no mechanisms to collect data on the enforcement of anti-trafficking law offenses. The government did, however, open a criminal investigation regarding the case of 22 male Ukrainian and Bulgarian victims of forced labor in the construction sector whose employer abandoned them in Baghdad's international zone; the case was filed in criminal court in March 2012. While the government did not fund anti-trafficking training, the Ministry of Labor and Social Affairs (MOLSA) provided facilities for some anti-trafficking awareness and victim identification trainings that were funded by an international organization and a foreign government; participants in multiple trainings throughout the year included officials from the Ministry of Interior and MOLSA, judges, prosecutors, and law enforcement personnel. Additionally, more than 100 Iraqi police cadets and commissioned officers received anti-trafficking awareness and victim identification training courses from a foreign government from July 2011 through February 2012.

Protection

The Iraqi government demonstrated minimal efforts to protect victims of trafficking during the reporting period. Government authorities did not develop or employ systematic procedures to identify proactively victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers, and did not recognize that women in prostitution could be victims of sex trafficking. The government similarly did not provide standard operating procedures to guide law enforcement officials in identification of trafficking victims. As a result, some victims of trafficking were incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked, such as engaging in prostitution.

Victims of forced labor reportedly were not detained, fined, or jailed for immigration violations, but they were generally not provided protection services by the government, including medical services.

The government demonstrated some willingness to assist victims of forced labor during the reporting period. In July 2011, the government reportedly paid 10 Sri Lankan victims of forced labor the equivalent of \$3,000 each in compensation. In October 2011, the Ministry of Foreign Affairs worked in collaboration with an international organization to provide compensation the equivalent of \$2,000 and exit documentation to each of the aforementioned 22 male Ukrainian and Bulgarian victims of forced labor in the construction sector whose employer abandoned them in Baghdad's international zone. After the victims were repatriated, the government worked with Ukrainian authorities to collect the victims' statements to pursue a criminal investigation. The workers' Iraqi attorney filed a criminal complaint under Labor Law 111, Article 456, prior to passage of the anti-trafficking law. The victims were also allowed to pursue a civil court claim against the employer for the equivalent of \$300,000 in back wages. These cases were pending at the end of the reporting period.

Some Iraqi police centers have specialists to assist women and children who are victims of trafficking and abuse, yet the number of victims assisted and the type of assistance provided was unclear. The government neither provided protection services to victims of trafficking nor funded or provided in-kind assistance to NGOs providing victim protection services; likewise, the government did not have a budget designated for victim protection or assistance during the reporting period. All available care was administered by NGOs, which operated victim-care facilities and shelters accessible to victims of trafficking. The government continued to criminalize NGO-run shelters that provided protective services to sex trafficking victims; therefore, these shelters continue to be vulnerable to prosecution and unprotected from threats of violence by extremist groups. There were no signs that the government developed or implemented procedures by which government officials systematically referred identified victims to organizations providing legal, medical, or psychological services; the government did not collect official statistics on the number of trafficking victims in Iraq or those that received assistance. Upon release from prison, female victims of forced prostitution had difficulty finding assistance, especially in cases where the victim's family had sold her into prostitution, thereby increasing her chances of being re-trafficked. Some child trafficking victims were placed in protective facilities, orphanages, and foster care, while others were placed in juvenile detention centers. The government did not encourage victims to assist in investigations or prosecutions or provide them legal assistance or legal alternatives to removal to countries in which they may face hardship or retribution.

Prevention

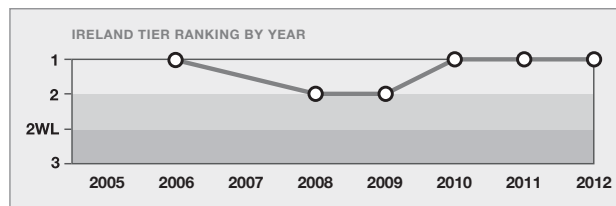
The Government of Iraq made some efforts to prevent trafficking in persons. The government, in coordination with an international organization, formed and co-chaired the Rule of Law International Policy Committee Working Group on Trafficking in Persons in February 2011, which met eight times in 2011 to discuss developments in the draft law, lobby for its passage, and raise awareness of human trafficking and the draft law among relevant ministry employees. MOLSA

reportedly began to regulate labor recruitment practices during the reporting period, though it was unclear if the government penalized or closed recruitment agencies involved in fraudulent recruitment practices. Some government officials continued to deny the existence of human trafficking or did not believe trafficking was a significant issue in Iraq. For example, on various occasions during the year, Ministry of Interior officials denied that women incarcerated for prostitution could also be trafficking victims. The government did not conduct any public awareness or education campaigns to educate migrant workers, labor brokers, and employers of workers' rights against forced labor. There were no reported efforts to reduce the demand for commercial sex acts.

IRELAND (Tier 1)

Ireland is a destination, source, and transit country for women, men, and children subjected to sex trafficking and forced labor. Sex trafficking victims originate in Eastern Europe, African countries including Nigeria, South America, and Asia. Adult labor trafficking victims are reportedly from South America, Eastern Europe, Asia, and Africa. Forced labor victims are found in domestic service and restaurant work. According to local reporting, within the last several years some victims have been subjected to domestic servitude by foreign diplomats on assignment in Ireland. According to NGO experts, children are subjected to prostitution in various cities in Ireland, including Kilkenny, Cork, and Dublin.

The Government of Ireland fully complies with the minimum standards for the elimination of trafficking. The government took important steps to investigate and prevent domestic servitude among employees of diplomats posted in Ireland. During the year, the government prosecuted and convicted a sex trafficker for the prostitution of a minor. The government, however, has yet to fully prosecute and convict any trafficking offenders, as defined by international standards using the country's 2008 anti-trafficking law. The government developed victim-centered care plans for many trafficking victims, provided holistic care through the provision of temporary residency permits and associated services, and continued to provide funding to NGOs that provided specialized assistance to trafficking victims. All identified victims received services regardless of immigration status. However, the majority of trafficking victims from non-EU countries received services and pursued refugee status through Ireland's asylum process, which NGOs criticize as resulting in inadequate care and insufficient protection of victims' rights, in comparison to the provisions specific to trafficking victims.



Recommendations for Ireland: Vigorously implement Ireland's 2008 anti-trafficking law to ensure labor and sex trafficking offenders are held accountable; consider drafting an amendment to explicitly criminalize forced labor and other forms of compelled service with a view toward increasing

efforts to implement the 2008 anti-trafficking law; explore and enhance NGOs' roles in the victim identification process; ensure proactive screening for trafficking during asylum intake interviews; ensure all potential trafficking victims, regardless of immigration status, are afforded an official recovery and reflection period to make an informed decision about whether to assist law enforcement; ensure asylum-seeking trafficking victims who are cooperating with law enforcement have accurate information on the support they may qualify for under Ireland's explicit provisions for trafficking victims, and ensure they are aware this is an option they can pursue; expand legal aid beyond representation during trials for victims assisting law enforcement; continue educating potential clients of prostitution about the linkage between prostitution and trafficking; and consider establishing a national anti-trafficking rapporteur or similar entity to encourage more self-critical assessments to improve law enforcement and victim protection.

Prosecution

The Government of Ireland sustained its efforts to investigate and prosecute trafficking offenders in 2011. The government prohibits all forms of trafficking through its 2008 Criminal Law (Human Trafficking) Act; however, to date no trafficking offenders have been successfully convicted under this law. Penalties prescribed range from no imprisonment to life imprisonment, a range that is sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. During the year, NGOs advocated for the offenses of forced labor and servitude to be clarified and for the law to explicitly provide that such offenses need not include movement in order to constitute trafficking offenses.

The government investigated 53 new trafficking cases in 2011, including 12 labor trafficking cases, compared with 75 cases investigated in 2010, and it prosecuted nine suspected sex, and no labor, trafficking offences. The government continued its investigation of an officer for trafficking-related complicity initiated in November 2010. According to an NGO review of the National Action Plan in June 2011, the low number of prosecutions for trafficking contributes to an underestimation of the severity of the trafficking problem in the country.

Although the government reported four trafficking convictions in 2011, only one conviction involved a human trafficking offense consistent with international standards. In the trafficking case, a Nigerian woman who subjected a 16-year-old girl to exploitation in prostitution received a sentence of four years' imprisonment, with two of the years suspended. The other cases reported by the government involved sexual assault without commercial exploitation, organized prostitution of adults without force, fraud, or coercion, or solicitation of pornographic images of children without a commercial sex act. The Government of Ireland continued to provide specialized, ongoing anti-trafficking training for law enforcement officers and other front-line responders.

Protection

During the reporting period, the Irish government maintained its protection efforts for trafficking victims and administered victim-centered care plans to many trafficking victims. The government provided a total amount equivalent to \$412,000 to NGOs providing specialized services for victims of sex and labor trafficking and referred victims to these NGOs. Victims who were not nationals of EU countries received care and social

services as directed by special provisions called administrative immigration arrangements for victims of human trafficking. Trafficking victims in the asylum process receive services as directed by the asylum provisions. A 2011 NGO paper criticized the system of care available to asylum seeking trafficking victims and called for the abolition of the practice of housing nationals of non-EU countries in mixed gender asylum centers, citing the risk of exacerbating trafficking-related trauma; this paper also noted long-term residence in asylum hostels hinders victims' recovery and compounds mental health issues. While other benefits, such as medical care, education, and vocational training apply to all victims, anti-trafficking NGOs in Ireland reported critical distinctions based on a victim's nationality made by government service providers and influencing the overall quality of support offered to a victim, specifically immigration benefits, availability of long-term housing, and the right to work.

The Irish government identified 57 potential victims in 2011, a decrease from 78 victims identified in 2010. The government reported the use of systematic procedures to guide officials in the identification and referral of victims, though NGOs assessed that better institutional cooperation among key stakeholders is needed in order to identify victims and ensure they benefit from assistance programs. During the year, police referred 29 potential trafficking victims, six of whom were identified as victims of labor trafficking, to government social workers who prepared victim-centered care plans for their assistance. Under the administrative immigration arrangements for victims of human trafficking, the government provided one foreign victim with a 60-day reflection period – time to receive immediate care and assistance while considering whether or not to assist law enforcement. The government reported at least 25 suspected trafficking victims cooperated with law enforcement in the investigation and prosecution of their traffickers in 2011. While victim cooperation is generally viewed as positive for anti-trafficking efforts, local experts noted concerns about the potentially negative impact on asylum-seeking trafficking victims' ongoing cooperation in lengthy cases without formal recognition or identification by authorities that they are 'suspected' victims, as well as potential threats from traffickers.

Victims from non-EU countries were eligible to remain in Ireland for up to three years under Ireland's temporary residency permit. The government granted one victim a temporary residency permit in 2011, compared with five temporary permits issued in 2010, and it renewed 18 temporary residency permits for trafficking victims. Other victims were either in the asylum process or did not require residency permits because they were from Ireland or other EU countries. The government reported that no identified trafficking victims were subjected to deportation from Ireland and there were no cases of trafficking victims being criminalized for unlawful acts committed as a direct result of their being trafficked. Despite this, NGOs continued to voice concerns that unidentified victims may have been inadvertently deported or punished for crimes committed while under coercive control of their traffickers.

Prevention

The government sustained its anti-trafficking prevention efforts. It re-launched a regional Blue Blindfold campaign in Ireland aimed at targeting potential victims and reducing the demand for sex trafficking. The Irish Justice Department's anti-trafficking unit continued to coordinate the country's

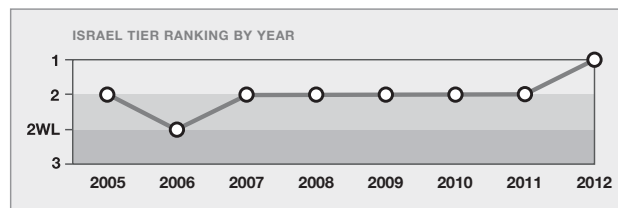
efforts; a high-level inter-departmental group also functioned as a coordinating mechanism. The government did not report on any prevention measures targeted at reducing the vulnerability of unaccompanied foreign minors to trafficking. The Department of Defense provided ongoing anti-trafficking training for all Irish troops prior to their deployment abroad as part of international peacekeeping missions.

ISRAEL (Tier 1)

Israel is a destination country for men and women subjected to forced labor and sex trafficking. Low-skilled workers from Thailand, China, Nepal, the Philippines, India, Sri Lanka, and, to a lesser extent, Romania, migrate voluntarily and legally to Israel for temporary contract labor in construction, agriculture, and caregiving industries. Some subsequently face conditions of forced labor, including through such practices as the unlawful withholding of passports, restrictions on movement, inability to change or otherwise choose one's employer, nonpayment of wages, threats, sexual assault, and physical intimidation. Many labor recruitment agencies in source countries or brokers in Israel require workers to pay exorbitant recruitment fees to secure jobs in Israel – ranging from the equivalent of \$4,000 to \$20,000 – a practice that contributes to forced labor once migrants are working in Israel.

Based on many documented victim testimonies, an increasing number of migrants and asylum seekers – primarily from Eritrea, Sudan, and to a lesser extent Ethiopia – arriving in Israel are reportedly held for ransom and forced into sexual servitude or labor during their captivity in the Egypt's Sinai. The Israeli government improved its system of identifying and providing medical care for these victims, who are trafficked and abused before they arrive in Israel. Some isolated cases of women from the former Soviet Union, China, and South America are subjected to forced prostitution in Israel, although the number of women affected continues to decline since the passage and implementation of Israel's 2006 anti-trafficking law. Some NGOs report that Israeli women and girls are subjected to sex trafficking in Israel, but police have found no evidence indicating such internal trafficking.

The Government of Israel fully complies with the minimum standards for the elimination of trafficking. The Israeli government sustained strong law enforcement actions against sex trafficking and strong overall prevention efforts during the year. Efforts to address labor violations of foreign workers that could lead to trafficking vulnerability continued to lag, though the government convicted two individuals for labor trafficking during the reporting period. The government continued to fund and refer victims to two NGO-run shelters for trafficking victims. The government failed to protect some vulnerable populations, including some exploited foreign workers, foreign migrants, and asylum seekers arriving from Egypt who were forced into sexual servitude or forced labor during their captivity in the Sinai.



Recommendations for Israel: Increase the number of labor inspectors and translators in the agriculture, construction, and homecare sectors, ensuring that they are adequately trained in identifying trafficking cases; increase enforcement of foreign worker labor rights; evaluate employers and recruitment agencies for histories or indicators of abusive practices before referring migrant workers to them for new employment; continue to strengthen victim identification of migrants and asylum seekers arriving from the Sinai, continue to accord those trafficking victims protections and medical treatment, and ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked, such as immigration violations; adequately train regional district police units in victim identification and enforcement of labor and sex trafficking laws; and increase investigations of forced prostitution of Israeli nationals.

Prosecution

The Government of Israel sustained its strong law enforcement efforts against sex trafficking during the reporting period; it also made marked progress against labor trafficking. The government prohibits all forms of human trafficking through its Anti-Trafficking Law of 2006, which prescribes penalties of up to 16 years' imprisonment for trafficking of an adult, up to 20 years' imprisonment for the trafficking of a child, up to 16 years' imprisonment for slavery, and up to seven years' imprisonment for forced labor. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government conducted 18 investigations of sex trafficking and two investigations of forced labor under Israel's trafficking statute. Israeli courts convicted 15 sex trafficking offenders, some of whom were charged under the trafficking statute but convicted under related statutes due to limitations of available evidence in trafficking cases, and were given sentences ranging from eight months to five years' imprisonment. In a precedential case in February 2012, the government convicted two individuals for forced labor of a Filipina domestic worker under the trafficking statute. While there was no evidence of physical violence inflicted upon the victim, the court recognized this case as an offense of "holding a person under conditions of slavery" and withholding of a passport; the sentence was pending at the end of the reporting period and the victim had been referred to a trafficking shelter. In a separate case, the government also convicted one alleged labor trafficker under a non-trafficking statute, and sentenced him to eight years' imprisonment. At the end of the reporting period, the prosecution of 10 sex trafficking offenders and two labor trafficking cases remained pending. At the end of the reporting period, prosecution had not yet begun of an employer who has been under investigation since May 2010 for forcing a caregiver from Moldova to have sex with the employer's disabled son over a sustained period of time.

As in the previous reporting period, police did not uncover cases in which Israeli women were forced into prostitution, yet a local NGO observed that the majority of women in prostitution are Israeli citizens, and some are restricted from leaving the brothels where they work. NGOs continued to report that the majority of alleged labor trafficking complaints were made by NGOs, and that the government failed to provide sufficient funding and staffing for police enforcement, particularly in the field. The SAAR unit – which was established in 2009 as the central anti-trafficking police unit – was decentralized in July 2011, and regional districts became responsible for handling trafficking investigations, overseen by an Israel National Police headquarters component. A smaller coordination unit was preserved from the previous SAAR unit, which traditionally operated as an economic crimes unit. NGOs claimed the decentralization would hurt the police's ability to manage complex field investigations, gather intelligence, and build evidence for successful prosecutions, but the Israeli High Court found no evidence of a decrease in the government's ability to fight trafficking. Furthermore, the government asserted that the decentralization was designed to improve enforcement and coordination at local levels and that there was no reduction in resources allocated for anti-trafficking efforts. Law enforcement entities continued to rely largely on information from NGOs to investigate most instances of alleged labor trafficking. For example, an Israeli NGO identified several hundred victims of serious labor rights abuses in the agricultural sector in 2011, which prompted an investigation that identified no victims of trafficking. Through the National Anti-Trafficking Unit, the government continued to provide numerous anti-trafficking trainings, workshops, and seminars for law enforcement officers, judicial officials, labor inspectors, officials from various government ministries, social workers, and NGOs.

Protection

The Government of Israel continued to improve its strong protection of trafficking victims over the reporting period, although it lacked effective procedures to identify and protect some trafficking victims among vulnerable populations, including migrant workers and other migrants who entered from the Sinai. As a result, some unidentified victims may have been penalized for unlawful acts, such as immigration violations, committed as part of being trafficked. Israeli law enforcement authorities employed systematic procedures for identifying foreign sex trafficking victims among high-risk persons with whom they came in contact. The police established a new pilot program coordinated with an NGO to help identify sex trafficking victims during police raids of brothels. During the reporting period, police did not identify any children or Israeli women forced into prostitution, though press reports cited the existence of underage prostitution in Tel Aviv. An NGO noted that some victims who were trafficked in the Sinai and later entered Israel remained in Saharonim prison for several weeks, but were then transferred to trafficking shelters. Additionally, the Ministry of Industry, Trade and Labor lacked Thai translators during inspections in the agriculture sector, thus inspectors were unable to communicate with and receive complaints from the predominantly Thai migrant workers in the sector. The government provided victim identification training and workshops to judges, social workers, law enforcement and prison officials, labor inspectors, and NGOs which resulted in marked improvement in the identification of trafficking victims.

The government continued to fund its 35-bed Maagan shelter for foreign female trafficking victims and the 35-bed Atlas shelter for foreign male trafficking victims, both of which were open and allowed shelter residents to freely leave. NGOs and international organizations praised the efforts of these shelters but also claimed that they were insufficient to treat the scale of trafficking victims who were not officially identified in Israel, particularly among migrants and asylum seekers arriving from the Sinai. The government opened new apartments as needed to handle additional identified victims. Law enforcement and judicial officials referred 16 women to the Maagan shelter and 10 men to the Atlas shelter in 2011; while the number of women referred to the shelter was similar with the previous year, referrals of men dropped significantly compared to 2010. In 2011, the shelters housed 26 trafficked women, 13 men, and six children. No child victims of trafficking were referred to the shelter this year, but the children of some adult trafficking victims were housed in the shelter with their parent. The shelter staff maintained contact with trafficking victims after they had left the shelter to assist victims with long-term reintegration into Israeli society and to ensure future work conditions were not exploitative. The government continued to fund and supervise the shelters and legal and medical services, allocating the equivalent of approximately \$811,000 in 2011 to fund the NGO-operated Atlas and Maagan facilities. These shelters offered job training, psychosocial support, medical treatment, language training, and other services. The Legal Aid Branch of the Ministry of Justice continued to provide free legal aid to victims and included a special representative with expertise in handling human trafficking cases. In 2011, the Branch granted legal aid to 54 possible victims of trafficking, including victims of sex trafficking and forced labor, as well as those who entered from the Sinai and allegedly experienced conditions of forced labor and sex trafficking in Egypt. The government encouraged victims to assist in the investigation and prosecution of trafficking but did not require it. During the year, the government issued or extended several temporary B1 visas to trafficking victims that allowed victims to work legally and without restriction; these were not contingent on their participation in investigations or prosecutions. Some NGOs complained that identified victims of trafficking who suffered abuses in Egypt were not accorded B1 visas in Israel, but were instead issued standard deferred deportation orders that served as *de facto* work permits.

The Israeli government continued to grapple with the influx of foreign migrants and asylum seekers arriving from the Sinai, primarily from Eritrea, Sudan, and to a lesser extent Ethiopia, many of whom were victims of torture prior to their entry into Israel, and some of whom were identified as victims of trafficking. NGOs noted the government's improved procedures in Israeli prisons to identify trafficking victims among this large group of migrants and referral of victims to service providers. The government continued to improve its system of identifying victims and providing medical treatment, even to those victims who were abused and trafficked prior to arriving in Israel. Judges identified, released from detention, and referred to shelter services 30 possible trafficking victims who had entered Israel from the Sinai. Police, who can officially identify trafficking victims and refer them to the shelters, only authorized the referral of 15 of these victims to the shelters, based on detailed assessments. Police recognized the other 15 as torture victims, not as trafficking victims; therefore, they were not authorized access to the trafficking shelters. The government indicated it did not have the capacity to provide assistance to the large numbers of trafficking victims

among the migrants arriving from Egypt. In March 2011, the government reported that it ceased the practice of “hot returns” of migrants and asylum seekers back to Egypt, citing the lack of effective coordination by Egyptian authorities receiving the migrants. NGOs filed two complaints to the State Attorney’s office in August 2011 regarding prior incidents of hot returns, but there were no reported cases of new hot returns since July 2011. According to international organizations and NGOs, immigration officials pressured some migrants who may have been trafficking victims with disputed nationalities not to claim citizenship of Sudan or Eritrea, because nationals of those countries have received temporary protective status from deportation. As a result, these possible trafficking victims were not offered protection, which includes shelter and B1 visas. The Ministry of Interior (MOI) deported some asylum seekers who arrived from the Sinai and were determined to be Ethiopian without determining if they were victims of trafficking. Moreover, judges referred at least two of these migrants to police as trafficking victims, yet police did not validate the initial assessment, and the MOI deported the victims.

Prevention

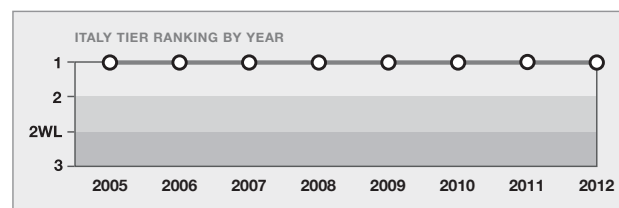
The Israeli government made sustained progress in preventing human trafficking over the reporting period. In December 2011, the government held its fourth annual ceremony to present awards to individuals or organizations that made a significant contribution against human trafficking. The Knesset Subcommittee on Trafficking in Women held frequent meetings during the reporting period that were open to the public and covered by the media. As a continuation of the government’s efforts from the previous reporting period, the country’s national coordinator for human trafficking published an annual summary of the Israeli government’s anti-trafficking efforts. The government conducted 20 investigations of recruitment agencies, of which 12 cases were referred for prosecution. NGOs continued to raise concerns over amendments to the Law of Entry, which passed in the Knesset in May 2011 and might further bind foreign workers to particular sectors, employers, and geographic regions. These amendments specifically affect work permits issued to migrant workers in the caregiving sector in Israel. The government continued to distribute a labor rights brochure to foreign workers arriving at Ben Gurion Airport. Under the November 2010 amendment to the Foreign Workers Law, labor inspectors entered and inspected private residences in which migrant workers were employed. In efforts to reduce the demand for commercial sex acts, in February 2012, a government committee endorsed a bill prohibiting the procurement of prostitution that was pending in the Knesset at the end of the reporting period. The government also opened 293 cases of managing a property for the purpose of engaging persons in prostitution and eight cases of advertisement of prostitution services.

ITALY (Tier 1)

Italy is a destination and transit country for women, children, and men subjected to sex trafficking and forced labor. Victims originate from Romania, Nigeria, Morocco, Albania, Moldova, Russia, Ukraine, Bulgaria, China, Belarus, Brazil, Peru, Colombia, Kazakhstan, Kyrgyzstan, Pakistan, Bangladesh, and Ecuador. Children, mostly from Romania and Nigeria,

continued to be subjected to sex trafficking and forced begging; some children were also subjected to forced criminality. Most male child victims of sex trafficking were Roma, but some were Moroccans and Romanians. A significant number of men continued to be subjected to forced labor and debt bondage, mostly in the agricultural sector in southern Italy and the construction and service sectors in the north. Recruiters or middlemen are often used as enforcers for overseeing the work on farms in the south; they are sometimes foreigners reportedly linked to organized crime elements in southern Italy. Immigrant laborers working in domestic service, hotels, and restaurants were also particularly vulnerable to forced labor. Forced labor victims originate in Poland, Moldova, Romania, Pakistan, Albania, Morocco, Bangladesh, Egypt, India, China, Senegal, Ghana, and Cote d’Ivoire.

The Government of Italy fully complies with the minimum standards for the elimination of trafficking. The government generally continued to implement a flexible, victim-centered approach to victim identification and provided comprehensive protection and assistance to a significant number of trafficking victims in 2011. It continued vigorously to prosecute and convict trafficking offenders using its trafficking law. NGOs remain concerned, however, that the government’s focus on the expedited return of illegal migrants – such as its efforts in 2009 to interdict African migrants on the high seas and deliver them to Libya, and to deport foreign women found in street prostitution without screening them for trafficking indicators – may have resulted in trafficking victims not being identified by authorities, and their being treated as law violators and thus penalized for unlawful acts committed as a direct result of being trafficked.



Recommendations for Italy: Collect and disseminate comprehensive law enforcement data disaggregating forced labor from forced prostitution convictions; increase systematic efforts to proactively identify victims of trafficking; ensure specialized outreach and identification efforts extend to all vulnerable groups and potential trafficking victims, especially foreign migrants without status; standardize identification and referral procedures for trafficking victims on the national level to ensure victims are not inadvertently deported or otherwise punished for crimes committed as a direct result of being trafficked; implement proactive anti-trafficking prevention programs targeted at vulnerable groups, trafficked victims, and the larger public; establish an autonomous, national rapporteur to enhance anti-trafficking efforts and share Italy’s best practices on victim protection with other countries.

Prosecution

The Government of Italy continued to vigorously investigate, prosecute, and convict trafficking offenders during the reporting period. Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons Law, which prescribes penalties of eight to 20 years’

imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2010, the government reported investigating 2,333 suspected trafficking offenders, compared with investigating 2,521 suspects in 2009. Italian prosecutors brought to trial 621 trafficking offenders, and trial courts convicted 174 trafficking offenders under Italy's 2003 trafficking law in 2010, compared to 166 convictions in 2009. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted for exploitation of underage prostitution and slavery laws were given sentences averaging 3.5 and 1.5 years, respectively. The government did not disaggregate its data to demonstrate convictions of forced labor offenders. The government continued to investigate acts of trafficking-related complicity involving officials, including the April 2011 arrest of two Palermo police officers for extorting women in prostitution; the government indicted one of the two policemen on January 18, 2012, and the other entered a guilty plea on January 25, 2012. The government did not report any further information regarding a May 2010 case involving the arrest of two police officers suspected of trafficking-related complicity in a nightclub in Pisa and a December 2009 case in which authorities charged two prison guards with exploitation of women in prostitution. In April 2011, a trial began for former Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan minor. During the reporting period, the government continued to conduct specialized training on victim identification and investigation of trafficking for law enforcement agencies.

Protection

The Italian government continued its strong efforts to identify and protect victims of trafficking by promoting a flexible, victim-centered approach to identifying potential trafficking victims. Although Italy does not have a formal reflection period during which trafficking victims can recuperate and decide whether to assist law enforcement, authorities informally grant this to victims and do not limit it to a finite number of days. NGOs praised the good results of this approach when combined with comprehensive assistance. The government reported it identified and referred for care 724 new trafficking victims in 2011, and it continued to provide comprehensive assistance to 836 victims referred in previous years. The government reported 23 percent of all victims assisted in 2011 were men, and 6.5 percent were children. Article 13 of the Law 228/2003 provides victims with three to six months' assistance while Article 18 of Law 286/1998 guarantees victims shelter benefits for another 12 months and reintegration assistance. Application of this article is renewable if the victim finds employment or has enrolled in a training program and is sheltered in special facilities. Foreign child victims of trafficking received an automatic residence permit until they reached age 18. Government funding for victim assistance, primarily through the funding of NGOs by national, regional and local authorities, was the equivalent of approximately \$13 million in 2011.

Victims are not required to cooperate with police in order to receive a residence permit. The government reported it issued 1,078 temporary residence visas in 2011; although this number likely includes victims of other forms of exploitation. Further, it reported it issued 608 renewals of residency permits in 2011. The top three countries of origin of assisted victims were Nigeria, Romania, and Morocco. The government reported that

68 percent of assisted victims cooperated with police in the investigation of their exploiters. While there are arrangements at the local level to help guide officials in identifying and referring trafficking victims, the government has yet to adopt formal procedures on the national level for all front-line responders in Italy. NGOs reported the quality of the referral process for victims varied from region to region.

During the reporting period, the government continued to implement anti-immigration security laws and policies resulting in fines for illegal migrants and their expedited expulsion from Italy. Italian authorities did not screen these migrants to identify trafficking victims. In February 2012, the European Court of Human Rights ruled that the Italian government's "push-back" policy, in effect for several months in 2009, of intercepting migrants on the high seas and sending them to detention camps in Libya violated the migrants' right to seek asylum and placed them at risk of hardship or retribution in Libya or in their country of origin.

Prevention

The Government of Italy sustained its anti-trafficking prevention efforts in 2011. The Ministry for Equal Opportunity, through a committee that included independent experts and NGOs, completed Italy's first national action plan on trafficking and submitted the draft plan to Parliament in January 2012. According to country experts, the Eurozone crisis resulted in increased unemployment among foreign workers in Italy, thus increasing their vulnerability to exploitation. On August 13, 2011 the government issued a decree to criminalize and increase penalties for labor brokers who exploit vulnerable workers. The law provides sentences of five to eight years and fines; sentences are increased to 10-24 years for child victims or if victims are exposed to health hazards. The government demonstrated some transparency in its anti-trafficking efforts by maintaining a monitoring system on the regional and national level in conjunction with anti-trafficking NGOs in 2011, but it did not monitor or report publicly on its various measures to address the problem.

The Ministry of Tourism implemented a program from 2010 to 2011 to reduce child sex tourism by issuing certificates of responsible tourism to travel agencies and tour operators for their outreach to potential clients and implemented a country-wide media campaign to promote awareness among potential clients of child sex tourism. The Italian armed forces regularly continued to organize training to prevent the trafficking or sexual exploitation of women and children by Italian troops who are deployed abroad on international peacekeeping missions.

JAMAICA (Tier 2 Watch List)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. The exploitation of local children in the sex trade, a form of sex trafficking, remains a problem. The media has reported that pimps are luring Jamaican children under age 18 into prostitution, especially in urban areas in Jamaica. NGOs and the government remain alarmed at the high number of missing children and are concerned that some of these children are falling prey to sex trafficking. Sex trafficking of children and adults likely occurs on the street, in night clubs, bars, and private homes. In addition, massage parlors in

imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2010, the government reported investigating 2,333 suspected trafficking offenders, compared with investigating 2,521 suspects in 2009. Italian prosecutors brought to trial 621 trafficking offenders, and trial courts convicted 174 trafficking offenders under Italy's 2003 trafficking law in 2010, compared to 166 convictions in 2009. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted for exploitation of underage prostitution and slavery laws were given sentences averaging 3.5 and 1.5 years, respectively. The government did not disaggregate its data to demonstrate convictions of forced labor offenders. The government continued to investigate acts of trafficking-related complicity involving officials, including the April 2011 arrest of two Palermo police officers for extorting women in prostitution; the government indicted one of the two policemen on January 18, 2012, and the other entered a guilty plea on January 25, 2012. The government did not report any further information regarding a May 2010 case involving the arrest of two police officers suspected of trafficking-related complicity in a nightclub in Pisa and a December 2009 case in which authorities charged two prison guards with exploitation of women in prostitution. In April 2011, a trial began for former Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan minor. During the reporting period, the government continued to conduct specialized training on victim identification and investigation of trafficking for law enforcement agencies.

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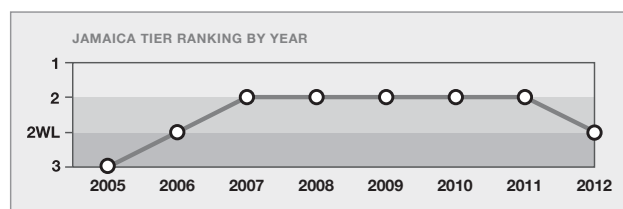
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Jamaica reportedly often lure women into prostitution under the false pretense of employment as massage therapists and then withhold their wages and restrict their movement – key indicators of human trafficking. People living in Jamaica's poverty-stricken garrison communities, territories ruled by criminal "dons" that are effectively outside of the government's control, are especially at risk. An NGO working with street children reported that forced labor of children in street vending is prevalent. There is evidence that foreign nationals are subjected to forced labor in Jamaica. There were reports that Jamaican citizens have been subjected to sex trafficking or forced labor abroad, including throughout the Caribbean, Canada, the United States, and the UK.

The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore Jamaica is placed on Tier 2 Watch List. The government identified only one victim during the reporting period and reported no convictions of trafficking offenders, thus highlighting serious concerns about a lack of accountability for trafficking offenders and any officials complicit in human trafficking.



Recommendations for Jamaica: Vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in forced labor or sex trafficking; ensure prescribed penalties for human trafficking are commensurate with penalties for other serious crimes, such as forcible sexual assault; implement standard operating procedures to guide police, labor inspectors, child welfare officials, health workers, and other government workers in the proactive identification of local, as well as foreign victims, of forced labor and sex trafficking – including children under age 18 in prostitution in night clubs, bars, and massage parlors – and their referral to adequate service providers; and explore using existing partnerships with NGOs to expand awareness activities, particularly prevention campaigns directed at youth and potential clients of the sex trade.

Prosecution

The government made limited progress in the prosecution of trafficking offenders during the reporting period. The government prohibits all forms of trafficking through its comprehensive Trafficking Act of Jamaica, which went into effect in 2007. Punishments prescribed for human trafficking under the Act extend up to 10 years' imprisonment, which are sufficiently stringent but do not appear to be commensurate with penalties prescribed for other serious crimes, such as rape. The government initiated three new trafficking investigations, one new labor trafficking prosecution, and one new sex trafficking prosecution during the reporting period. Ten prosecutions from previous reporting periods, including four initiated during the preceding year, remained ongoing. The

government reported no convictions of trafficking offenders during the year; there were no convictions during the preceding year. The government reported no investigations, prosecutions, or convictions of officials complicit in human trafficking. In an effort to strengthen awareness and law enforcement efforts, the government funded and conducted in collaboration with a local NGO a human trafficking sensitization seminar in April 2011 for approximately 32 members of the Jamaica Constabulary Force. In December 2011, the government funded an NGO to implement training for hotline operators on handling human trafficking cases.

Protection

The government made limited progress in the protection of trafficking victims during the reporting period. The government identified only one new trafficking victim – an underage girl whose family member was selling her for sex. The lack of victims identified raised concerns that the government did not employ standard operating procedures to guide front-line responders, such as police, labor inspectors, child protection officials, and health officials, in proactive identification of human trafficking and referral of suspected cases for assistance. The government placed the one identified victim in a temporary shelter for abused girls, with a longer term plan of seeking placement for the girl with extended family. Officials provided assistance and safe voluntary repatriation in cooperation with IOM for four foreign labor trafficking victims identified in the previous reporting period. The government reported spending the equivalent of approximately \$12,700 on services for trafficking victims including, shelter, counselling, clothing, and meals; this compares with the equivalent of \$176,470 that it spent on victim protection during the preceding year. A trafficking-specific shelter mentioned during previous reporting periods had yet to shelter any trafficking victims and reportedly was not operational. Jamaican officials encouraged victims to participate in investigations and prosecutions of trafficking offenders. The Trafficking Act of Jamaica guarantees that trafficking victims are immune from prosecution for immigration or prostitution violations committed as a direct result of their being subjected to forced prostitution or forced labor; there were no allegations of victim punishment during the reporting period. In accordance with Jamaica's anti-trafficking law, the government provided formal guidance for immigration officials, advising them not to deport foreign victims, and it provided temporary immigration relief to at least four foreign trafficking victims during the reporting period.

Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. The government did not implement a national trafficking awareness campaign but acknowledged Jamaica's human trafficking problem. The government's anti-trafficking task force, which met on a monthly basis, expanded its outreach efforts and included many more government organizations (including the education, tourism, and health ministries along with the Office of the Children's Advocate and the justice training institute) and NGOs. The task force also reached out to NGOs operating in tourism hubs across Jamaica to establish collaborative relationships that will lead to better understanding and possible identification of child sex tourism on the island. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking.

The government hosted a national plan of action workshop, including multiple stakeholders, and began work on a national plan of action against human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts.

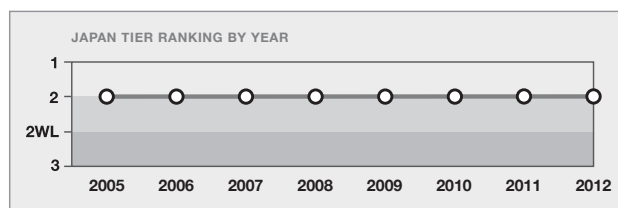
JAPAN (Tier 2)

Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Some women and children from East Asia, Southeast Asia, South America, and, in previous years, Eastern Europe, Russia, and Central America who travel to Japan for employment or fraudulent marriage are forced into prostitution. During the reporting period, Japanese nationals, particularly teenage girls and foreign-born children of Japanese citizens who acquired nationality, were also subjected to sex trafficking. In addition, traffickers continued to use fraudulent marriages between foreign women and Japanese men to facilitate the entry of these women into Japan for forced prostitution. Japanese organized crime syndicates (the *Yakuza*) are responsible for some trafficking in Japan, both directly and indirectly. Traffickers strictly control the movements of victims, using debt bondage, threats of violence or deportation, blackmail, and other coercive psychological methods to control victims. Victims of forced prostitution sometimes face debts upon commencement of their contracts and most are required to pay employers additional fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. "Fines" for misbehavior are added to victims' original debt, and the process that brothel operators use to calculate these debts was not transparent. Japan is also a transit country for persons in trafficking situations traveling from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia, and, to a lesser extent, Mongolia.

The Government of Japan has not officially recognized the existence of forced labor within the Industrial Trainee and Technical Internship Program, a government-run program designed to foster basic industrial skills and techniques and to provide opportunities to acquire practical skills and techniques. However, the government made a number of efforts to address labor abuses in the program. Media and NGOs continued to report on abuses in the program, though to a lesser extent than in previous years, and abuses included debt bondage, restrictions on movement, unpaid wages and overtime, fraud, and contracting workers out to different employers – elements which may signal trafficking situations. The majority of technical interns are Chinese nationals, some of whom pay fees of up to the equivalent of \$1,400 to Chinese labor brokers or deposits of up to the equivalent of \$4,000 prior to their departure from China; these fees sometimes require aspiring workers to take out loans or to place liens on their property, potentially leading to situations of debt bondage. Although banned since 2010, these fees, deposits, and "punishment" contracts continue to be prevalent for Chinese participants in the program. Reports of trainees having their passports and other travel documents taken from them and their movements controlled to prevent escape or communication declined, a

trend that labor activists credited to increased government scrutiny of these practices.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the Japanese government did not develop or enact anti-trafficking legislation that would fill key gaps in facilitating anti-trafficking prosecutions, and the government did not arrest, prosecute, or convict a single forced labor perpetrator in 2011. Increased enforcement of labor laws in the foreign trainee program, however, led to a decline in reported abuses in the program according to non-governmental sources. During the year, the government published a manual for law enforcement and social service providers on protecting trafficking victims and continued to mandate anti-trafficking training to law enforcement officials. While the government identified 45 adult female sex trafficking victims and 619 minor victims of child prostitution, it identified no male victims for either forced labor or forced prostitution. Protective services for trafficking victims remained limited, with no shelters purposed exclusively for trafficking victims in Japan. While the government made efforts to raise awareness to prevent trafficking, sources reported that some of the outreach campaigns the government undertook were ineffective and did not reach target audiences.



Recommendations for Japan: Draft and enact a comprehensive anti-trafficking law prohibiting all forms of trafficking and prescribing sufficiently stringent penalties that are commensurate with other serious crimes; significantly increase efforts to investigate and prosecute forced labor cases, and punish offenders with jail time; increase the enforcement of bans on deposits, punishment agreements, withholding of passports, and other practices that contribute to forced labor in the foreign trainee program; continue to proactively investigate and, where warranted, punish government complicity in trafficking or trafficking-related offenses; further expand and implement formal victim identification procedures to guide officials in the identification of forced labor; continue to ensure victims are not punished for unlawful acts committed as a direct result of being in a human trafficking situation; establish protection policies for all victims of trafficking, including male victims and victims of forced labor; ensure that protection services, including medical and legal services, are fully accessible to victims of trafficking regardless of income; and aggressively investigate, prosecute, and punish Japanese nationals who engage in child sex tourism.

Prosecution

The Japanese government continued to make progress in prosecutions and convictions of forced prostitution of women and children; however, the government did not make significant progress combating labor trafficking or trafficking of male victims during the reporting period. Japan's 2005 amendment to its criminal code, which prohibits the

buying and selling of persons, provides a narrow definition of trafficking that is not in line with the 2000 UN TIP Protocol, and it is not clear if the existing legal framework criminalizes all severe forms of trafficking in persons. These laws prescribe punishments ranging from one to 10 years' imprisonment, which are sufficiently stringent and generally commensurate with penalties prescribed for other serious crimes. In 2011, the government reported 25 investigations for offenses related to sex trafficking that resulted in 20 convictions, 18 of which carried prison sentences that ranged from 18 months to four years' imprisonment. The government also reported 842 investigations related to child prostitution and reported 470 convictions on charges of child prostitution, 74 of which carried prison sentences that ranged from less than a year to three years. Despite indications of forced labor in the Industrial Trainee and Technical Internship Program, the government reported one forced labor investigation, and no labor trafficking arrests, prosecutions, or convictions during the reporting period. The National Police Agency (NPA), Ministry of Justice, Bureau of Immigration, and the Public Prosecutor's office continued to train law enforcement officers on trafficking investigation and prosecution techniques. During the reporting period, all new police officers, all senior officials from prefectural police departments, and all immigration officers received training on trafficking investigation and identification techniques. Further, 63 prosecutors received specialized training on conducting trafficking prosecutions.

Most allegations of abuse or forced labor involving workers in the Trainee and Technical Internship Program were settled out of court or through administrative or civil hearings, resulting in penalties which would not be sufficiently stringent for cases involving trafficking offenses, such as forced labor. NGOs and labor activists report that the increased inspections of trainee program worksites as well as labor standards seminars provided to employers participating in the program have been successful in decreasing the incidence of abuse and forced labor in the program. The resolution of a civil compensation case documented in the 2011 TIP Report involving a 31-year-old Chinese trainee who died due to overwork had not been resolved by the end of the reporting period.

In addition, while the government took some steps to prevent government complicity in trafficking offenses, including prostitution, corruption remains a serious concern in the large entertainment industry in Japan. The government did not report investigations, prosecutions, convictions, or jail sentences against any official for trafficking-related complicity during the reporting period. The government actively investigated a February 2012 case in which a retired police chief was arrested in Japan for soliciting child prostitution.

Protection

The Government of Japan demonstrated modest efforts to protect victims of human trafficking over the last year. The government increased identification of sex trafficking victims in 2011, identifying 45 adult female victims, compared to the 43 victims identified during 2010. One of these victims had originally entered Japan as a participant in the Industrial Trainee and Technical Internship Program. The government has not identified a forced labor victim in Japan in 18 years, despite substantial evidence of abuses against workers in the Industrial Trainee and Technical Internship Program. Japanese authorities produced and distributed to officials a manual entitled, "How to Treat Human Trafficking Cases: Measures

Regarding the Identification of Victims." The manual's focus, however, appears to be primarily on identifying the immigration status of foreign migrants and their methods of entering Japan, rather than identifying indicators of non-consensual exploitation of vulnerable populations. However, this manual led to the identification of trafficking victims in four prefectures that had never before identified victims. The government reported no specific protection policy or specialized services for victims of forced labor. Japan has no dedicated shelters for trafficking victims or clear sheltering resources for male victims. The government continued to provide general (not specific to human trafficking) funding for Japan's 43 Women's Consulting Center shelters (WCCs), which largely care for Japanese domestic violence victims but also served 37 foreign trafficking victims during the reporting period. Due to limitations on these shelters' space, language, and counseling capabilities, WCCs sometimes referred victims to government subsidized NGO shelters. Victims in WCC shelters are technically able to leave the facility at will; however, security concerns are often asserted as the basis for requiring that facility personnel accompany the victims on outings. The government covers medical expenses in full for foreign and domestic victims while they shelter in government-run facilities; however, according to several organizations and government officials, referral to medical and psychological services for trafficking victims was inconsistent, and some victims were not referred to or offered these services in 2011. The government recognized and worked to correct these disparities, briefing victims prior to their arrival at the shelters, providing flyers at the shelters, and training WCC staff on available services.

According to NGOs, many victims refused to seek government assistance, due both to a fear of government authorities instilled in them by their traffickers, and, in some instances, fear of arrest and punishment for unlawful acts victims committed as a direct result of being trafficked. Some victims were also reluctant to seek government assistance due to the overall lack of protective services available to identified trafficking victims. Some trafficking victims were successfully identified by law enforcement subsequent to arrest or detention. The government-funded Legal Support Center provided *pro bono* legal services to destitute victims of crime, including trafficking victims, though it was unclear how many trafficking victims, if any, received government-funded legal services during the reporting period. The Japanese government identified 619 victims of child prostitution in the reporting period and the government juvenile protection agency provided protection services to these victims. Furthermore, while authorities reportedly encouraged victims' participation in the investigation and prosecution of their traffickers, victims were not allowed to work while participating in the investigative and prosecutorial process. While long-term residency visas are available to persons identified as trafficking victims who fear returning to their home country, only one person has sought or received this benefit in the past. No trafficking victims were granted long-term residency visas during the reporting period.

Prevention

The Japanese government made limited efforts to prevent trafficking in persons during the reporting period. The National Police Agency (NPA) and the Immigration Bureau updated and expanded multilingual emergency contact information for potential victims of trafficking. While the government distributed handbills with multilingual emergency contact

information for potential victims of trafficking at local immigration offices and to governments of source countries, NGOs reported that many of these publicity efforts had little impact and failed to engage their intended audiences. The Immigration Bureau continued to conduct an online campaign to raise awareness of trafficking and used flyers to encourage local immigration offices to be alert for indications of trafficking.

For years, Japan has served as a source of demand for child sex tourism. Japanese men have traveled to and engaged in the commercial sexual exploitation of children in other Asian countries – particularly Thailand, Indonesia, Cambodia, the Philippines, and, to a lesser extent, Mongolia. During the reporting period, one person was convicted under a Japanese law that allows nationals to be tried in Japanese courts for engaging in sex with minors or producing child pornography overseas. Japan is not a party to the 2000 UN TIP Protocol, the only G-8 country that remains a non-party.

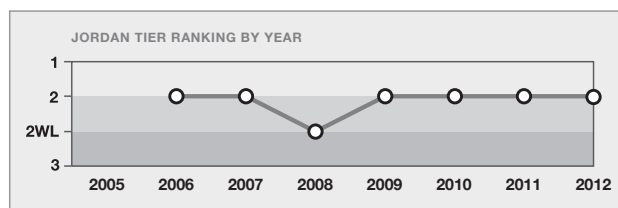
JORDAN (Tier 2)

Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through such practices as unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse. Jordan's sponsorship system binds foreign workers to their designated employers without adequate access to legal recourse when they face abuse and without the ability to switch employers, thereby placing a significant amount of power in the hands of employers and recruitment agencies. Migrant workers are further rendered vulnerable to forced labor due to indebtedness to recruiters, negative societal attitudes toward foreign workers, and legal requirements that foreign workers rely on employers to renew their work and residency permits.

Chinese, Taiwanese, Bangladeshi, Indian, Sri Lankan, Nepali, and Vietnamese men and women, in addition to an increasing number of Burmese and Malagasy workers, continue to migrate for work in factories in Jordan's garment industry. Some of these workers encounter conditions indicative of forced labor, including unlawful withholding of passports, delayed payment of wages, forced overtime, and verbal and physical abuse; female factory workers are also vulnerable to sexual harassment. Egyptian migrant workers may experience forced labor in the construction and building maintenance sectors, while Egyptians and, to a lesser extent, Syrian workers also face conditions of forced labor in the agricultural sector. Over the last year, violence in Syria has caused thousands of Syrians, as well as third country nationals living in Syria, to flee to neighboring countries, including Jordan; some of these migrants, which could include trafficking victims, may be further susceptible to situations of forced labor or forced prostitution in Jordan. Moroccan, Tunisian, and Eastern European women are subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs; moreover, some out-of-status Indonesian, Filipina, and Sri Lankan domestic workers are reportedly forced into prostitution. NGO reporting suggests that some Egyptian

women receive marriage offers from Jordanian men as second wives, but are then subjected to conditions of forced labor. Small numbers of Jordanian adults are subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. Some Jordanian girls are forced to drop out of school to perform domestic service under conditions of forced labor; these "homebound girls" are confined to the home and denied their constitutionally protected right to complete their education.

The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government sustained law enforcement efforts against trafficking offenders and police continued to refer trafficking victims to shelter services. The government's anti-trafficking efforts, however, continued to be hindered by several government reshuffles, limited capacity in key ministries, and a general lack of inter-ministerial coordination and cooperation. The government accomplished little to implement its national anti-trafficking action plan; however, the cabinet approved by-laws to establish a shelter for victims of trafficking in March 2012. It also failed to enforce consistently its bylaws that provide standards for employing domestic workers and operating recruitment agencies, and did not launch an anti-trafficking public awareness campaign.



Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, convict, and sentence trafficking offenses; strengthen efforts to proactively identify victims of forced labor and forced prostitution and continue to implement the National Screening Team; amend the forced labor statute to increase prescribed penalties for forced labor offenses; implement an awareness campaign to educate the general public and foreign migrant workers in all sectors on human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law; issue regulations governing work in the agricultural sector; enhance protective services for trafficking victims to include the availability of adequate shelter; ensure identified victims are not punished for unlawful acts committed as a direct result of their being trafficked; ensure that identified trafficking victims are promptly referred by law enforcement, social services, and labor officials to protection services using a standardized procedure; and, where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

Prosecution

The Government of Jordan made some efforts in responding to Jordan's human trafficking problem through law enforcement means, yet police officials did not always view withholding passports and nonpayment of wages as indicators of human

trafficking. The 2008 Anti-Human Trafficking Law prohibits all forms of trafficking and prescribes penalties of six months to 10 years' imprisonment for forced prostitution, child trafficking, and trafficking of women and girls; these penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses against men that do not involve aggravating circumstances are limited to a minimum of six months' imprisonment and a maximum fine of the equivalent of \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties for labor violations committed against Jordanian or foreign workers, yet these penalties also are not sufficiently stringent to deter the serious crime of human trafficking. In 2011, the Public Security Directorate's (PSD) anti-trafficking unit, housed within the Criminal Investigations Division, reported its investigation and referral to prosecutors of 13 cases of trafficking, seven of which involved domestic workers, five involving workers from garment factories, and one involving sexual exploitation; these 13 cases involved a total of 38 victims. As the PSD did not provide information on the details of these cases, it is unclear whether they constitute human trafficking crimes. In 2011, the government prosecuted 14 cases of forced labor involving domestic workers and six cases of sex trafficking under the anti-trafficking law. Although 37 individuals were apprehended for suspected trafficking offenses, the government convicted four trafficking offenders under the anti-trafficking law, compared to six convictions achieved in 2010; the offenders received sentences ranging from one year to three years' imprisonment.

In December 2011, Guatemalan authorities arrested and charged two Jordanian nationals with human trafficking offenses and forging documents for allegedly operating an international sex trafficking ring. Guatemalan prosecutors reportedly sought, but could not obtain, cooperation from the Jordanian government to investigate this case. Two cases remained pending from 2010, including the prosecution of two suspected trafficking offenders for forcing two Tunisian women into prostitution and the prosecution of a man charged with the sexual assault of his domestic worker. The 2010 prosecution of an employer who allegedly confined a Sri Lankan domestic worker to the house without pay for more than 10 years resulted in the employers conviction in September 2010 under the anti-trafficking law, though the employer was only sentenced to pay a fine; the victim was awarded compensation for her lost salary. The Jordanian police, in cooperation with INTERPOL and Prince Nayef University, provided anti-trafficking training to Saudi Arabian officials in Riyadh at the request of the Saudi government in January 2012. The government did not fund anti-trafficking training for Jordanian officials, though PSD's anti-trafficking unit received 22 training courses from local and international organizations during 2011.

Protection

The government made minimal efforts to protect victims of trafficking during the reporting period and did not provide any specialized services to trafficking victims. It did, however, identify and refer trafficking victims to shelter services, and it took initial steps to identify victims of trafficking sheltered within foreign embassies. The police reportedly referred 26 potential female trafficking victims to a local NGO-operated shelter, a noted improvement compared with the previous reporting period when the government did not refer any victims. While the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack

direct shelter services for victims of trafficking; however, in March 2012, the Cabinet approved by-laws under which the government could establish a shelter for victims of trafficking. There was no government shelter available for male victims of trafficking, although the police and the Ministry of Labor (MOL) sometimes paid for male victims involved in labor disputes, some of whom may be trafficking victims, to reside at a hotel; it is unknown how many trafficking victims received this type of assistance in 2011. Victims who were not officially identified by authorities were generally kept in administrative detention pending deportation or, in the case of domestic workers, sometimes sought refuge at their respective embassies. Labor regulations prevented the three-person labor inspectorate dedicated to addressing abuses against domestic workers from investigating abuses in private homes, which continues to isolate domestic workers and "homebound girls." Additionally, the government lacked specific regulations to govern the agriculture sector, which left abuses and trafficking victims in this sector largely undetected.

For the first time, National Committee members and representatives of the Ministries of Interior (MOI), Justice, Labor, and the police, in conjunction with IOM, formed a National Screening Team which conducted its first set of interviews with over 30 girls at the Indonesian embassy shelter in January 2012 to determine if they were trafficking victims. As a result of these interviews, IOM provided a list of official recommendations to the government, which included procedures to identify, assist, and protect victims and the creation of a national evaluation team, which would be a multi-ministerial group. A national evaluation team had not been created at the end of this reporting period. The police provided temporary residency permits to nine trafficking victims in this reporting period, though this permit did not allow victims to seek employment. The police anti-trafficking unit employed eight women, who could offer specialized assistance to female victims of trafficking; however, NGOs report these officers only performed escort duties for victims and did not conduct interviews.

The government did not adequately ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. Victims continued to be vulnerable to arrest and detention – sometimes for extended periods of time – if found without valid residency documents, and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. The government did not attempt to identify trafficking victims among detained foreign domestic workers and out-of-status migrant workers, even those who claimed abuse. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them. The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a strong disincentive to remain in Jordan and pursue legal action against traffickers. During the previous reporting period, the cabinet announced a short-term amnesty for Filipina, Sri Lankan, and Indonesian domestic workers whose immigration documents had expired – granting them waivers of the entirety of their accumulated overstay fines and new work permits. This amnesty program, which extended through mid-June 2011, regularized the status of 12,555 domestic workers. It is unknown how many of these workers were trafficking victims, as there appears to have been no effort made to identify and

assist trafficking victims among this large group of domestic workers.

While foreign workers in garment sector factories were not liable for overstay fines, the MOI reportedly deported foreign factory workers rather than investigating their claims of labor violations. The MOL made some progress in limiting this practice during the reporting period, successfully reversing deportation orders in a small number of cases to allow time for investigation or by placing some workers with different factories while investigations were pending.

Prevention

The government's efforts to prevent trafficking stagnated during the reporting period. It did not conduct any information or education campaigns for the public and, as a result, awareness of human trafficking and the appropriate treatment of domestic workers remained low among the general population. The National Committee did little to implement its National Strategy and Action Plan to Combat Human Trafficking (2010 – 2012) that was launched in March 2010. The committee is required by law to meet quarterly, but it only met once in the reporting period due to repeated cabinet reshuffles in 2011. The government made minimal efforts to rectify weaknesses in the bylaws that provide standards for employing domestic workers; however, in November 2011, the government officially revised regulations that had restricted a domestic worker to the employer's home so that a worker may simply inform her employer if she intends to leave the home, rather than seeking permission. The government has not raised public awareness of this new regulation. Beginning in July 2011, the MOL issued a directive that requires employers of domestic workers to deposit their salaries into bank accounts. The labor inspectorate enforced this directive by requiring all employers to provide proof of the bank account and payment of wages when they complete the annual renewal process for their employees' work permits; however, the MOL reported that some workers refused to open accounts to avoid bank fees. Despite these efforts, the legally required standardized contract for the employment of domestic workers was not consistently implemented. In response to either domestic workers' or employers' complaints, in 2011 the MOL's inspectorate division investigated the practices of nine recruitment agencies, suspended 20 offices, and forwarded four cases to the Magistrates' Court with a recommendation for closure; the government effectively closed these four offices.

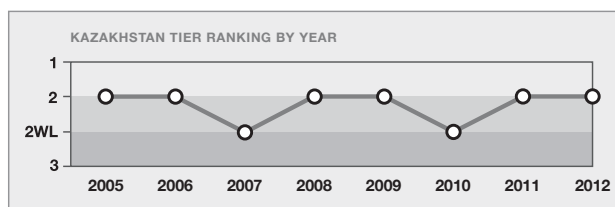
The MOL continued to operate a hotline to receive labor complaints, which received 1,116 calls in 2011; however, the labor inspectorate did not maintain complete records of calls received, the hotline was only operational during daytime hours, and translation services available in source-country languages remained lacking. During the majority of the reporting period, Jordan continued to recruit domestic workers from the Philippines and Indonesia despite both governments' imposed bans on employment of their nationals in Jordan; however, in a positive effort in January 2012, the MOL agreed to halt the issuance of work permits to Indonesian domestic workers at the request of the Indonesian ambassador. In the same month, the Philippine government negotiated a new Memorandum of Understanding on domestic worker rights with the Government of Jordan as a first step toward lifting the ban against employment of Philippine domestic workers in Jordan. The Government of Jordan did not undertake any discernible measures to reduce the demand for commercial sex

acts during the reporting period. Jordan's Peace Operations Training Center provided anti-trafficking training as part of the standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions.

KAZAKHSTAN (Tier 2)

Kazakhstan is a destination and to a lesser extent, source and transit country for women and girls subjected to sex trafficking and for men, women, and children subjected to forced labor. There is also a large trafficking problem within the country. Kazakhstani women and children are subjected to sex trafficking in the United Arab Emirates and Lebanon, and to a lesser extent, in Russia, China, Turkey, and Azerbaijan. Women and girls from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, Moldova, and Ukraine are subjected to sex trafficking in Kazakhstan. Women and girls from rural Kazakhstan are subject to sex trafficking in urban areas of the country. Kazakhstani men, women, and children as well as men and children from Uzbekistan, Kyrgyzstan, China, Turkmenistan, Tajikistan, Mongolia, and Nigeria are subjected to conditions of forced labor in domestic service, cattle breeding, and pasturing, and also in the harvest of agricultural products in Kazakhstan. Civil society groups continued to report a significant reduction in the use of forced labor in the tobacco harvest, in large part due to the efforts of a private company and a gradual phasing out of the tobacco industry in Kazakhstan. NGOs report sporadic cases of children who are forced to beg. Traffickers commonly confiscated victims' identity documents, prohibited victims' freedom of movement, and isolated victims. Traffickers often used inflated debts, justified by purported costs in "purchasing," housing, or transporting the migrant workers to coerce them to work.

The Government of Kazakhstan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained its law enforcement efforts against human trafficking, including by training law enforcement officials. However, it failed to screen migrants effectively to identify potential victims of trafficking and only identified two foreign victims of labor trafficking, despite being a significant destination country for foreign victims of forced labor. Official complicity in trafficking remained a serious but unaddressed problem.



Recommendations for Kazakhstan: Increase efforts to identify foreign victims of both forced labor and forced prostitution, including by ensuring that authorities make efforts to proactively identify victims of forced labor among those detained during immigration raids and refer those identified as victims for assistance; work to ensure that foreign victims of trafficking receive assistance; investigate and prosecute police officers suspected of complicity in trafficking; continue to increase the number of victims who receive

government-funded assistance by increasing funding to anti-trafficking NGOs and establishing trafficking shelters; promptly provide foreign trafficking victims with their identity documents, in order to facilitate repatriation of those who choose to return to their countries of origin; continue to strengthen the capacity of police, prosecutors, and judges to investigate, prosecute, and adjudicate trafficking cases; and introduce professional ethics training for police officers in order to foster a culture of empathy for and assistance to trafficking victims.

Prosecution

The Government of Kazakhstan maintained modest progress in its anti-trafficking law enforcement efforts during the reporting period, but did not address official complicity in trafficking. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3b), 126(3b), 270, and 132-1 of its penal code, which prescribe penalties of up to 15 years' imprisonment – penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police investigated 111 trafficking cases in 2011, compared with 88 investigations in 2010. Authorities prosecuted 82 cases in 2011, an increase from 48 cases prosecuted in 2010. A total of 30 trafficking offenders were convicted in 2011, compared with 32 offenders convicted in 2010. The government convicted 26 offenders for sex trafficking offences in 2011, a decrease from 29 convictions in 2010, and convicted four offenders for forced labor offences in 2011, compared with three in 2010. Four convicted traffickers received conditional sentences and two others were penalized with substantial fines. Sentences for the remaining 24 offenders ranged from two to 17 years' imprisonment, in addition to the confiscation of their assets.

The government provided specialized training courses in the recognition, investigation, and prosecution of trafficking crimes for police, prosecutors, and judges through the Training Centers of the Office of the Procurator General, the Supreme Court, and the Karaganda Legal Academy's Trafficking in Persons Training Center, and funded police participation in anti-trafficking events in four countries. Police jointly investigated seven trafficking cases with officials from five countries. Some trafficking victims complained that police officers did not take their assertions of being trafficked seriously. Some trafficking victims also complained that individual police officers were complicit in trafficking, including by protecting traffickers and raping trafficking victims, and that some officers facilitated trafficking by bringing girls to brothels. However, the government did not report any investigations or prosecutions of government officials or police officers suspected of complicity in trafficking.

Protection

The Government of Kazakhstan maintained its modest efforts in protecting trafficking victims in 2011; however, the government identified only two foreign labor trafficking victims, despite being a recognized destination for foreign victims of forced labor. Although migration police reported screening undocumented migrants detained during immigration raids, these efforts did not result in the identification of any trafficking victims. In 2011, thousands of migrants were deported without being screened for potential victims of trafficking. Government officials had a formal system to guide officials in the proactive identification of trafficking victims

among the at-risk people they may encounter, but there was no information about how many trafficking victims were identified using these procedures. Identified victims were not punished for unlawful acts committed as a direct result of being trafficked, though victims not identified by authorities may have been deported or prosecuted for immigration or other violations, and some child sex trafficking victims were placed in detention centers. In 2011, the government identified 84 victims of trafficking, including 13 victims of forced labor, compared with 83 victims of trafficking – 13 of whom were also labor trafficking victims – identified in 2010. Of those identified in 2011, six were foreigners – including two victims of forced labor – a decrease from nine foreign victims identified in 2010. Police referred 68 trafficking victims to IOM for assistance. The government provided at least the equivalent of \$42,000 in funding for the provision of food, shelter, clothing, transportation, and other services for all identified victims. In total, 141 trafficking victims, 74 of whom were victims of forced labor, were identified and assisted by IOM, privately funded NGOs, and government-funded programs in 2011. The government continued to fund fully one NGO-run shelter for trafficking victims. The local government of Almaty no longer funds another NGO-shelter, as it did in the previous year. The government has not, despite stated intentions, established trafficking shelters beyond the government-funded shelter in Astana. This has been due in large part to the lack of a policy that establishes shelter standards; the government is currently developing such standards. Shelters are open to all trafficking victims and provide legal, psychological, and medical assistance. However, some foreign victims of trafficking are unable to get access to medical assistance due to a lack of identification documents, health insurance, or temporary residency permits. Adult trafficking victims were permitted to enter and leave the shelters freely. The Ministries of Justice and Interior operated two counter-trafficking hotlines; five criminal cases were investigated in 2011 based on phone calls to these hotlines. There was no information as to whether any victim received government compensation, as envisioned by a regulation adopted in 2010 permitting victims to receive compensation from the government. The government encouraged all victims to participate in investigations and prosecutions by providing witness protection during court proceedings and access to pre-trial shelter services. The government did not report how many trafficking victims cooperated in investigations and prosecutions in 2011. Foreign victims who agreed to cooperate with law enforcement were requested to remain in Kazakhstan for the duration of the criminal investigation but were not permitted to work. The government did not report how many foreign victims received temporary residence permits in 2011. The government did not offer other legal alternatives to foreign victims' removal to countries where they faced retribution or hardship; all victims were forcibly repatriated, either after a short recuperation period or after their service as a prosecution witness was completed.

Prevention

The government continued its prevention efforts during the reporting period. The Interagency Trafficking in Persons Working Group, chaired by the Minister of Justice, met quarterly; each responsible agency reported on its anti-trafficking activities assigned under the Trafficking in Persons National Plan. The national government supported some anti-trafficking efforts, including information and educational campaigns. The government also co-funded or provided

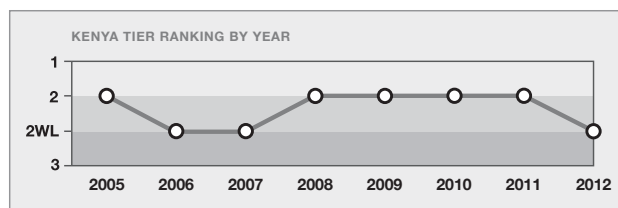
in-kind contributions to activities organized by NGOs or international organizations, such as the posting of billboards advertising anti-trafficking hotlines. NGOs also received grants from the government to implement prevention activities. The government continued to provide in-kind contributions for a program designed to reduce the demand for commercial sex acts. In 2011, the government completed implementation of its National Trafficking in Persons Plan for 2009-2011 and adopted the new National Trafficking in Persons Plan for 2012-2014. The government failed to implement one task of the 2009-2011 plan concerning development of standards for shelter assistance; the new plan rectifies this by assigning responsible agencies to develop the standards.

KENYA (Tier 2 Watch List)

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Traffickers, who gain poor families' trust through familial, ethnic, or religious ties, falsely offer to raise and educate children in towns or to place adults in lucrative employment. Within the country, Kenyan children are forced to labor in domestic service, agriculture, fishing, cattle herding, street vending, begging, and the sale of illicit brews. Children are also exploited in prostitution throughout Kenya, including in the coastal sex tourism industry, in the eastern *khat* cultivation areas, and near Nyanza's gold mines. Children are lured into brothels by promises of jobs as domestic workers in cities, while others are introduced by their families to the sex trade. Brothel-based child prostitution is reportedly increasing in Migori, Homa Bay, and Kisii counties, particularly around markets along the border with Tanzania. Vehicles transporting *khat* to Somalia return carrying Somali girls and women who often end up in brothels in Nairobi or Mombasa. Both women and "beach boys" as young as 14 pimp children in coastal areas and receive commissions as high as the equivalent of \$240 from tourists for each girl secured. Some Kenyan tenant rice farmers work in situations of debt bondage to farm owners or supervisors, often to repay funds that were provided as an advance – for school fees, food, or medical needs – by their employers. Kenyan men, women, and children voluntarily migrate to other East African nations, South Sudan, Europe, the United States, and the Middle East – particularly Saudi Arabia, but also Qatar, Kuwait, the United Arab Emirates (UAE), Lebanon, and Oman – in search of employment, where they are at times exploited in domestic servitude, massage parlors and brothels, or forced manual labor, including in the construction industry. Officials at the Saudi Arabian embassy in Nairobi allegedly collude with unlicensed recruitment agents to place Kenyans into situations of forced labor in Saudi Arabia. Recruitment of women for overseas domestic work reportedly increased during the year in Mombasa, Nairobi's Eastleigh area, and major towns in Central Province. In 2011, gay and bisexual Kenyan men recounted being lured from universities with promises of overseas jobs, only to be forced into prostitution in Qatar. Children from Burundi, Ethiopia, Somalia, South Sudan, Tanzania, and Uganda are subjected to forced labor and prostitution in Kenya.

The Government of Kenya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government's children's officers continued admirable efforts to identify and protect child

trafficking victims throughout the country. The government failed, however, to fully enact its anti-trafficking law's implementing regulations, finalize its national plan of action, take tangible action against trafficking complicity among law enforcement officials, provide shelter and other protective services for adult victims, take concrete action against alleged incidences of child sex tourism, monitor the work of overseas labor recruitment agencies, or provide adequate anti-trafficking training to its officials, including diplomats, police, labor inspectors, and children's officers. The government held few trafficking offenders accountable for their crimes in comparison to the significant number of child trafficking victims identified. Therefore, Kenya is placed on Tier 2 Watch List as it did not show evidence of increasing efforts to combat human trafficking. The government's efforts remained uncoordinated and lacked strong oversight, creating an environment conducive to trafficking.



Recommendations for Kenya: Finalize necessary regulations and put in place appropriate structures to fully implement the anti-trafficking statute; use the anti-trafficking law to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; use the anti-trafficking law or Section 14 of the Sexual Offenses Act to prosecute and punish child sex tourists; provide additional training to all levels of the government, particularly law enforcement officials and diplomats, on identifying and responding to trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; continue to increase oversight of and accountability for overseas recruitment agencies; increase protective services available to adult trafficking victims, particularly those identified in and returned from the Middle East; and approve and implement the national action plan.

Prosecution

The government maintained its anti-trafficking law enforcement efforts during the reporting period, though corruption, the absence of an implemented anti-trafficking law, and lack of understanding of human trafficking among police and other public officials continued to prevent most traffickers from being brought to justice. Section 1 of the Counter-Trafficking in Persons Act (Act 8 of 2010) prohibits all forms of trafficking and Section 3(5) prescribes a sufficiently stringent minimum punishment of 15 years' imprisonment, which is commensurate with those for other serious crimes, such as rape. Section 3(6) prescribes a minimum punishment of 30 years' imprisonment for the aggravated offenses of controlling or financing the commission of human trafficking crimes. In 2011, however, the government did not take the final necessary steps, such as publishing this act in the Kenya Gazette, or enacting necessary implementing regulations, to bring the law into effect. As a result, no trafficking cases have been prosecuted under this law. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of

child sex tourism (prescribed punishment of at least 10 years' imprisonment), child prostitution (prescribed punishment of at least 10 years' imprisonment), and forced prostitution (prescribed punishment of at least five years' imprisonment). However, prosecutors do not widely use these sections.

The Kenyan Police Service's anti-trafficking unit did not provide information on efforts to investigate trafficking crimes during the reporting period. The government reported initiating 15 human trafficking prosecutions in Mombasa, Kwale, Kajiado, Nairobi, and Kisumu in 2011, but provided no additional information to substantiate that they involved human trafficking offenses rather than smuggling or other types of crimes.

Many trafficking cases did not result in judgments due to weak preparation for prosecution or court officials' receipt of bribes to alter records of testimony. Though the government increased the Ministry of Gender's budget by 43 percent in 2011, funding remained insufficient to provide the transportation necessary for children's officers to carry out quarterly child labor inspections, especially in remote areas. The Ministry of Labor's 30 inspectors did not conduct any child labor inspections and lacked training to identify and address situations of forced labor.

Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police (including members of the Tourist Police Unit), immigration, or labor officials were reportedly complicit in, received bribes to overlook or confer lesser charges for, or obstructed investigations of human trafficking crimes. Local observers indicated that some suspected traffickers apprehended in police operations were quickly released under dubious circumstances. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of human trafficking during the reporting period. It did not provide anti-trafficking training to law enforcement and other public officials; inadequate understanding of human trafficking by police resulted in, at times, suspects being improperly charged under Kenyan law.

Protection

The government's efforts to identify and protect child trafficking victims continued during the year, but commensurate protection was unavailable for adults, including the increasing number of victims in the overseas migrant worker population. As guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed, the government continued to lack a formal mechanism for identifying victims of trafficking among vulnerable populations. Nevertheless, government officials identified 99 child trafficking victims (23 of whom were in prostitution) in 2011 and provided protective services to all of these victims. The Ministry of Gender, Children, and Social Development's children's officers coordinated local Children's Advisory Committees that, as part of their protective mission, monitored service providers and advanced awareness of human trafficking at the local level. During the reporting period, children's officers rescued child trafficking victims, provided them with counseling and referrals to service providers, and participated in investigations. The Ministry of Gender and a local NGO continued to jointly operate a national 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse, which received more than 40,000 calls each month. The

hotline is located in a government-owned building in Nairobi and staffed, in part, by three children's officers who facilitated rescues and made referrals to appropriate district officials, as well as to health and legal aid organizations, in other provinces. During the reporting period, the hotline received 46 reports of child trafficking, 19 concerning child prostitution, and 497 related to child labor. The hotline's call center in Eldoret connected children with locally-available services in western Kenya. The Ministry of Gender's Children's Department also operated four drop-in referral centers in Mombasa, Malindi, Eldoret, and Garissa that provided counseling and guidance services, as well as referrals to other centers for victimized children that could not be returned home. This department also funded and operated rescue centers in Garissa, Malindi, Thika, and Machakos where child victims of violence could stay for three months before returning home or being referred to NGO facilities. The government did not provide data on how many trafficking victims were afforded such services during the year.

While efforts to assist and care for child trafficking victims remained strong, the government provided relatively few services – including shelter, medical care, or psycho-social counseling – to trafficked adults identified within the country or abroad. Most of Kenya's overseas diplomatic missions failed to provide any assistance to trafficked Kenyan nationals. The Kenyan embassy in Riyadh, however, provided limited repatriation assistance by issuing new travel documents to 460 victims of domestic servitude during the reporting period; other victims, however, complained that the embassy was slow to intervene in their cases, did not expeditiously process travel documents and did not provide material support. The Ministry of Immigration spent the equivalent of \$26,500 to return 60 abused migrant workers from Saudi Arabia in 2011. While the government reports it encouraged Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not provide information on such instances. There were no reports that the government inappropriately incarcerated or otherwise penalized Kenyan victims for unlawful acts committed as a direct result of being trafficked. Police, however, arrested foreign women for engaging in prostitution or being in Kenya without valid identity documents, but did not screen them for trafficking victimization; in most cases, the women pled guilty to immigration violations and were quickly deported. Under the 2010 anti-trafficking law, the Minister of Gender may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not use this provision during the year.

Prevention

The government made some progress in preventing human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, met three times during the reporting period. The five-year National Action Plan on Human Trafficking, drafted in previous reporting periods, remained without Cabinet approval, as the Counter-Trafficking Act's implementing regulations have not been finalized. District child labor committees, which exist in 30 out of 180 districts, together with children's advisory committees, raised awareness of child trafficking and labor among local populations. Many of these committees, however, existed only nominally, did not meet regularly, and were largely ineffective.

In June 2011, the Ministry of Foreign Affairs (MFA) issued a directive requiring foreign companies or employment agencies to submit to Kenyan recruitment agencies information regarding the jobs offered, the perspective employers, the terms of service, and remuneration before hiring Kenyans to work abroad. Recruitment agencies' sending of domestic workers for jobs in Saudi Arabia and the UAE received increased attention with parliamentary hearings in July, October, and November 2011. In September 2011, MFA's Department of Host Country and Consular Division, with the Kenya Association of Employment Agents and the Ministry of Youth, provided an awareness session to 1,500 workers migrating to the Middle East, many to be private security guards. In November 2011, the Ministries of Youth, Foreign Affairs, and Labor conducted a sensitization session to provide an unknown number of labor migrants departing for the Middle East with information about their country of destination, their legal rights and employment benefits, and the skills necessary for successful adaptation to the society of their destination. The Ministry of Labor, which is required by law to monitor the operations of labor recruitment agencies and attest to employment contracts, verified 133 contracts in 2011; migrant workers, however, often left Kenya before their contracts had been approved. The ministry's vetting procedures were inconsistently applied and efforts, in conjunction with the MFA, to monitor labor recruitment agencies to prevent fraudulent job offers and other illegal practices were poorly coordinated. The government neither made efforts to close down unlicensed agencies nor to punish agencies utilizing illegal recruitment methods. Bribery of government officials by recruitment agencies reportedly hindered efforts to stop fraudulent recruitment. In late 2011, the Ministry of Labor ceased without explanation its yearly renewal of these agencies' accreditation certificates, resulting in all members of the Kenya Association of Private Employment Agencies operating without valid licenses in early 2012. This also resulted in these agencies' sending workers overseas without governmental attestation and vetting of workers' foreign contracts, which left migrant workers increasingly vulnerable to trafficking.

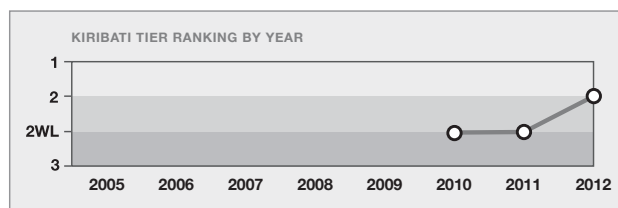
The government reported that it prosecuted and extradited two foreign pedophiles for child sexual abuse in the Coast region in 2011, but provided no details to confirm whether these cases involved child sex tourism. Police provided no information regarding the investigations of four suspected child sex tourism cases pending at the close of 2010. In October 2011, local organizations and media outlets decried Kisauni police for releasing a German tourist alleged to have sexually exploited a prostituted child; the German was not charged due to lack of evidence. Out of court settlements, however, were common, with tourists paying girls' families to avoid legal action. The government made efforts to reduce the demand for commercial sex acts. In February 2011, the city of Nairobi formed a taskforce to recommend measures to address the growing sex trade. The Kenyan government's provision of training to troops deploying on international peacekeeping missions included a module on human rights that addressed human trafficking.

KIRIBATI (Tier 2)

Kiribati is a source country for girls subjected to sex trafficking within the country. Crew members on foreign fishing vessels in Kiribati or in its territorial waters around Tarawa and Kiritimati

Island allegedly exploit prostituted children, some reportedly as young as 14, in local hotels and aboard their vessels. Local I-Kiribati, sometimes family members of potential victims, but also hotel and bar workers or owners of small boats, may facilitate trafficking by transporting underage girls to the boats for the purpose of prostitution or by failing to intervene in the situation. The girls generally received cash, food, alcohol, or goods in exchange for sexual services. Women and girls who frequent bars and foreign fishing vessels are collectively referred to by the term *ainen matawa* and are stigmatized in I-Kiribati society.

The Government of Kiribati does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, government officials acknowledged the existence of child sex trafficking and expressed their commitment to combating the crime. Although the government did not initiate any criminal prosecutions against traffickers, it cited three captains of foreign fishing vessels found harboring unauthorized I-Kiribati persons – some of whom may have been trafficking victims – aboard their boats. The government did not employ policies to proactively identify trafficking victims among the *ainen matawa* population. The government's anti-trafficking activities were organized around thwarting the activities of *ainen matawa* and did not adequately prioritize protecting victims or prosecuting and punishing those who exploit or facilitate the commercial sexual exploitation of children.



Recommendations for Kiribati: Investigate, prosecute, and punish foreign crewmen for the commercial sexual exploitation of children; develop procedures for law enforcement officers and social service providers to interview those in vulnerable groups, such as those intercepted aboard international vessels, for evidence of trafficking; establish formal procedures to identify and refer trafficking victims to protective services; train front-line officers in victim identification techniques and procedures for referral to domestic violence and sexual violence officers; proactively identify and assist victims of trafficking, prioritizing establishment of a safe environment for victims and trust between victims and officers; work with local or international organizations, including religious organizations, to provide protective services to victims; ensure victims are not punished for crimes committed as a result of being trafficked; hold parents accountable, as appropriate under I-Kiribati law, for the commercial sexual exploitation of their children; and expand efforts to raise awareness about the dangers of human trafficking, with a specific focus on increasing public recognition that children in the commercial sex industry are victims rather than social deviants.

Prosecution

The Government of Kiribati demonstrated limited law enforcement efforts to combat human trafficking during the reporting period. Kiribati's 2005 Measures to Combat Terrorism and Transnational Organised Crime Act, as amended in 2008,

defines and criminalizes trafficking and prescribes penalties of up to 15 years' imprisonment for the trafficking of adults and 20 years' imprisonment for the trafficking of children. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The law's provisions focus on the international movement of people for exploitation, a form of trafficking not known to occur in Kiribati. The law's victim protection provisions shield victims from prosecution for immigration crimes committed as a direct result of being trafficked. Although there is no legal precedent, government officials have reported that domestic trafficking could be prosecuted under this law. The government reported identifying three cases in which unauthorized I-Kiribati persons – some of whom may have been trafficking victims – were discovered on foreign fishing vessels, but it did not identify any confirmed cases of trafficking or conduct any prosecutions for trafficking offenses during the year. In September 2011, the government coordinated a day of training for 19 law enforcement officers and judicial officials on the identification and protection of trafficking victims and investigation and prosecution of trafficking cases. Members of the Domestic Violence and Sexual Offenses Unit of the police were responsible for investigations and victim care in suspected trafficking cases. However, government officials did not sufficiently prioritize identification of victims among the vulnerable populations, particularly *ainen matawa*, with whom they came in contact. No government officials were suspected of, investigated, prosecuted, or convicted for trafficking or trafficking-related criminal activities during the reporting period.

Protection

The Government of Kiribati made little discernible progress in identifying or protecting trafficking victims during the reporting period. Police reported identifying, aboard international fishing vessels, several females who may have been trafficking victims, but their ages and status were not confirmed and the government did not provide them with any protective services. Law enforcement and social services personnel did not develop or implement systematic procedures for proactively identifying victims of trafficking among vulnerable persons with whom they came in contact. The government did not provide any victim care facilities for trafficking victims, but it reported victims could be referred to religious organizations to access medical and psychological services on an *ad hoc* basis. Law enforcement efforts to combat prostitution potentially resulted in some trafficking victims being treated as law violators; individuals detained for related crimes were not screened to determine whether they were trafficking victims, and their ages were not verified. The government has not developed or implemented a referral process to transfer potential victims who are detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care. It has a limited capacity to protect victims of trafficking or victims of other crimes, and partners with local religious organizations that provide services to victims of crime.

Prevention

The government increased its efforts to prevent human trafficking during the year. The Ministry of Internal and Social Affairs, in partnership with an international organization, continued to produce a weekly radio show on child protection issues, including the commercial sexual

exploitation of children. The same ministry, with support from an international organization, conducted workshops for community leaders and in schools on issues of child protection and the sexual exploitation of children. The police partnered with the Ministry of Fisheries to enhance the monitoring of shores for unauthorized persons attempting to access international fishing vessels and to dissuade women and girls from entering situations in which they could become victims of exploitation. The government continued to patrol its maritime territory with its one patrol boat and, during the year, in an effort to decrease the demand for commercial sex acts, it began to enforce a 2010 amendment to its foreign fishing license regulations holding ship captains accountable for unauthorized persons discovered on their vessels. The government cited three captains of foreign fishing vessels for harboring unauthorized persons aboard their boats, and one captain received a fine in an amount equivalent to approximately \$30,000. The government maintained billboards cautioning against engaging in commercial sex acts.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (Tier 3)

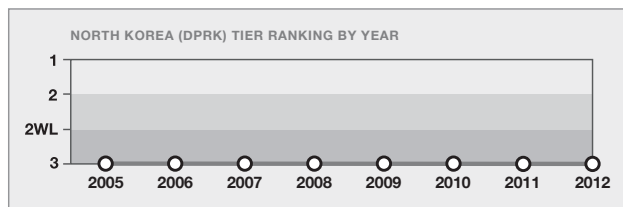
The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to forced labor, forced marriage, and sex trafficking. Within North Korea, forced labor is part of an established system of political repression. The North Korean government is directly involved in subjecting its nationals to forced labor in prison camps. North Koreans do not have a choice in the work the government assigns them and are not free to change jobs at will. North Korea is estimated to hold between 130,000 and 200,000 prisoners in political prison camps in remote areas of the country. Many of these prisoners were not actually convicted of a criminal offense. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, and farming for long hours under harsh conditions. Reports indicate that political prisoners endure severe conditions, including little food or medical care, and brutal punishments; many are not expected to survive. Many prisoners fell ill or died due to harsh labor conditions, inadequate food, beatings, lack of medical care, and unhygienic conditions.

The North Korean government recruited laborers to work abroad under bilateral contracts with foreign governments, including in Russia; Africa, Central and Eastern Europe, East and Southeast Asia, including especially Mongolia, and the Middle East. Credible reports showed that many North Korean workers sent abroad under these contracts were subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." There were also credible reports that these workers faced threats of government reprisals against them or their relatives in North Korea if they attempted to escape or complain to outside parties. Workers' salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money, claiming fees for various "voluntary" contributions to government endeavors. Workers reportedly only received a fraction of the money paid to the North Korean government for their work. Between 10,000 and 15,000 North Korean workers are estimated to be employed in logging camps in Russia's Far East, where they reportedly have only two days of rest per year.

and face punishments if they fail to meet production targets. Over the past year, reports indicated that the North Korean government worked harder to place North Korean workers in Russia, particularly in the Far East. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home. North Korean workers at joint ventures with foreign investors within the DPRK are employed under arrangements similar to those that apply to overseas contract workers.

NGOs and researchers estimate that thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans have been trafficked, but their status in China as illegal economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. North Korean women and girls commonly migrate to China, often with the help of a facilitator, seeking food, work, freedom, and better life prospects, but may then be forced into marriage, prostitution, or labor. Trafficking networks of Korean-Chinese and North Koreans (usually men) operate along the China-North Korea border, reportedly working with border guards from both countries to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. Reports indicate that security along the North Korea-China border increased during the reporting period. It is unclear what impact this change had on trafficking trends. Some North Korean women who make their own way to China are lured, drugged, or kidnapped by traffickers upon arrival. Others are offered jobs, but are subsequently compelled into domestic service through forced marriages to Chinese men, often of Korean ethnicity, or are forced into prostitution in brothels or through the Internet sex trade. Some are forced to serve as hostesses in nightclubs and karaoke bars. If found by Chinese authorities, victims are deported to North Korea where they are subject to harsh punishment, including forced labor in DPRK labor camps.

The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government contributed to the human trafficking problem through its ban on emigration, its failure to address its poor economic and food situation, and through its forced labor camps, where North Koreans live in conditions of servitude, receiving little food and little, if any, medical care.



Recommendations for the Democratic People's Republic of Korea: Recognize human trafficking as a problem in North Korea, and one that is distinct from human smuggling; work with the international community to close forced labor camps; work with the international community to allow North Koreans to choose their form of work and leave their

employment at will, and with fair wages; work with the international community to improve the social, political, economic, and human rights conditions that render North Koreans vulnerable to trafficking; provide assistance to trafficking victims and forge partnerships with international organizations and NGOs to aid in this effort; and allow NGOs to operate freely within North Korea to assist trafficking victims.

Prosecution

The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government continued to deny that human trafficking was a problem. Article 233 of the penal code criminalizes border crossing and Article 234 prohibits border guards from assisting border crossers; both carry a penalty of up to 25 years of detention in a labor facility. Article 289 of the penal code prohibits the abduction of children and Article 290 prohibits the abduction of individuals or groups. Both statutes prescribe penalties of three to 10 years of "labor correction." Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women. However, fair trials did not occur in North Korea and the government was not transparent with its law enforcement data, so it remained unclear under what provisions of the law, if any, traffickers were prosecuted. During the reporting period, there were no known prosecutions or convictions of trafficking offenders or officials complicit in forced labor or forced prostitution. The government did not report whether it provided any anti-trafficking training to its officials. Reports indicate that repatriated North Koreans were subjected to harsh punishments during the reporting period. North Korean defectors reported instances of the government punishing traffickers, including execution.

Protection

The North Korean government did not make any known attempts to protect trafficking victims during the reporting period. The government reported no efforts to identify or assist trafficking victims. Government authorities provided no discernible protection services to trafficking victims, nor did it permit indigenous NGOs to operate freely in North Korea. The few international NGOs allowed into the DPRK were not permitted to assist trafficking victims. The government provided no assurances to trafficking victims that they would be exempt from being penalized for unlawful acts committed as a direct result of their being trafficked. DPRK authorities continued to screen North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, but did not distinguish between trafficking victims and illegal migrants. Article 233 of the penal code criminalizes border crossing and Article 234 prohibits border guards from assisting border crossers; both articles carry a penalty of up to two to five years of forced labor. North Koreans forcibly repatriated by Chinese authorities, including women believed to be trafficking victims, were sent to prison camps, where they may have been subjected to forced labor, torture, sexual abuse by prison guards, or other severe punishment. Repatriated victims who were suspected of having become pregnant with a child of possible Chinese paternity may be subject to forced abortions and infanticide. Reports indicate that prison authorities brutally killed infants born to repatriated victims while in prison.

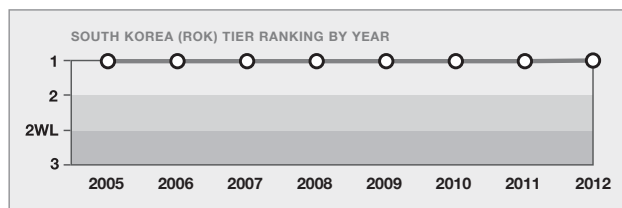
Prevention

North Korean authorities made no discernable efforts to prevent human trafficking during the reporting period. Internal conditions in the DPRK prompted many North Koreans to flee the country, making them vulnerable to human trafficking. Although press reports indicated that border security increased during the reporting period, there was no evidence that the DPRK government attempted to prevent human trafficking by screening migrants along the border. DPRK authorities made no discernible efforts to reduce the demand for commercial sex acts. North Korea is not a party to the 2000 UN TIP Protocol.

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to forced prostitution and forced labor. Some men and women from Russia, Uzbekistan, Kazakhstan, Morocco, Colombia, Mongolia, China, the Philippines, Thailand, Cambodia, North Korea, Vietnam, Japan, and other Southeast Asian countries are subjected to forced labor, and some women are subjected to forced prostitution. Some foreign women who entered the country on E-6 entertainment visas were forced into prostitution. Some women from less developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor subsequent to their arrival in the ROK, or when running away from abusive spouses. South Korean women were subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia, many coerced by traffickers to whom they owed debts. Commercial sexual exploitation of South Korean teenagers within the country remains a problem. Migrant workers who travel to the ROK for employment may incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. There are approximately 500,000 low-skilled migrant workers in the ROK from elsewhere in Asia, many of whom were working under the government's Employment Permit System (EPS). Migrant workers sometimes face conditions indicative of forced labor, including nonpayment of wages, withholding of passports, and work upon arrival in the ROK that differs from the job description offered to them in their country of origin.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government reported an increased number of sex trafficking convictions during the reporting period and sustained services for sex trafficking victims. Labor trafficking prosecutions may have occurred; such cases have not been reported in several prior reporting periods. The government did not institute formal procedures to identify proactively trafficking victims and refer them to available services. More centers provide services for female than for male trafficking victims.



Recommendations for the Republic of Korea: Enact drafted comprehensive anti-trafficking legislation that defines and prohibits trafficking in persons; increase efforts to investigate, prosecute, and convict trafficking offenders, including those involved in labor trafficking; develop and implement formal victim identification procedures to identify proactively trafficking victims among vulnerable populations, including women arrested for prostitution, migrants in the EPS, and illegal immigrants; make greater efforts to identify victims of forced labor among migrant workers, such as those who file complaints of unpaid wages; conduct a study or regular surveys to explore the scope and manifestations of labor trafficking in South Korea, similar to the triennial survey on sex trafficking; proactively grant victims permission to work pending investigations and prosecutions against their traffickers; and take steps to increase awareness of child sex tourism and enforce laws against South Koreans engaging in such acts.

Prosecution

The ROK government took adequate steps to prosecute trafficking offenses during the reporting period, but its efforts continued to be hampered by the lack of a clear law prohibiting all forms of trafficking. South Korea prohibits most aspects of trafficking through its 2004 Act on the Punishment of Acts of Arranging Sexual Traffic and its Labor Standards Act, which prescribe up to 10 years' and five years' imprisonment, respectively; these penalties are sufficiently stringent and commensurate with those prescribed penalties for other serious crimes, such as rape. The government reports using other criminal statutes related to kidnapping and juvenile protection to prosecute and punish trafficking offenses. The Republic of Korea does not have a comprehensive trafficking law that fully complies with international norms. During the reporting period, government authorities reported investigating 53 sex-trafficking cases, compared with 40 during the previous reporting period, under the Act on the Punishment of Acts of Arranging Sexual Traffic. These investigations resulted in a total of 11 convictions, an increase from six convictions under this statute during the previous reporting period. Sentences for sex trafficking offenders ranged from 16 months to five years. Because there is no comprehensive anti-trafficking law in South Korea, disaggregating data as to whether the convictions were, in fact, trafficking convictions is difficult. Since April 2011, there were allegations of forced labor abuses and unpaid and underpayment of wages on South Korean-flagged fishing vessels in New Zealand waters. At the end of the reporting period, these allegations remained under investigation. The government's National Human Rights Commission launched an investigation into allegations of forced labor on these South Korean flagged fishing vessels. Despite conducting 34 labor trafficking investigations and obtaining eight indictments in the past year, the government did not report any labor trafficking convictions under the Labor Standards Act or any other statutes for several years, raising concerns that the current legal structure for addressing labor trafficking is insufficient. In June 2012, Korean authorities asserted that a number of labor trafficking offenders were prosecuted during the reporting period; these claims could not be confirmed. In addition, there have been no convictions of Korean child sex tourists or labor trafficking offenders in the past five years.

In April 2011, the Seoul Metropolitan Police Agency announced that they had arrested a 40-year-old North Korean female refugee and three additional individuals for forcing

70 North Korean women into prostitution. The perpetrators paid the equivalent of \$32,139 to Chinese brokers to bring the women to South Korea and investigators believe Chinese brothels may have been involved in trafficking the victims. The victims received shelter, counseling, education services, and South Korean citizenship. The 40-year-old North Korean female refugee pleaded guilty to lesser charges related to the commercial sex trade and paid an the equivalent of \$1,800 fine; as of the end of the reporting period, the case against the three other defendants remained pending. During the reporting period, the government funded training on investigating sex trafficking crimes against women and children for 274 newly appointed prosecutors and prosecutors designated to handle sex trafficking cases.

Protection

The ROK government sustained strong efforts to protect trafficking victims during the reporting period, but it lacks formal proactive victim identification procedures. There were fewer services available for labor trafficking victims than sex trafficking victims. The government identified 15 forced prostitution victims; it is unclear how many labor trafficking victims were identified. The government did not have a formal mechanism to guide front-line responders, such as police, social workers, and labor and health officials, in how to identify human trafficking and refer potential victims to available services. In 2011, the government spent the equivalent of approximately \$16.9 million, mainly by providing financial support to NGOs offering shelter, counseling, medical and legal assistance, vocational training, educational programs, and rehabilitation services to a variety of persons in need, including sex trafficking victims. The Ministry of Gender Equality and Family (MOGEF) operated 18 shelters for Korean victims of sex trafficking, sexual assault, and domestic violence, offering medical and legal services. The government also sustained its operation of one specialized shelter for foreign victims of sex trafficking, but it did not report the number of victims assisted at this facility during the reporting period. The government continued to fund an extensive network of support centers for foreign wives and runaway teenagers, two groups vulnerable to trafficking in South Korea. These support centers offer services such as counseling in a number of languages, legal advice, and referrals to medical services and shelters. The government did not operate specific programs for forced labor victims or shelters for male trafficking victims. Observers claimed that the EPS continued to assign excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. The government offered foreign victims of trafficking legal alternatives to their removal to countries in which they may face hardship or retribution. The government's G-1 visa system allowed for foreign trafficking victims to remain in South Korea for up to one year to participate in investigations against their traffickers, and three G-1 visa holders that were trafficking victims were working. Victims of trafficking are not punished for crimes committed as a direct result of being in a trafficking situation.

Prevention

The ROK government took steps to prevent trafficking during the reporting period, though similar to the year before, these efforts focused almost exclusively on sex trafficking. The government continued to conduct a wide variety of campaigns to raise awareness of sex trafficking in South Korea, targeting particularly vulnerable groups such as teenagers and foreign

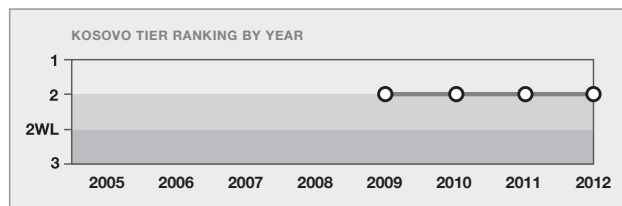
wives. In an effort to add safeguards to the marriage broker process, South Korea passed legislation last year compelling men marrying foreign brides to take classes prior to marriage. During the reporting period, MOGEF publicized on buses, electronic billboards, subways, and in foreign language publications the Emergency Support Center for Migrant Women hotline, which had operators trained to assist trafficking victims. In an effort to educate potential clients of the sex trade, MOGEF produced and distributed guidelines on preventing trafficking to 1,500 public institutions, and conducted Internet campaigns to prevent involvement of juveniles in the sex trade. In an effort to reduce demand for commercial sex acts, the Ministry of Justice continued to run 39 "Johns Schools," requiring convicted male clients of prostitution to attend one-day seminars on the risks of prostitution and sex trafficking in lieu of criminal punishment. As part of the 2008 revisions to the anti-sex trafficking legislation, the government is required to conduct research every three years on the status of sex trafficking in South Korea. The MOGEF conducted a triennial nationwide survey on prostitution in 2010 and published the results of the survey in early 2011. Korean authorities continued to train law enforcement and other government officials on trafficking and used a standardized training program on preventing forced prostitution. Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The South Korean government aired television commercials to discourage participation in child sex tourism, and Korean embassies abroad posted child sex tourism warnings and information on their homepages and provided pamphlets at airports and travel agencies. The government has not reported any prosecutions or convictions of child sex tourists in the past five years. The ROK government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions.

KOSOVO (Tier 2)

Kosovo is a source, destination, and possibly a transit country for women and children who are subjected to sex trafficking, and children subjected to forced begging. The majority of victims of sex trafficking exploited in Kosovo are female Kosovo citizens. Children from Kosovo and neighboring countries are exploited in forced begging within Kosovo. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Poland, and Serbia. Kosovar women and children are subjected to forced prostitution, servile marriages, and forced labor throughout Europe. Kosovo police report that traffickers less frequently exploited sex trafficking victims in bars and cafes, relying instead on private residences.

The Government of Kosovo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to implement its victim-centered Standard Operating Procedures and Minimum Standards for the care of trafficking victims. The government's trafficking prevention efforts continued to be very strong, incorporating broad based media appeals, focus on youth, and multi-level governmental coordination. Nevertheless, international organizations observed that the judiciary and prosecutors remained ill-equipped to prosecute trafficking cases, resulting in weak accountability for trafficking offenders. Despite several

reports of government employees' complicity in trafficking, no government officials were convicted of complicity. Finally, certain trafficking protections need to be implemented, including open shelters, adequately funded social service support, and effective long-term rehabilitation options for trafficking victims.



Recommendations for Kosovo: Make more vigorous efforts to prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; enhance trafficking-specific training for prosecutors and the judiciary; ensure that the social work protection for trafficking victims is fully funded; implement the National Strategy and Action Plan against Trafficking in Human Beings for 2011-2014; enhance investigation of forced labor offenses; increase detection of and protection for victims of forced begging in Kosovo; ensure that all trafficking victims are allowed to leave shelters unchaperoned and at will; appropriately fund municipal-level social work care for trafficking victims; continue evaluations of trafficking programs to ensure their efficacy; ensure that undocumented migrants are screened for potential victims of trafficking prior to deportation; improve restitution procedure to enable victims of trafficking to have access to restitution; disaggregate anti-trafficking law enforcement data between sex and labor trafficking; and continue public awareness campaigns, including campaigns about the risks of begging.

Prosecution

The Government of Kosovo improved its anti-trafficking law enforcement efforts in 2011, despite a continuing backlog of cases in the courts and problems with holding officials complicit in trafficking accountable. Kosovo prohibits all forms of trafficking in persons in articles 137 and 139 of the 2004 criminal code, and prescribes a maximum sentence of 12 years' imprisonment. These punishments are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The Kosovo government's restructured anti-trafficking directorate continued to serve as the specialist law enforcement agency on trafficking, adding expertise to trafficking investigations, though the directorate lacks adequate equipment. The Kosovo government made efforts to recruit minority Serb officers for the anti-trafficking police force and had some successes, but was hindered by underlying political tensions.

In 2011, Kosovo police coordinated other Kosovo government authorities on 199 trafficking activities, all but two of which concerned sex trafficking. The Kosovo police conducted investigations of 88 suspected trafficking offenders; 79 of these individuals were referred to the prosecutor's office. Kosovo's judiciary continued to face serious challenges in 2011, including a long backlog of cases. Such limitations affected convictions and sentences. In 2011, authorities began prosecutions of 79 suspected offenders in 22 new cases; in 2010, there were 81 offenders in 28 new cases in 2010. The

government did not report how many of these cases were sex trafficking or labor trafficking. The government's conviction rate increased in 2011. The government reported that Kosovo courts convicted 37 trafficking offenders, a significant increase from 11 offenders convicted in 2010. These offenders were sentenced to terms between five months and 5.5 years; 21 of these offenders received prison terms less than two years. In addition to the convictions in Kosovo district courts, a mixed panel of European Union Rule of Law Mission and Kosovo Judges in the District Court of Prizren convicted seven Kosovars for trafficking offenses, among other crimes. These seven offenders were sentenced to prison terms of between one year and four years, one month. All officially identified trafficking victims cooperated with investigations and gave statements to the police.

Nevertheless, the OSCE raised concerns about the quality of trafficking investigations and prosecutions, noting that Kosovo legal practitioners often failed to properly apply the law to the established facts in potential trafficking cases. The report concluded that the judges sometimes convicted defendants on charges of "attempted" trafficking when a conviction for trafficking would have been supported by the facts. Judges and prosecutors were reportedly not well trained to prosecute trafficking cases. The Kosovo government collaborated with foreign governments in 16 international trafficking investigations. The government provided 173 police officers trafficking in persons training as part of the criminal investigation course. Kosovo law enforcement authorities investigated four cases involving four government officials in trafficking-related criminal charges during the reporting period. In two cases, the Kosovo Police dropped the charges after consultations with the Kosovo district prosecutor's office. The other two cases involving government officials remained under investigation. There were no prosecutions or convictions of government officials suspected of trafficking-related crimes.

Protection

The Kosovo government sustained its efforts to protect victims of trafficking, employing formal guidelines for the identification of trafficking victims. The government employed "Minimum Standards of Care for Victims of Trafficking" and "Standard Operating Procedures" outlining obligations of state officials and NGOs for the care and treatment of trafficking victims. These guidelines set victim-centered standards for investigations and protection, such as the provision of a victim advocate for every victim brought to police stations. According to NGOs and international governmental organizations, the Kosovo government referral process was generally followed. NGOs observed that children who were identified as trafficking victims were correctly treated by authorities. Children involved in begging, however, were generally not identified as trafficking victims. Kosovo government officials traced problems with identifying children in begging as trafficking victims to the fact that begging is classified as a misdemeanor rather than a trafficking offense; proposed revisions of the criminal code would ameliorate the classification.

The Kosovo government supported nine shelters that accommodated trafficking victims, including a government-run high security trafficking-specific shelter, a specialized shelter for children, and a shelter dedicated to the long-term rehabilitation of trafficking victims. Through these shelters, the government provided care such as housing, medical care, clothing, counseling, and legal and educational assistance.

In all but one shelter, victims of trafficking could not leave without a chaperone. The shelters did not offer care for any male victims of trafficking, but the government had developed a plan for a new shelter in 2013, anticipated to offer shelter for males and trafficking victims with disabilities. The government provided funding for 50 percent of all direct services to all trafficking victims at all shelters, but not all operational costs of the NGO-run shelters. The Kosovo police identified 39 victims of trafficking and referred 29 of them to shelters. The government identified the same number of victims in 2009. In 2011, the Kosovo government provided the equivalent of \$153,000 for trafficking victim assistance, down from the equivalent of \$216,234 provided for victim care in 2010. Following the transfer to municipal authorities of the responsibility for social work services, there has been insufficient social work capacity to support victims and victim advocates' offices are underfunded. The Kosovo government continued to provide tax incentives to businesses that offered employment opportunities to victims of trafficking, though none were employed during 2011. Although Kosovo's criminal procedure code provides for victim restitution, which could in theory compensate victims of trafficking, it has never been funded, nor has an administrator ever been appointed to manage the fund. Similarly, although the criminal procedure code permits asset seizure, the mechanism has rarely been used. Despite a government study identifying approximately 100 children in begging, the government identified few of these highly vulnerable children in begging as victims of trafficking. The Kosovo government participated in NGO-run task forces to discuss cases of children at risk, including children in begging.

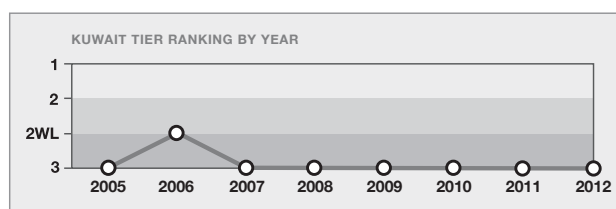
Prevention

The Government of Kosovo demonstrated strong efforts to prevent human trafficking this year, launching an anti-trafficking hotline and continuing a number of creative public awareness campaigns. The Government of Kosovo partnered with the OSCE to launch an anti-trafficking and domestic violence help line in October 2011. Since its launch, help line operators have received around 80 telephone calls from individuals requesting information on trafficking and domestic violence and seeking referrals in potential trafficking and domestic violence cases. In September and October 2011, the Kosovo government again held an intensive month-long anti-trafficking campaign with television and radio spots, youth anti-trafficking art and essay competitions, school outreach, and poster campaigns. In the spring of 2011, the Ministry of Education, Science and Technology continued its anti-trafficking civic education program "Skills for Life" in Kosovo schools. In August 2011, the Kosovo government adopted an anti-trafficking action plan for 2011-2014. The government collaborated with NGOs and international organizations on the development of this plan. The Government of Kosovo's inter-ministerial working group met monthly to coordinate government efforts to combat trafficking; sub-working groups addressing prevention, protection, prosecution, and the trafficking of children also met regularly. The Kosovo government reported that it attempted to reduce the demand for commercial sex acts through its arrests of clients of prostitution.

KUWAIT (Tier 3)

Kuwait is a destination country for men and women who are subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, Ethiopia, and Iraq to work in Kuwait, mainly in the domestic service, construction, and sanitation sectors. Although most of these migrants enter Kuwait voluntarily, upon arrival their sponsors and labor agents subject some migrants to conditions of forced labor, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. While Kuwait requires a standard contract for domestic workers delineating their rights, many workers report work conditions that are substantially different from those described in the contract; some workers never see the contract at all. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries or are coerced into paying labor broker fees in Kuwait that, by Kuwaiti law, should be paid for by the employer – a practice that makes workers highly vulnerable to forced labor once in Kuwait. Due to provisions of Kuwait's sponsorship law that restrict workers' movements and penalize workers for running away from abusive workplaces, domestic workers are particularly vulnerable to forced labor inside private homes. In addition, media sources report that runaway domestic workers fall prey to forced prostitution by agents who exploit their illegal status.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. The parliament has still not enacted a draft comprehensive anti-trafficking law. While various government ministries are tasked with addressing trafficking-related issues, there is no lead official, ministry, nor national coordinating body that focused on anti-trafficking efforts. The government's victim protection measures remain weak, particularly due to the lack of proactive victim identification and referral procedures and continued reliance on the sponsorship system, which inherently punishes, rather than protects, trafficking victims for immigration violations. The government continues to operate a temporary shelter for runaway female domestic workers, established in September 2007, though it offers no such facility accommodating male victims of trafficking. The government also did not make significant progress in fulfilling other commitments made since 2007, such as enacting a law to provide domestic workers with the same rights as other workers or completing the construction of a large-capacity permanent shelter for victims of trafficking. The government similarly made insufficient efforts to prevent trafficking in persons during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a sixth consecutive year.



Recommendations for Kuwait: Enact the draft anti-trafficking bill to specifically prohibit and punish all human trafficking offenses; significantly increase efforts to prosecute, punish, and stringently sentence traffickers, particularly sponsors who force domestic workers into involuntary servitude; enact and enforce the draft domestic workers bill to provide domestic workers with the same rights as other workers, including the establishment of a minimum wage, the deposit of salaries into employee bank accounts, maximum working hours, overtime compensation, a clear job description, a contract provided in the domestic worker's native language, and the right to annual and sick leave; establish procedures to proactively identify all victims of human trafficking, especially among the female domestic worker population; establish and operate a large-scale shelter for trafficking victims; revise sponsorship provisions that make workers vulnerable to abuse, including domestic workers; enforce existing laws against sponsors and employers who illegally hold migrant workers' passports; continue to expand on existing anti-trafficking training to law enforcement and judicial officials; and significantly increase efforts to prevent trafficking.

Prosecution

The Government of Kuwait made few discernible efforts to improve its law enforcement efforts against trafficking during the reporting period. The government has yet to enact a comprehensive anti-trafficking bill that has been on the parliament's agenda since November 2009. Despite the continued absence of a comprehensive anti-trafficking law, the government could prosecute and punish trafficking offenses under other provisions of the Kuwaiti Criminal Code, but there is little evidence it has done so in a systematic fashion. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. Law 16/1960 criminalizes forced labor or exploitation, while maltreatment that amounts to torture and leads to death is considered first-degree murder. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years' if the victim is under the age of 18. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Nonetheless, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers during the reporting period for either forced labor or sex trafficking. Media sources report that in mid-2011, Kuwaiti security officials arrested a total of nine individuals for allegedly kidnapping women, some of whom were domestic workers, and selling the victims into forced prostitution. All cases were referred to the Public Prosecutor, but it remains unclear if these arrests resulted in prosecutions. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remains common among sponsors and employers of foreign workers, and the Government of Kuwait has demonstrated no genuine efforts to enforce this prohibition. Almost none of the domestic workers who take refuge in their home-country embassy shelters have passports in their possession. The government remains reluctant to prosecute Kuwaiti citizens for trafficking offenses despite allegations that the majority of offenses involved Kuwaiti employers in private residences. When Kuwaiti nationals are investigated for trafficking offenses, they tend to receive less scrutiny than foreigners. Kuwaiti law enforcement generally takes an administrative or civil approach in addressing cases of forced labor, such as assessing fines, shutting down

employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back-wages. In June 2011, various government ministries received training on victim protection and best practices from foreign government and IOM officials. Also during this reporting period, the government provided funding to IOM to conduct anti-trafficking training for police, judges, and other officials in Kuwait.

Protection

During the year, the Kuwaiti government made inadequate efforts to protect victims of trafficking. It did not develop or implement formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution. Kuwait's migrant sponsorship law effectively dissuades foreign workers from reporting abuses committed by their employers to government authorities; workers who flee from their employers face criminal and financial penalties of up to six months' imprisonment, the equivalent of over \$2,000 in fines, and deportation for leaving without their employers' permission, even if they ran away from an abusive sponsor. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and from obtaining adequate legal redress for their exploitation.

The Government of Kuwait did not encourage victims of trafficking to assist in the investigation and prosecution of trafficking cases, and it did not offer foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution. Moreover, victims were not offered legal aid by the government. Some foreign victims of trafficking received monetary settlements from their employers, though trafficking-related charges were not pursued against the employer. The Ministry of Social Affairs and Labor continued to operate a short-term shelter for runaway domestic workers with a maximum capacity of 40. The shelter detained victims involuntarily until their legal or immigration cases were resolved. The government also did not report the actual number of trafficking victims assisted at this shelter during the reporting period. It is unclear whether victims of forced prostitution can access the government's temporary shelter, and there continued to be no shelter or other protective services afforded for male victims of trafficking. In 2007, the government announced it would open a high-capacity shelter for runaway domestic workers; this shelter was under construction, but was not yet complete at the end of the reporting period. The Kuwaiti government provided source countries with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies in Kuwait. The Ministry of Interior continued to offer training on trafficking issues for government employees, including IOM-sponsored training courses on trafficking victim recognition and protection. The government does not, however, provide funding to domestic NGOs or international organizations that provide direct services to trafficking victims.

Prevention

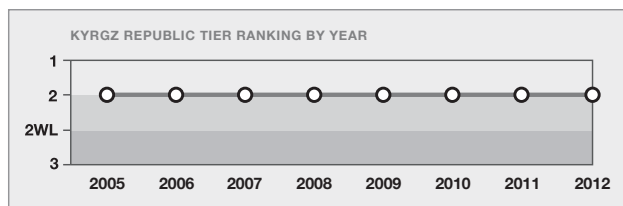
The Government of Kuwait made minimal progress in preventing trafficking in persons during the past year. The Private Sector Labor Law, enacted in February 2010, mandated the formation of a government-run sponsorship system for non-domestic laborers, which would replace the current sponsorship system. During the reporting period, the Minister

of Social Affairs and Labor worked to implement this legal requirement by creating the Public Authority for Manpower; however, parliament has not yet ratified the creation of this entity, so it has not become operational. A government provision set in April 2010 to increase the minimum wage for workers in the private sector continues to exclude Kuwait's more than a half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor implementation of this rule. As in past years, the Ministry of *Auqaf* and Islamic Affairs made a nationwide effort to reduce overseas child sex tourism by requiring some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations.

KYRGYZ REPUBLIC (Tier 2)

The Kyrgyz Republic (or Kyrgyzstan) is a source and transit country for men, women, and children subjected to forced labor, and for women subjected to forced prostitution. Kyrgyz men, women, and children are subjected to bonded labor in China and to conditions of forced labor in Russia and Kazakhstan, and to a lesser extent the Czech Republic, Turkey, and within the country, specifically in the agricultural, forestry, construction, and textile industries, and in domestic servitude and forced child care. Kyrgyz victims were recently identified for the first time in Angola and the United States. Women from the Kyrgyz Republic are subjected to forced prostitution in Turkey, the United Arab Emirates (UAE), Kazakhstan, China, South Korea, Greece, Cyprus, Thailand, Germany, and Syria. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the Kyrgyz Republic as they migrate to Russia, the UAE, and Turkey, where they are subsequently subjected to forced labor and forced prostitution. Kyrgyz boys and girls are subjected to forced prostitution within the country. An NGO study estimated that over 60,000 Kyrgyz citizens are victims of trafficking, both within the country and abroad.

The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to prosecute trafficking cases and convict offenders, and identified more victims than in the previous year. Despite continued reports of corruption, however, the government did not investigate or prosecute any officials suspected of complicity in human trafficking.



Recommendations for the Kyrgyz Republic: Increase efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders, ensuring that a majority of those convicted of trafficking offenses serve time in prison; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish complicit government officials; continue trafficking sensitivity and awareness training for police, prosecutors, and

judges; and work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked.

Prosecution

The Kyrgyz government demonstrated some progress in its anti-trafficking law enforcement efforts during the reporting period. In November 2011, the government amended its 2005 Law on Prevention and Combating Trafficking in Persons, which criminalizes both sex and labor trafficking, to define human trafficking more broadly and clearly to include the use of force, fraud, or coercion for the purpose of exploitation. The law also covers a non-trafficking offense – child adoption for commercial purposes. Through this amendment, the government also raised the minimum penalty for trafficking in persons to five years' imprisonment from three; the maximum is 20 years. These penalties are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. In 2011, the government reported conducting seven trafficking investigations, compared with 11 trafficking investigations in 2010. The government prosecuted 13 suspected traffickers in six cases and convicted nine traffickers in three cases in 2011, compared with eight suspected traffickers prosecuted and three convicted in 2010. The government did not report information about the punishments of the convicted traffickers. The Ministry of Internal Affairs, along with several Kyrgyz academic institutions, conducted some training courses and seminars on fighting human trafficking. NGOs contended that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police failed to investigate potential trafficking offenses due to a lack of awareness. The government reported no efforts to investigate or prosecute any government officials suspected of being complicit in trafficking or convict or punish any complicit officials.

Protection

The Kyrgyz government sustained limited efforts to assist victims during the reporting period. The government did not have formal written procedures to guide officials in proactive identification of trafficking victims among high-risk persons with whom they came into contact. The government identified 38 victims and referred them to protective services in 2011, compared with 15 victims identified in 2010. Thirteen of these 38 victims were identified by Kyrgyz consular officials in destination countries. NGOs identified and assisted 164 victims in 2011. Of these 202 total victims, approximately 80 percent were victims of labor trafficking and 20 percent victims of sex trafficking. Fifteen percent of the 202 victims were trafficked within the country. Although the government did not provide funding to any organization that provided victim assistance in 2011, it continued to provide in-kind assistance to anti-trafficking NGOs, including facilities for three NGO-run shelters for victims of trafficking. Victims were able to leave the shelters freely. There was no information on whether the government encouraged victims to participate in trafficking investigations and prosecutions; no victims assisted law enforcement during the reporting period. During the reporting period, identified victims may have been penalized for unlawful acts committed as a direct result of their being trafficked, such as prostitution offenses.

Prevention

The Kyrgyz government sustained limited progress in trafficking prevention efforts. Government officials continued to provide Kyrgyz migrants with informational fliers and other trafficking awareness materials prepared by IOM and funded by a foreign government. The government continued to provide in-kind assistance to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The Ministry of Education continued to provide anti-trafficking awareness training to students as part of a program to educate students about potential dangers when working abroad. Building on its existing 2008-2011 national anti-trafficking action plan, the Kyrgyz government drafted a plan for 2011-2015 with the contribution of NGOs. The government continued its program to digitize passport records and expanded the program to include the digitization of birth records. The government did not undertake efforts to reduce the demand for commercial sex acts.

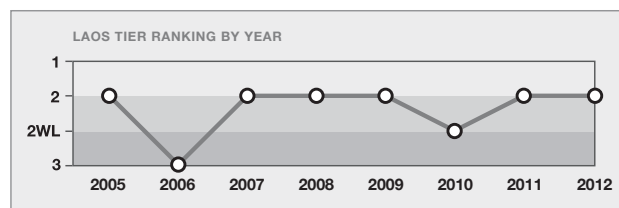
LAOS (Tier 2)

Laos is a source, and to a much lesser extent, a transit and destination country for women, children, and men who are subjected to forced prostitution and forced labor. Lao trafficking victims often are migrants seeking work outside of the country who encounter conditions of involuntary exploitation only after arriving in their destination countries, most often Thailand. Many Lao migrants, particularly women, pay broker fees, normally ranging from the equivalents of \$70 to \$200, to obtain jobs in Thailand, but after their arrival are subjected to conditions of sexual servitude in Thailand's commercial sex trade, and sometimes to forced labor in domestic service, garment factories, or agricultural industries. Lao men and boys are also victims of forced labor in Thailand, especially in the fishing and construction industries. Ethnic minority populations of Laos often are vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society. Members of the lowland Lao majority ethnic group are drawn to Thailand because of the cultural similarities and their ability to speak Thai, both of which allow them to acculturate with ease. Unfortunately, this also makes locating and identifying Lao victims more difficult. Small number of Lao women and girls are reportedly sold as brides in China.

Given its porous borders, Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in neighboring countries. Some Vietnamese and Chinese women are also subjected to forced prostitution in Laos, usually in close proximity to casinos or Special Economic Zones. Although there are fewer reported instances of internal trafficking, sex trafficking of Lao women and girls within the country remained a problem. Additionally, children, especially girls, are also vulnerable to the worst forms of trafficking, both domestically and internationally.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the current reporting period, the government reported investigating 49 trafficking cases and convicting 37 trafficking offenders. While the victims received temporary services from the government, the trafficking laws do not fully protect all victims.

Neither proactive identification measures nor systematic monitoring efforts were implemented during the current year. The immigration police, who operate a trafficking in persons division at the Lao-Thai border, have reported minimal identification of victims among Lao who have returned or been deported from Thailand. The Government of Laos continued to operate a transit center in Vientiane, provided funding for the Lao Women's Union shelter, and continued to rely heavily on foreign donor support for long-term victim assistance. In mid-2011 the Ministry of Public Security (MOPS) upgraded its anti-trafficking division to a department in order to elevate its profile status within other government entities. Inefficiencies within the Lao bureaucracy, however, continued to delay approvals for local and international NGOs to implement anti-trafficking projects and agreements. The prime minister has yet to approve a final draft of the anti-trafficking national plan of action.



Recommendations for Laos: Increase efforts to address internal trafficking by identifying and assisting Lao citizens trafficked within the country and prosecuting their traffickers; demonstrate greater efforts to combat the trafficking complicity of public officials, especially on the local level, through the criminal prosecution of officials involved in trafficking crimes; develop monitoring mechanisms for labor recruiters tasked with processing work permits and contracts to prevent the trafficking of migrant workers; develop and implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly among migrants returning from Thailand; increase resources and vocational trainings to support victims in reintegration after returning to their home communities; develop a victims' protection framework to increase the number of victims willing to testify or assist in investigations; approve memoranda of understanding with NGOs and international organizations in a more timely manner; increase country-wide awareness of court proceedings and legal avenues for trafficking matters; continue to implement visible anti-trafficking awareness campaigns directed at clients of the sex and labor trade; reduce the demand for sex tourism by promulgating awareness and enforcing criminal penalties; disseminate anti-trafficking educational materials to those dwelling in rural or minority areas of Laos, including the Northern provinces; sustain progress on the proposed national database system on trafficking cases; and continue to develop a comprehensive anti-trafficking law.

Prosecution

The Lao government made progress in its anti-trafficking law enforcement efforts during the current year. The government prohibits all forms of human trafficking through its 2006 revision of penal code Article 134, which prescribes penalties ranging from five years' to life imprisonment, fines ranging from the equivalent of \$1,250 to \$12,500, and confiscation of assets, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes,

such as rape. In the fall of 2011, the government approved the establishment of a committee tasked with assessing current trafficking laws to locate and address gaps. Within the current reporting period, authorities reported investigating 49 cases of suspected trafficking, involving 69 alleged offenders, resulting in 37 convictions, compared with 20 cases investigated and 33 convictions in 2010. The government did not, however, provide details on punishment or sentences for the individual cases. Court proceedings still lacked due process and transparency, and the Lao judicial sector remained weak and inefficient. The general public's continued reluctance to work with law enforcement hampered the government's ability to effectively investigate internal or cross-border trafficking cases. Corruption remained an endemic problem in Laos. Anti-trafficking organizations reported that some village officials received payment to facilitate the immigration or transportation of girls to Thailand. The government did not report any investigations, prosecutions, or convictions of officials allegedly complicit in human trafficking.

Protection

The Government of Laos made modest efforts to identify and protect trafficking victims during the current reporting period. The government has yet to develop or implement formal victim identification procedures to proactively identify victims of trafficking among vulnerable groups. Upon their return from Thailand, victims identified by Thai or Lao authorities were referred to shelters or other providers of medical care, counseling services, and vocational training. During the year, 195 trafficking victims were returned to Laos under the official repatriation system, but more victims were among those "pushed back" unofficially by Thai authorities as undocumented migrants. The government continued to rely almost completely on NGOs and international organizations to provide or fund victim services. However, the central government funded and operated a transit center in Vientiane where identified victims of trafficking returning from Thailand stayed while assessments were conducted by the authorities. The Lao Women's Union continued to operate a hotline for reporting suspected cases of domestic violence and trafficking; although trafficking-related calls have been received, the number has not been recorded. Through the Law on Development and Protection of Women, women and children identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking. The government reported encouraging victims to cooperate with prosecutions, and provided them privacy protections, but did not implement a framework for witness protection. Most anti-trafficking organizations focus on women and children, leaving male victims of trafficking without similar support. Anti-trafficking organizations also identified Northern Laos as a region that lacks much-needed victim assistance services. While the government depended on NGOs to provide resources for many trafficking initiatives, its own internal inefficiencies caused lengthy delays in granting approvals to NGOs and international organizations to implement anti-trafficking efforts in Laos. The government did not approve victim protection guidelines that were drafted during the previous reporting period with support from the UN and NGOs. Victim access to legal redress is undercut by unfamiliarity with court procedures. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

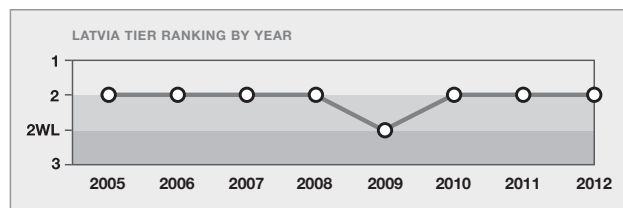
During the past year with assistance from international organizations and NGOs, the Lao government made moderate progress with its prevention efforts. The Lao Tourism Authority, a government agency, led workshops for hotel and other tourism professionals on how to recognize suspected child trafficking cases. Also, the People's Supreme Court, public prosecutors, and the MOPS trained village chiefs and district officials on trafficking investigations, and the Ministry of Justice disseminated information related to trafficking laws and victims' rights. Government authorities funded the equivalent of an estimated \$31,000 for other trainings facilitated by the Lao Women's Union. The Ministry of Information, Culture, and Tourism assisted in the sponsorship of a concert that raised awareness of human trafficking, and the government-controlled media continued to report on human trafficking. Although the National Assembly approved a national plan of action on human trafficking in 2007, it has yet to be approved by the prime minister's office. The Lao government publicized a national poster campaign against child sex tourism and also initiated a national hotline for callers to report suspected acts of child exploitation. However, due to a lack of human and physical resources, and an insufficient understanding of the scope and details of sex tourism in Laos, the government remained unable to sustain the implementation of these prevention efforts aimed at Lao or foreign nationals who participate in such activity.

LATVIA (Tier 2)

Latvia is a source and destination country for women subjected to sex trafficking and a source country for women, men, and children subjected to sex trafficking and forced labor. Latvian women are forced into prostitution in Italy, Spain, Ireland, Cyprus, Greece, the Netherlands, the United Kingdom, and Germany. Latvian men and women have been subjected to conditions of forced labor in the United Kingdom and Italy, and there were reports that Latvian men may have been subjected to conditions of forced labor in Sweden. Latvian women in brokered marriages in Western Europe, particularly Ireland, were vulnerable to domestic servitude and sex trafficking. Adult Latvian women are subject to internal sex trafficking. In prior years, there were unofficial reports that some Latvian teenage girls were subjected to sex trafficking within the country.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to improve its anti-trafficking efforts, including by developing criteria for the identification of labor trafficking victims, by improving mechanisms to ensure that the foreign ministry referred trafficking victims to state-funded care, and by strengthening efforts to address sham marriages, which create a vulnerability to trafficking. The Latvian anti-trafficking working group provided strong leadership of the government's anti-trafficking policy and enhanced transparency of the government's efforts through reporting. The government increased its funding for NGO-provided victim assistance. The government investigated and prosecuted several former anti-trafficking police officers for corruption. Nevertheless, anti-trafficking law enforcement efforts faltered. Even though NGOs identified domestic victims of trafficking, law enforcement authorities did not identify similar cases. The number of trafficking prosecutions and convictions, as well

as the length of sentences in trafficking cases, all declined. Latvian authorities continued to prosecute cases under a non-trafficking statute (Section 165-1 of the Latvian Criminal Law) generally through the use of undercover officers, leading to concerns that the Latvian law enforcement efforts against the trafficking cases involving actual victims were low. Only two out of 11 convicted trafficking offenders were sentenced to any time in prison.



Recommendations for Latvia: Increase efforts to identify victims, particularly victims of labor trafficking and Latvian victims exploited within the country; vigorously investigate, prosecute, and convict trafficking cases; use the trafficking statute (Section 154-1 of the Latvian Criminal Law) to prosecute trafficking cases involving Latvian victims exploited abroad and domestically; explore ways to collaborate more closely with other European counterparts so that Latvia is empowered to better protect Latvian trafficking victims abroad and to prosecute their recruiters; impose criminal penalties on convicted trafficking offenders commensurate with the gravity of the crime committed; implement new labor trafficking identification guidelines; implement the recently designed repatriation mechanism to make state-funded trafficking victim assistance more accessible; continue efforts to ensure that all victims of trafficking are provided appropriate protections throughout the investigation and prosecution of trafficking offenses; continue implementing the 2009-2013 National Anti-Trafficking Program; consider centralizing anti-trafficking hotlines to enhance trafficking prevention and identification of trafficking victims; update key outreach efforts, such as the government's centralized anti-trafficking website; continue efforts to systematically monitor trafficking trends; and increase efforts to raise awareness about both sex and labor trafficking.

Prosecution

The Latvian government demonstrated decreased law enforcement efforts to combat trafficking in persons. Although the government instituted new procedures for conducting trafficking investigations and pursued corruption cases, its overall prosecution and conviction statistics decreased in 2011, resulting in fewer trafficking offenders receiving time in prison for their crimes. Latvia prohibits all forms of trafficking through Section 154-1 of its criminal law, which prescribe penalties ranging from a fine to 15 years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government used Section 165-1 prohibiting the transfer of individuals for the purpose of sexual exploitation to investigate and prosecute most trafficking cases during the reporting period. The Government of Latvia claimed that this statute is easier for prosecutors to apply than Section 154-1 because the elements of force, fraud, or coercion are not required in prosecuting an offense under Section 165-1. Most of these cases involved the use of undercover officers posing as potential trafficking victims. While the

Latvian government portrayed these cases, to some degree, as "prevention" of trafficking, the targeting of cases involving undercover officers rather than real trafficking victims gave rise to concerns that the Latvian government did not take sufficient law enforcement action against traffickers exploiting actual victims in Latvia. Both the police and the prosecutors' offices have specialized anti-trafficking units. Regional police inspectors trained local officers on anti-trafficking measures. The number of trafficking cases the government investigated and prosecuted decreased in 2011, although the number of suspected offenders investigated remained approximately level. The government reported investigating 34 suspected offenders in 21 new sex trafficking cases, in contrast to 38 offenders in 31 cases investigated in 2010. Although the Government of Latvia did not investigate new labor trafficking cases, it continued an investigation in an older labor trafficking case and assisted foreign counterparts in the investigation of new cases. Latvian authorities prosecuted 27 suspected sex trafficking offenders in 2011, a decrease from 39 offenders prosecuted in 2010, but level with the 26 suspected offenders prosecuted in 2009. In 2011, 11 trafficking offenders received final convictions from the Courts of First Instance, a 48 percent decrease from the 21 who received final convictions from these courts in 2010. These figures do not include appealed convictions. Also, accountability for trafficking crimes remained a problem. Only two of the 11 convicted trafficking offenders were sentenced to time in prison, with each receiving sentences between one and three years' imprisonment. In 2010, five out of 21 convicted offenders were sentenced to prison terms. To enable specialists in the state police's anti-trafficking unit to screen criminal cases for potential trafficking violations, the Latvian regional police departments continued to provide monthly reports on crimes potentially involving trafficking in persons, pimping, and other prostitution offenses. However, in light of the reduced identification of trafficking cases, it was unclear whether the screening mechanism was effective. Latvian government officials trained law enforcement colleagues on identifying human trafficking. In January 2012, the government finalized official guidelines on the identification of labor trafficking victims, providing guidance to police and the labor inspectorate on how to differentiate labor exploitation and trafficking. The Government of Latvia collaborated with law enforcement officials in several countries, including Sweden, Germany, and the United Kingdom, on anti-trafficking investigations.

The Latvian police investigated a number of trafficking-related corruption cases this year. Latvian prosecutors investigated two former anti-trafficking police officers on corruption charges and indicted one. In the fall of 2011, Latvian state television documented a case in which seven of fifteen defendants charged with pimping had been donors to two influential political parties. The Latvian Corruption Preventing and Combating Bureau investigated these suspected trafficking-related corruption cases.

Protection

The Latvian government improved its victim protection efforts over the previous reporting period. In addition to increasing victim protection funding, the Government of Latvia identified and assisted a greater number of victims of more diverse forms of trafficking and designed an improved mechanism to ensure that victims of trafficking identified abroad are referred to state-funded assistance in Latvia. For 2012, the Ministry of Welfare obligated the equivalent of approximately \$78,000 to a designated NGO to provide

comprehensive services for victims of trafficking, an increase from the equivalent of approximately \$58,000 provided in 2011 and the equivalent of \$70,000 provided in 2010. The government offered each trafficking victim up to 6 months of rehabilitative care, including psychological assistance, medical aid, legal representation, housing, and reintegration services. While the government's allocation of increased funding in response to victim needs reflected a significant commitment, NGOs observed that the state-designed assistance mechanism was unduly bureaucratic; the assistance tender for 2011 was initially fixed to fund the care of seven victims, even though the number of victims from Latvia generally exceeded seven per year. The government certified 11 new victims for the state-funded victim assistance program in 2011, in contrast to nine new victims certified in 2010. Four victims certified in previous years also continued to receive trafficking victim services in 2011. All victims who received services were of Latvian origin. In contrast to prior years, two male labor trafficking victims received state-funded trafficking victim services. The Ministry of Interior reported that the police identified 29 victims of trafficking who agreed to assist in investigation procedures as witnesses but refused victim status and services because they did not consider themselves to be victims of a crime. Local NGOs identified and assisted an additional four victims of sex and labor trafficking, none of whom participated in the state-funded program. NGOs attributed the lack of participation in the government program to distrust of the police or concerns about confidentiality. The government did not identify either foreign or domestic victims within Latvia, although three of the victims identified by NGOs were victims of domestic sex trafficking. The Latvian government faced challenges in providing repatriation assistance to potential victims identified outside Latvia. In response, government agencies have proposed a mechanism for issuing repatriation loans to Latvians abroad. If approved, certified trafficking victims will not be required to repay those loans. The Ministry of Foreign Affairs (MFA) instituted a procedure to track potential trafficking victims identified abroad and to refer them to care in Latvia. The MFA reported a total of 101 potential trafficking instances identified by Latvian diplomats in Ireland, Germany, the United Kingdom, Netherlands, Italy, and Sweden in 2011 as a result of this new monitoring. The government employed some efforts to protect victims during trial, including through allowing written substitutes for victim testimony in cases of trauma and allowing victims to be absent from trial. There were no reports that identified victims were penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Latvian government demonstrated strong prevention efforts in 2011, displaying creative and diverse measures to prevent trafficking. The anti-trafficking working group continued to meet to coordinate the government's anti-trafficking activities. It incorporated new civil society members, such as the Free Trade Union Confederation, to join its ranks. The Latvian Ministry of Education and Science trained 55 teachers on trafficking in persons and integrated trafficking questions into a mandatory test for elementary school students. The Riga City local government also spent the equivalent of approximately \$20,000 for anti-trafficking efforts, such as distributing an anti-trafficking brochure, conducting trainings for 60 individuals in the Riga local government, and conducting outreach to school children on trafficking. The Government of Latvia collaborated with an NGO to deliver anti-trafficking messages at libraries throughout Latvia; 237

librarians and 118 young people from Latvia participated in the workshops. The Latvian government worked to reduce the demand for commercial sex by producing and publicizing an anti-trafficking video titled Reestablish Values in Your Life. The Latvian government continued to maintain various hotlines for the exchange of trafficking information with the general public, but it did not have a centralized trafficking hotline. It was not clear that the various government hotlines were effective in publicizing their anti-trafficking role. Whereas NGOs that do not receive state funding for anti-trafficking prevention efforts received more than 90 telephone inquiries on trafficking-related matters, the government reported only three cases in which trafficking victims called the government hotlines for assistance. In 2011, officials announced that the number of sham marriages between Latvian citizens and citizens of third countries in Ireland decreased by half; sham marriages continued to render some women highly vulnerable to trafficking. The MFA attributed the decrease to the government's recently improved marriage registration procedures. Despite these prevention efforts, there were anecdotal reports that there was low public awareness or minimal public disapproval of trafficking.

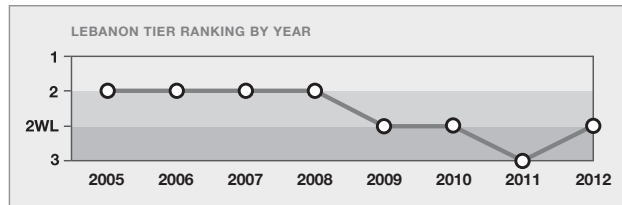
LEBANON (Tier 2 Watch List)

Lebanon is a source and destination country for women and children who are subjected to forced labor and sex trafficking. The country is also a transit point for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, Kenya, Bangladesh, Nepal, and Madagascar who travel to Lebanon with the assistance of recruitment agencies to work in domestic service are often subjected to conditions indicative of forced labor, including withholding of passports, nonpayment of wages, threat of arrest and deportation, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employers' house without permission or a "release paper" automatically lose their legal status unless a change in their sponsorship is pre-arranged and approved by the General Directorate for General Security (SG), the government agency responsible for the entry, residency, and departure of foreign workers. Some employers in Lebanon threaten workers with the loss of this legal immigration status in order to keep them in forced labor and, in some cases, have kept foreign domestic workers confined in residences for years. A highly publicized case of an Ethiopian domestic worker who was publicly beaten by a Lebanese recruitment agent in March 2012 exemplified the abuse suffered by domestic workers in Lebanon; the worker committed suicide shortly after the incident was reported in the media.

The government's *artiste* visa program facilitates the entry of women from Eastern Europe, Morocco, and Tunisia on three-month visas to work as dancers in Lebanon's adult entertainment industry; 6,024 women entered Lebanon in 2011 under this visa program, which sustains a significant sex trade and enables forced prostitution through such practices as withholding of passports and restrictions on movement. Some Syrian women in street prostitution may be forced to engage in prostitution, and Syrian girls are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. Anecdotal information indicates that Lebanese children are victims of forced labor within the country, particularly in street begging as well as commercial sexual exploitation facilitated by

male pimps, husbands, and “boyfriends,” and at times through early marriage. Small numbers of Lebanese girls may be taken to other Arab countries for exploitation in prostitution.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government enacted an anti-trafficking law, implemented awareness campaigns for foreign workers, increased investigations into allegations of abuse, and referred an increased number of victims for assistance. The government made combating human trafficking a national priority and demonstrated concerted efforts to educate the public on human trafficking. The government failed to show substantial progress in identifying foreign or Lebanese victims of trafficking – particularly victims of domestic servitude and commercial sexual exploitation – and allocated minimal resources to protecting victims. The government also failed to bring specific charges of forced labor or forced prostitution in cases involving abuses against migrant workers and did not assign adequate punishment to deter such crimes.



Recommendations for Lebanon: Implement the new anti-trafficking law by investigating and prosecuting trafficking offenses, and convicting and punishing trafficking offenders; enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers, including foreign domestic workers; enforce the law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon; provide protection to victims, as stipulated in the anti-trafficking law; train police, judges, prosecutors, and other government officials about the new anti-trafficking law and how to enforce it; provide services such as shelter, access to legal aid and interpretation, and counseling to migrant workers and Lebanese nationals who are victims of forced labor and forced prostitution; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding *artiste* visas and domestic workers who have escaped abusive employers; ensure that identified victims of trafficking are promptly referred to protection services rather than detained for unlawful acts committed as a direct result of being trafficked, such as immigration violations or prostitution; raise awareness about the existence and uses of the Ministry of Labor’s complaints office and hotline, and enhance the quality of services provided; and amend the unified employment contract for domestic workers to recognize the worker’s right to leave his or her employer’s house during time off and retain his or her passport.

Prosecution

The government increased its capacity to conduct anti-trafficking law enforcement efforts by enacting comprehensive legislation and investigating some suspected trafficking cases. The government did not report any prosecutions or convictions of sex trafficking or forced labor *per se*, but it did report two

convictions that may have involved forced labor. In August 2011, Parliament passed Anti-Trafficking Law Number 164, which prohibits and punishes all forms of trafficking. The prescribed penalties for sex trafficking and forced labor range from five to 15 years’ imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Lebanon’s criminal code also prohibits all forms of human trafficking, though prosecutions usually rely on Article 554 (personal injuries) rather than articles prohibiting forced labor, slavery, or forced prostitution. A labor law amendment that would extend legal protections to foreign workers has not yet been submitted to the cabinet by the Ministry of Labor; as drafted, however, the amendment did not cover foreign domestic workers, who constitute the majority of foreign migrant workers in Lebanon.

There is no evidence that a sex trafficking case has ever been prosecuted in Lebanon, and the government has yet to prosecute a case of forced labor using the existing forced labor statutes in Lebanon’s penal code. Pursuit of such cases appeared to have been hampered by bureaucratic indifference and inefficiency, limited coordination between relevant ministries, court backlogs, and a lack of sufficient anti-trafficking training among police and judges, as well as cultural biases, particularly against foreign domestic workers. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system and victims’ lack of adequate legal representation and knowledge of their rights, many foreign victims opted for quick administrative settlements followed by repatriation. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving their due wages. The Ministries of Labor and Justice and the SG provided information on their anti-trafficking efforts, but because of poor recordkeeping, data was incomplete and may be unreliable. The Internal Security Forces (ISF) and the SG reportedly investigated 16 suspected trafficking cases involving sexual exploitation, forced prostitution, physical abuse, unpaid wages, and exploitation of others in prostitution in 2011; fifteen of these were determined to constitute trafficking, and investigations into all 15 cases were ongoing at the end of the reporting period. Two of these investigations involved four Tunisian women holding *artiste* visas who were allegedly falsely promised jobs as secretaries, but forced into prostitution in a nightclub in Lebanon; while the SG notified the Tunisian embassy of the case, the SG deported the four *artistes* without providing them protective services. In 2011, the government reported two convictions that may have involved forced labor, yet the courts failed to prosecute the offenders under forced labor statutes. In October 2011, pursuant to Article 554 (personal injuries) of the criminal code, the employer of a Filipina domestic worker was convicted of physical abuse, sentenced to 10 days’ imprisonment, and required to pay the victim the equivalent of \$666 in compensation. The other conviction, rendered in July 2011 pursuant to Article 624 of the criminal code, required the employer to pay the domestic worker for the period worked, which was the equivalent of \$700. Although the SG reportedly investigated the incident of a recruitment agent who publicly beat an Ethiopian domestic worker in March 2012, the agent was briefly arrested and then released without charge. The government did not provide or fund specialized training for its officials to recognize, investigate, or prosecute cases of trafficking; however, government officials, including from the SG and ISF, social workers, judges, labor inspectors, and prosecutors participated in numerous NGO-run anti-trafficking trainings in 2011.

Protection

The government improved protection efforts, but did not make sufficient efforts to ensure trafficking victims received access to protective services or had resources to provide for their care during the reporting period. The new anti-trafficking law stipulates that the Ministry of Justice subcontract NGOs to provide victim assistance and protection; implementation decrees for the relevant article are pending cabinet approval. Law enforcement, immigration, and social services officials currently lack, but are working to develop, a formal system for proactively identifying trafficking victims among vulnerable populations with which they come in contact. This continued lack of systematic procedures led to the deportation of most domestic workers who fled their employers and those holding *artiste* visas who complained of abuse. Out-of-status migrant workers were generally not prosecuted or fined, but were typically arrested, detained, and deported without being screened for indicators of trafficking. Detention typically lasted for one to two months, but NGOs report some cases of arbitrary detention lasted longer. The SG continued to fund and operate a prison-style detention center in Beirut for up to 500 migrant workers in violation of their visa status or awaiting disposition of their cases. While the SG used a registration and identification system in the detention center to notify embassies from source countries of the presence of their nationals in detention, this system failed to provide specific guidance for identifying which detainees were victims of trafficking. The SG, however, permitted an NGO to interview detainees to identify trafficking victims among them. In 2010, a joint government-NGO working committee on victim protection issued standard operating procedures to guide the SG in the handling of irregular migrants held at its detention center, many of whom are foreign domestic workers, to enable more efficient and timely processing. An NGO observed that the SG began processing cases more quickly and efficiently this year.

The government did not provide or fund shelters for trafficking victims, though it relied on an NGO safe house to provide a range of victim services to female victims of trafficking. Pursuant to a 2005 memorandum of understanding between the SG and the NGO, the SG was required to refer trafficking victims to the safe house and to provide security for the location. Of the 214 cases of trafficking received by the safe house in 2011, the SG and the ISF referred 17, an increase from the seven victims the two agencies referred the previous year. The NGO noted improved cooperation with the SG over the last year in referring trafficking victims. Victims were neither encouraged to bring their cases to the attention of public prosecutors, nor offered residency status or other legal alternatives to removal to countries where they might face hardship or retribution.

Prevention

Although the Government of Lebanon made improved efforts to prevent trafficking over the last year through information awareness campaigns, deficiencies remained that put foreign migrant workers, particularly domestic workers, at risk of forced labor and other exploitation. In February 2012, SG officers at Beirut National Airport began distributing two booklets to migrant domestic workers upon their arrival at the airport; one booklet includes information on the anti-trafficking law and is printed in six languages, while the other is a booklet on rights and obligations printed in eight languages.

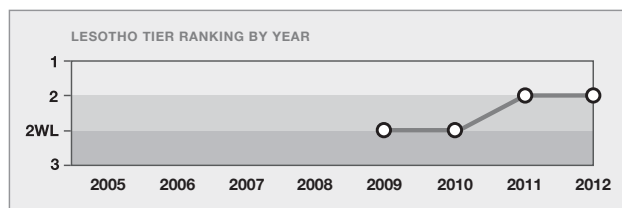
Despite this awareness campaign and a law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon, the SG required that, upon arrival to the country, foreign migrants surrender their passports to their sponsors, which limits workers' freedom of movement and makes them vulnerable to situations of human trafficking. The standard unified employment contract for migrant workers, in use since February 2009, is still not available in the 12 most common languages of migrant laborers; domestic workers must sign the contract in Arabic, a language that very few can read. The labor ministry continues to operate a hotline, established in April 2010, to receive labor complaints from foreign workers; however, it is unknown how many calls it received during the reporting period. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult and child labor, and Lebanon's 501 licensed employment agencies received little oversight by the ministry. The SG continued to implement its pilot program that distributed brochures to an unknown number of departing Moldovan *artistes* containing information on NGO resources available to trafficking victims in Moldova; however, Lebanese authorities did not provide protective services to Moldovan victims of sex trafficking. In September 2011, the Office of the Prime Minister established and convened a national anti-trafficking stakeholders group, which included experts from Lebanese government ministries, civil society, and international organizations, to discuss integrating a chapter on human trafficking within the national human rights draft action plan. The government's two national human trafficking steering committees, established in 2006, advised the government on draft laws and decrees and prevention campaigns; however, neither committee met during this reporting period. The government did not take any steps to reduce the demand for forced labor or commercial sex acts during the year.

LESOTHO (Tier 2)

Lesotho is a source and transit country for women and children subjected to conditions of forced labor and sex trafficking, and for men subjected to conditions of forced labor. Within Lesotho, women and children are subjected to domestic servitude and children, to a lesser extent, to commercial sexual exploitation. Basotho women and children are exploited in South Africa in domestic servitude and some girls brought to South Africa for forced marriages may subsequently encounter situations of domestic servitude or forced prostitution. Long-distance truck drivers offer to transport women and girls looking for legitimate employment. *En route*, the drivers rape some of these women and girls before forcing them into prostitution in South Africa. Others voluntarily migrate to South Africa seeking work in domestic service and are detained in prison-like conditions and forced to engage in prostitution. Some Basotho men who migrate voluntarily, though illegally, to South Africa to work in agriculture and mining become victims of forced labor; many work for weeks or months without pay, with their employer turning them over to authorities to be deported for immigration violations just before their promised pay day. Evidence exists that Basotho residents in South Africa returned to Lesotho as labor recruiters for farms in South Africa. Basotho nationals are also coerced into committing crimes, including theft, drug dealing, and drug smuggling under threats of violence, through forced drug use, or with promises of food. Chinese and Nigerian organized crime rings reportedly acquire some

Basotho victims while transporting foreign victims through Lesotho to Johannesburg. During the reporting period, new trafficking trends emerged, including the forced prostitution of Chinese women in Lesotho by Chinese men, as well as the trafficking of Ethiopian nationals by Ethiopian traffickers for domestic servitude in Lesotho.

The Government of Lesotho does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government convicted its first trafficking offender under its 2011 anti-trafficking act, although this conviction was reversed on appeal. It also began an additional five trafficking prosecutions. Although the government made efforts to prosecute offenders and protect victims, systematic weaknesses remain, as it has not begun drafting implementing regulations for the 2011 anti-trafficking act or developing formal identification and referral procedures. The greatest weakness in the government's efforts remains the provision of protective services, as it relies on NGOs without providing support via funding or in-kind assistance.



Recommendations for Lesotho: Complete implementing regulations for the 2011 anti-trafficking act; finalize and implement the national anti-trafficking action plan; continue to investigate and prosecute trafficking offenses under the 2011 act, including both internal and transnational cases; provide care to victims of trafficking via government centers or in partnership with international organizations or NGOs and develop a formal mechanism, in line with the 2011 act, to refer victims to such care; develop a formal system to proactively identify trafficking victims among vulnerable populations; increase training for law enforcement officers in victim identification; forge a partnership with South African police to investigate reports of Basotho citizens forced to labor on farms in South Africa and prosecute exploitative farm owners; establish a system to collect and analyze data on victims identified and assisted, trafficking offenses investigated and prosecuted, and trafficking offenders convicted and punished; and launch a national anti-trafficking awareness campaign.

Prosecution

The government made progress in its anti-trafficking law enforcement efforts during the year. The Anti-Trafficking in Persons Act, which came into effect in January 2011, prohibits and punishes all forms of trafficking in persons. It prescribes penalties of 25 years' imprisonment or a fine the equivalent of \$125,000 under Section 5(1) for the trafficking of adults and life imprisonment or a fine the equivalent of \$250,000 under Section 5(2) for the trafficking of children; these penalties are sufficiently stringent and commensurate with other serious crimes. Labor recruiters who knowingly recruit workers for forced labor are liable for the same penalties as those who hold them in servitude. The government has yet to begin drafting implementing regulations necessary to enforce the legislation in full. The Child Protection and

Welfare Act, enacted in March 2011, provides penalties of life imprisonment or a fine the equivalent of \$125,000 for child trafficking. In October 2011, the Lesotho Mounted Police Service (LMPS) created an anti-trafficking unit within its Child and Gender Protection Unit (CGPU). In January 2012, the magistrate court convicted and sentenced a Chinese national to 15 years' imprisonment under the 2011 anti-trafficking act for the sex and labor trafficking of a Chinese woman in Lesotho. In May 2012, following the Chinese offender's successful appeal of his conviction, authorities released him from jail; the director of public prosecutions is currently appealing that decision. Two additional suspects in this case, whom authorities believe to have been the principal orchestrators of the crime, have fled the country. An additional five cases remained pending prosecution, including a domestic servitude case involving two Ethiopians charged with the labor trafficking of one Ethiopian national. The government increased regional cooperative efforts through the drafting of a memorandum of understanding with Mozambique to jointly investigate transnational crimes and share best practices. The LMPS initiated joint investigations with the South African Police Service (SAPS) into 21 potential trafficking cases, an increase over seven joint investigations in 2010; the LMPS and SAPS continued their periodic meetings to discuss cross-border crimes, which started in the previous reporting period. The government did not provide data on investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking, though there was no evidence of government involvement in or tolerance of trafficking on a local or institutional level. In 2011, the LMPS began inclusion of a trafficking-specific module in its basic training courses for new recruits, with 210 recruits trained during the year.

Protection

The government made modest efforts to protect victims during the reporting period. The CGPU identified 24 trafficking victims in 2011, but was unable to provide details on all of these cases, which included 15 Basotho nationals between the ages of 16 and 27 brought into South Africa for the purposes of sexual exploitation and forced labor. However, the government has not yet established care centers for trafficking victims, as set forth in the 2011 act. The government referred all identified victims to NGO-run care centers for assistance, but it did not provide funding or in-kind support to these centers. Although the government has not yet developed a formal process to refer victims to care, NGOs involved in the current *ad hoc* referral process indicated that it works well in practice. Medical services were provided to victims free of charge at government hospitals and clinics and the CGPU provided limited counseling to victims before referring them to NGOs for more comprehensive care. The Department of Health and Social Welfare entered into an agreement with a trafficking-specific victim shelter in November 2011, allowing for official referral of victims to the shelter; however, the government did not provide financial or in-kind support to the shelter for the services it provided to victims during the year. The government continued its operation of a one-stop drop-in center in Maseru for the protection of victims of gender-based violence that includes specialized – though limited – services for both male and female victims of trafficking; the center's staff are primarily funded by private sector entities, but include some government social workers.

The 2011 act protects victims from prosecution for unlawful acts committed as a direct result of being trafficked, provides

foreign victims with permanent residency as a legal alternative to their removal, and encourages victims to assist in the investigation of traffickers. The CGPU provided security for two victims who assisted in the investigation and prosecution of their traffickers during the year. There is no evidence that victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

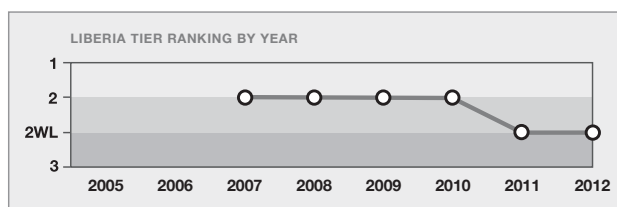
The Government of Lesotho maintained its efforts to prevent trafficking. Its multi-sectoral committee on trafficking met monthly during the year. In 2011, the committee hired a consultant to assist in the drafting of a national plan of action; however, due to an apparent conflict with the consultant, the government has yet to receive a copy of the finalized plan. Although the government did not budget funding specifically for anti-trafficking efforts, it dedicated the equivalent of approximately \$125,000 to anti-trafficking trainings, sensitization efforts, and the printing of awareness materials. The government sponsored a number of anti-trafficking awareness campaigns during the reporting period. The Ministry of Home Affairs held public awareness campaigns that targeted women's groups, principal and ward chiefs, 720 herd boys nationwide, and 36 trainers; for example, the Thaba Tseka campus of the Lesotho College of Education trained 54 teachers on how to recognize and prevent trafficking among their students and within their communities. The LMPs, SAPS, and NGOs partnered to raise awareness through three campaigns along the Lesotho-South Africa border, involving radio broadcasts and community events during the reporting period. The Ministry of Labor and Employment conducted 1,000 labor inspections during the year, but did not report the identification of any child labor violations. The government did not take action to reduce the demand for commercial sex acts.

LIBERIA (Tier 2 Watch List)

Liberia is a source, transit, and destination country for young women and children subjected to forced labor and sex trafficking. Most trafficking victims originate from and are exploited within the country's borders, and are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, rubber plantations, and alluvial diamond mines. Traffickers operate independently and are commonly family members who may promise poorer relatives a better life for their children. Children sent to work as domestic servants for their wealthier relatives are vulnerable to forced labor or, to a lesser extent, commercial sexual exploitation. Orphaned children remain susceptible to exploitation, including in street selling and prostitution. A small number of Liberian men, women, and children are subjected to human trafficking in Cote d'Ivoire, Guinea, Sierra Leone, Nigeria, and the United States. Victims of transnational trafficking come to Liberia from Sierra Leone, Guinea, Cote d'Ivoire, and Nigeria and are subjected to the same types of exploitation as internally trafficked victims.

The Government of Liberia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Liberian government has never convicted a trafficking offender using its 2005 anti-trafficking law, and it made only minimal efforts to protect trafficking victims and was inconsistent in referring

victims to NGO service providers. It did provide limited anti-trafficking training to law enforcement officials, magistrates, and officers of the Liberia National Police's Women and Children's Protection Unit received additional training in women and children-related crimes like gender-based violence, domestic violence, and trafficking. The Anti-Human Trafficking Task Force finalized, but did not implement, standard operating procedures that establish the roles and responsibilities in coordinating and referring trafficking victims to care. In September 2011, the government enacted the National Children's Act – which reportedly addresses child trafficking, but the government did not implement the law during the reporting period. Many members of the government continue to conflate kidnapping and smuggling offenses with human trafficking crimes. In sum, the Government of Liberia did not demonstrate evidence of overall increasing efforts to address human trafficking; therefore, Liberia is placed on Tier 2 Watch List for a second consecutive year.



Recommendations for Liberia: Start prosecuting trafficking offenses and convicting and punishing trafficking offenders; train law enforcement officials and magistrates to apply the anti-trafficking law and to distinguish trafficking crimes from cases of human smuggling or kidnapping; allocate funding for regular, continued activities of the Anti-Human Trafficking Task Force; finalize, implement and educate NGOs, government officials, law enforcement, and magistrates on the "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures" such that these officials learn to proactively identify and provide protective services to trafficking victims; publish, disseminate, and implement the National Children's Act; and increase efforts to educate the public about the dangers of human trafficking.

Prosecution

The Government of Liberia demonstrated minimal anti-trafficking law enforcement efforts during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons specifically prohibits all forms of transnational as well as internal trafficking. The law prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children. The penalty for the sex and labor trafficking of children is sufficiently stringent, but the penalty for sex and labor trafficking of adults is not, nor is it commensurate with the prescribed penalties for other serious offenses, such as rape. In September 2011, the government passed the National Children's Act, which strengthens provisions of the 2005 Act to Ban Trafficking in Persons. The text of the National Children's Act has not yet been disseminated, as handbills and awaits implementation.

The Women and Children Protection Section of the Liberian National Police reported that it investigated one trafficking case during the year and referred it for prosecution. The government did not prosecute, convict, or sentence any trafficking offenders in 2011. The government has yet to convict a trafficking

offender under the Act to Ban Trafficking in Persons. During the reporting period, 150 new national police officers received training on how to report suspected trafficking cases to the Women and Children Protection Section. While there were no official allegations of law enforcement complicity in trafficking during the reporting period, issues with bribery at border stations and a lack of capacity and corruption in the judicial system were reported.

Protection

During the past year, the government provided limited protective services to victims and was inconsistent in referring victims to NGOs for protective services. No specialized services exist for trafficking victims in Liberia. During the reporting period, the government identified only one trafficking victim, indicating that law enforcement officials have yet to consistently employ procedures for the proactive identification of trafficking victims among vulnerable populations, such as children in begging situations or individuals in prostitution. In November 2010, the Anti-Human Trafficking Task Force produced the "Direct Assistance and Support to Trafficked Victims Standard Operation Procedures," which establishes the basic roles and responsibilities of various stakeholders in coordinating referrals of trafficking victims to assistance. Although the standard operating procedures were thought to have been finalized, as of the end of the reporting period, a new process was underway to update and approve the standard operating procedures. The 2005 Act to Ban Trafficking in Persons absolves victims from responsibility for unlawful acts committed as a result of their being trafficked, and there were no reports that this practice was ignored in the case of the one victim identified during the year. The government continued to claim that it encouraged victims to assist with the investigation and prosecution of traffickers, although only one forced labor victim was identified and no prosecutions were initiated during the year.

Prevention

The Liberian government sustained modest efforts to prevent trafficking in persons throughout the reporting period. The Anti-Human Trafficking Task Force, the government's coordinating body, resumed meeting in September of 2011 following funding and internal issues during the prior year. When the Liberian National Police discovered two cases involving the potential exploitation of children relocated for educational purposes, officers embarked on an "investigative tour" in western Liberia to warn parents of the dangers of forced labor and exploitation among children entrusted to others for education. The Ministry of Labor continued to run anti-trafficking radio campaigns throughout the country, as well as billboard campaigns in the capitol city, Monrovia, in partnership with a foreign donor. The Ministry of Labor's National Commission on Child Labor, which is responsible for implementing and advocating for national policies to address the worst forms of child labor, investigated allegations of child labor used in street selling. The Child Protection Network, which is located in the Ministry of Gender and Development, conducted monthly meetings to coordinate and discuss child protection, labor, and trafficking issues and lobbied legislators for the passage of the National Children's Act. In March 2012, the government launched a public dialogue campaign to better understand why young girls and women may be drawn into or exploited by the commercial sex trade.

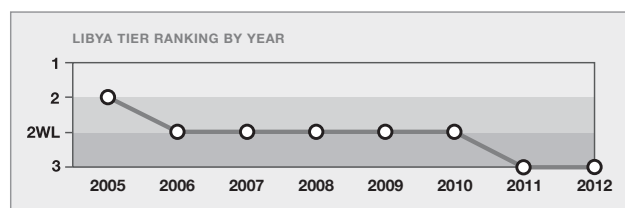
LIBYA (Tier 3)

Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and forced prostitution. Migrants typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. Due to the violent nature of the conflict that seized Libya from February to October 2011, there are no accurate figures available regarding the number of foreigners in Libya. Prior to the February 17, 2011 revolution, there were an estimated 1.5 to 2 million foreigners in Libya, most of whom subsequently fled the country. Many of those that remained in the country, especially migrants from Sub-Saharan Africa, were detained by both pro- and anti-Qadhafi forces as suspected mercenaries; some of these migrants may be trafficking victims. The government estimates that there are currently 8,300 people in prisons and detention centers, many of whom are migrants. Of those, 2,300 are held in Ministry of Justice-controlled prisons, and nearly 6,000 detainees remain outside of government control. Some militia-controlled detention centers have begun to sell detained migrants into conditions of forced labor. NGOs have reported that migrant flows are steadily returning to their pre-revolutionary levels. Government officials report there were approximately 6,500 children under the age of 18 who identified themselves as "revolutionaries," some of whom may have supported militias during the revolution, though their roles were unclear at the end of the reporting period. International organizations and NGOs report that adolescent males were involved in support roles for forces associated with the Transitional National Council (TNC), including manning checkpoints, securing strategic buildings, and driving cars; some were armed and uniformed, while others took part in active fighting. There are also reports of the recruitment and use of children by the Qadhafi-controlled armed forces and other pro-regime elements, including paramilitary forces from neighboring countries such as Chad.

Trafficking networks from Niger, Nigeria, and other sub-Saharan states have also returned to Libya. These networks use a variety of techniques to hold people in conditions of forced labor and forced prostitution, including fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. While most migrants are typically destined for Europe, a combination of continued civil unrest, disrupted shipping lanes, and European coastal patrols have resulted in trafficked persons remaining in Libya for extended periods of time. While in Libya, many of the trafficked men are forced into manual labor, and there are credible reports of prostitution rings involved in trafficking sub-Saharan women into brothels, particularly in southern Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Libya is placed on Tier 3. During the reporting period, the Government of Libya – both the former Qadhafi regime and the TNC, which came to power after the fall of the Qadhafi regime in October 2011 – failed to demonstrate significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, both governments' policies and practices with respect to undocumented migrant workers resulted in Libyan authorities detaining and punishing trafficking victims for unlawful acts that were committed as a result of

their being trafficked. There were reports that some detained foreign migrants were sold into conditions of forced labor by militias running detention centers. During the reporting period, the TNC functioned as a purely interim body with very limited legislative and executive mandates and lacked control over all of Libya's territory before October 2011. There is also significant confusion within the government as to which laws are still valid and which have been rendered void since the fall of the Qadhafi regime. Due to the civil unrest and political situation in Libya during the majority of this reporting period, accurate information regarding the trafficking situation in Libya is somewhat limited.



Recommendations for Libya: Draft, pass, and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; develop and implement standard procedures on identifying trafficking victims and provide victims with protection; investigate and prosecute officials who are complicit in human trafficking; ensure that victims are not susceptible to detention, deportation, or punishment for their unlawful presence in Libya; ensure that trafficking victims are not punished for unlawful acts that were committed as a result of their being trafficked; protect detained migrants from being sold into conditions of forced labor; and undertake an information campaign to raise public awareness about human trafficking.

Prosecution

Neither the Qadhafi regime nor the TNC demonstrated any discernible anti-trafficking law enforcement efforts over the past year. Libyan law does not prohibit all forms of trafficking. In November 2010, the General People's Committee for Justice drafted amendments to articles 336-339 of the Libyan criminal code, which would have criminalized trafficking in persons, although some of the definitions, as drafted, appear overly broad. The draft anti-trafficking legislation has not been adopted. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, there was no indication that the government used these statutes to prosecute trafficking offenses during the reporting period. In March 2012, Libyan security forces reportedly investigated a trafficking ring that was moving Bangladeshi and Somali victims across the Egypt-Libya border and placing them in slave-like conditions on a Libyan farm. Following the revolution, the TNC had limited judicial capacity; little prosecution of Libyan laws occurred and courts, lawyers, and defendants faced security challenges. Reporting also suggests that some police were complicit in or failed to combat human trafficking.

Protection

The Libyan government took no discernible steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement

procedures for authorities to identify trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. Furthermore, some reporting indicates that detained foreign migrants, some of whom may be trafficking victims, are further vulnerable to being sold into conditions of forced labor. During the reporting period, the government worked with international organizations to repatriate foreign migrants. As in the previous reporting period, the government has shown no effort to encourage victims to participate in the investigation and prosecution of trafficking offenders. The government did not have procedures to identify trafficking victims among undocumented migrants; thus, trafficking victims were frequently subject to detention, deportation, or punishment for their unlawful presence in Libya as a result of being trafficked. The government also did not provide foreign victims of trafficking with legal alternatives to their removal to countries where they faced hardship or retribution.

Prevention

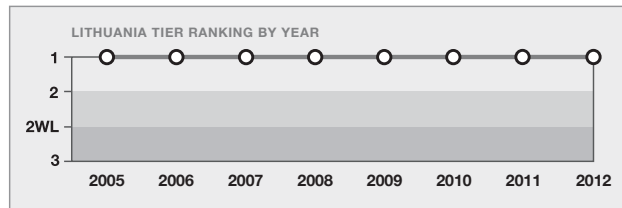
The Government of Libya made no efforts to prevent human trafficking. Public awareness of human trafficking – as a phenomenon distinct from illegal immigration and smuggling – remained low in Libya, including among government officials. During the reporting period, the government did not conduct any public anti-trafficking awareness or information campaigns, nor did it train officials on trafficking issues. Libya did not take actions to reduce demand for commercial sex acts or to prevent child sex tourism abroad.

LITHUANIA (Tier 1)

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking. There were also government reports that Lithuanian boys and girls were forced to steal in foreign countries and that Lithuanian men were subjected to forced labor. NGOs estimated that 40 percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within the country. Lithuanian women are also victims of sex trafficking in the United Kingdom (UK), Germany, Spain, the Netherlands, Greece, Italy, France, Denmark, Sweden, Finland, Norway, and the Czech Republic. Prosecutors estimate that over 1,200 women from Lithuania become victims of trafficking each year. Lithuanian women and girls from orphanages and state-run foster homes, as well as women with mental or psychological disabilities, are victims of trafficking in persons. A small number of women from Russia and Belarus are transported through Lithuania *en route* to Western Europe, where they are subsequently subjected to forced prostitution.

The Government of Lithuania fully complies with the minimum standards for the elimination of trafficking. In 2011, the Lithuanian government doubled its victim identifications, tripled its anti-trafficking investigations, and ensured that all convicted trafficking offenders were sentenced to time in prison. The government also significantly increased funding for victim care and provided in-kind assistance to NGOs providing services to trafficking victims. Nevertheless, funding remained low for the extent of the trafficking problem in Lithuania and the government still struggled to provide sustainable support to NGOs administering care to victims of trafficking. Law enforcement actions increased in quantity

but were uneven in practice, and NGOs reported that victim identification procedures were generally ineffective. Some law enforcement officials remained unaware that child prostitution is considered a form of human trafficking under Lithuanian and international law. Efforts to address labor trafficking lagged behind efforts to combat sex trafficking; the government did not begin any labor trafficking investigations in 2011.



Recommendations for Lithuania: Amend criminal law to prohibit forced begging and forced criminal behavior under the trafficking statute; continue to intensify efforts to proactively identify victims of trafficking, particularly victims of labor trafficking and children in prostitution; vigorously investigate and prosecute trafficking offenses, including labor trafficking offenses; ensure effective training of law enforcement officers, prosecutors, and judges on anti-trafficking principles; sustainably fund NGOs to provide victim protection; integrate an anti-trafficking module into the basic training of the police; improve consular efforts to ensure that victims identified abroad are referred to care in Lithuania, including by ensuring sensitivity of consular officers to trafficking victims; ensure that victims of trafficking are provided with stronger protection during the course of trial; ensure that victims of trafficking are never required to fund their own travel to trial; monitor trials to ensure that trafficking victims are treated sensitively in the course of trial; ensure that male trafficking victims are offered equal access to care and treatment; intensify efforts to increase public awareness and disapproval of trafficking in persons; intensify public awareness to help the general population understand that Lithuanians can be victims of trafficking within their own country; and fund an anti-trafficking hotline.

Prosecution

The Government of Lithuania demonstrated improved anti-trafficking law enforcement efforts during the reporting period by increasing investigations and prosecutions, although there were reports that the Lithuanian prosecution efforts were hampered by inconsistencies in investigative skills and in the level of sensitivity shown to trafficking victims. Lithuania prohibits most forms of human trafficking through articles 147 and 157 of its criminal code, which prescribe penalties ranging from a fine to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Another section of the criminal code covers the forced criminal behavior of children; the Ministry of Justice initiated amendments to the anti-trafficking statute to incorporate forced criminal behavior in order to comply with the EU Trafficking Directive. Lithuanian authorities initiated 21 sex trafficking investigations in 2011, compared with seven such investigations initiated in 2010. The government did not investigate any labor trafficking cases in 2011. During the last year, authorities prosecuted 37 offenders, an increase from the 20 offenders prosecuted in 2010. Seventeen trafficking offenders were convicted in 2011, an increase from nine trafficking offenders convicted

in 2010. All convicted trafficking offenders were sentenced to time in prison, with terms ranging from two to 10 years' imprisonment. In 2010, the government punished offenders with sentences ranging from seven to 11 years in prison. Expertise in the investigation and prosecution of human trafficking cases remained uneven throughout Lithuania; while specialized units in Lithuania were skilled in trafficking investigations, law enforcement officers and investigators in rural areas sometimes lacked experience in investigating trafficking cases and identifying trafficking victims. Law enforcement officers inconsistently understood that third-party involvement in child prostitution should be prosecuted under the trafficking statute. Prosecutions were also hampered by victims' reluctance to seek help or participate in the criminal process. NGOs observed that some judges' discrimination against victims of trafficking made the victims hesitant to testify in criminal trials. Trafficking in persons has not been integrated into basic police training. In 2011, the Lithuanian government collaborated with foreign governments, including Ukraine, in six international trafficking investigations. The Government of Lithuania extradited one person for human trafficking. The government did not report the investigation, prosecution, conviction, or sentencing of any public official complicit in human trafficking.

Protection

The Lithuanian government demonstrated improved efforts to assist victims of human trafficking during the reporting period. The government allocated the equivalent of \$60,000 to NGOs for trafficking victim assistance in 2011, a significant increase from the 2010 financial allocation of the equivalent to \$35,000. The government also provided in-kind support to NGOs caring for trafficking victims, including the use of government buildings. Despite the increase, funding for victim care was still low for the number of Lithuanian victims of trafficking identified. The Lithuanian government identified 45 trafficking victims during the reporting period, more than double the 22 victims of trafficking identified in 2010. The government did not report identifying labor trafficking victims. All identified trafficking victims were referred to NGOs for care. During the reporting period, NGOs reported assisting approximately 130 victims of trafficking, approximately level with the 150 victims of trafficking assisted in 2010. Lithuania's victim care facilities are primarily operated by NGOs, sometimes with municipal funding. Most of these are mixed-use facilities that also serve domestic violence victims. Victims could leave the government-funded shelters at their own will and without a chaperone. There were no shelters available for men or boys; men's crisis centers were available to provide other victim services to abused men, including any trafficking victims. NGOs complained about the lack of sufficient funding provided by the government to fully carry out their obligations of victim care. Although government officials employed formal procedures to identify trafficking victims among vulnerable populations – such as women in prostitution, street children, and undocumented migrants – NGOs reported that these procedures were generally ineffective. The Law on the Legal Status of Aliens allows officials to grant foreign trafficking victims a six-month temporary residency permit if they agree to participate in criminal proceedings. However, only one trafficking victim received a temporary residence permit in 2011. The government reported that Lithuanian victims were encouraged to participate in trafficking investigations; the majority of the 45 identified victims participated in the prosecution of trafficking offenders in 2011. Nevertheless,

NGOs reported that victims of trafficking were sometimes reluctant to participate in trials because, at times, they were obliged to fund their own travel to trial. In November 2011, the government organized a two-day training program on trafficking victim assistance for approximately 50 social workers from Vilnius and Kaunas. There were no reports that any identified trafficking victims were detained, fined, or jailed for unlawful acts committed as a result of their being trafficked; concerns persisted that, to the extent that law enforcement officials did not fully understand that children in prostitution were considered to be trafficking victims, these children may have been subject to penalties for their participation in prostitution.

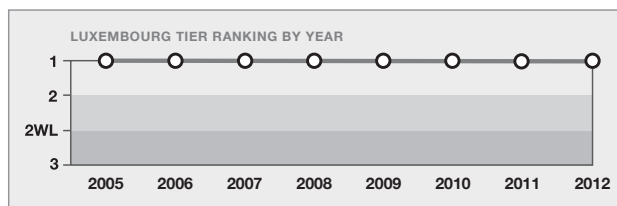
Prevention

The Lithuanian government improved its prevention efforts during the reporting period. The government sustained partnerships with NGOs through joint organization of approximately 35 anti-trafficking events, including seminars and public lectures, involving over 400 specialists. The government did not undertake any broad-based public awareness campaigns to raise the profile of its trafficking problem. There was reportedly low public awareness of trafficking. The Ministry of Foreign Affairs organized anti-trafficking training for 36 consular officials. Lithuanian police continued their outreach to school children to educate them on trafficking. The government continued to convene its multiagency working group to address trafficking. The Government of Lithuania reported that not all planned activities from the national action plan of 2009-2012 were implemented in 2011 because of budget constraints. NGOs claimed that the national action plan was not implemented effectively in 2011. The Lithuanian government made some efforts to reduce the demand for commercial sex, including by penalizing the purchasers of sexual services with fines.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for men, women, and children from Nigeria and other African countries, as well as Estonia, Kazakhstan, Bulgaria, Russia, Ukraine, Brazil, France, and Belgium who are subjected to sex trafficking and forced labor, including forced criminal activities. According to local experts, unaccompanied and undocumented children who are asylum seekers or refugees are particularly vulnerable to commercial sexual exploitation. Adult victims of sex trafficking in Luxembourg can be recruited by agents in their home countries for work in Luxembourg's cabarets and subsequently forced into prostitution in cabarets, private apartments, and in street prostitution. Forced labor, sometimes involving Chinese men, women, and children, occurs in sectors including construction and restaurants. According to past media reports, women in prostitution in Luxembourg are often controlled by pimps and some of these women are likely trafficking victims; the majority of women in street prostitution are Nigerian. According to country experts, traffickers utilized non-physical coercion to control victims in prostitution and to operate within the country's legal prostitution regime and evade law enforcement. According to a report issued by ECPAT, the commercial sexual exploitation of children in Luxembourg primarily involves prostitution through illegal escort services, and in hotels, parked cars, private houses, and illegal private clubs in the country.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. The government increased its detection of forced labor in 2011 and, for the first time, identified victims of this form of trafficking in the country. While the government prosecuted and convicted other trafficking offenders during the year, courts held only one trafficking offender accountable with actual jail time in 2011. The government sustained its efforts to protect trafficking victims, but it has yet to address a long-standing deficiency by formalizing and implementing comprehensive protections for trafficking victims, including proactive national-level identification procedures.



Recommendations for Luxembourg: Vigorously prosecute, convict, and punish trafficking offenders; establish formal procedures to proactively identify victims among vulnerable groups, such as women in the commercial sex trade and undocumented migrants; finalize implementation regulations for the March 2009 protection law – that would assist in implementing a more victim-centered approach – to codify and improve assistance to victims; formalize the role of NGOs and others in the identification process and fund them to provide comprehensive assistance to all trafficking victims, including victims of forced labor, child victims, and male victims; and implement an awareness campaign aimed at demand reduction to educate authorities and the general public about sex trafficking and its links with prostitution, as well as the existence of forced labor in Luxembourg.

Prosecution

The Luxembourg government continued to investigate and prosecute trafficking offenders in 2011. Luxembourg prohibits all forms of trafficking through Article 382 of the 2009 Law on Trafficking in Human Beings, which prescribes penalties for convicted offenders ranging from three to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Under this statute, courts can sentence offenders below the prescribed minimum sentence of three years' imprisonment. During the year, the government did not initiate any new prosecutions for trafficking and sentenced only one trafficking offender to jail time. It continued its prosecutions of six trafficking offenders initiated in the previous year, resulting in one acquittal and the conviction of four offenders, the same number convicted in 2010. Only one convicted offender received a sentence that was not suspended during the reporting period; a court sentenced a Brazilian offender to five years' imprisonment for coercing three Brazilian women into prostitution after promising them jobs as waitresses or nurses in Luxembourg. The remaining convicted offenders, sentenced to prison terms of nine months, 15 months, and two years, received suspended sentences and thus served no time in jail. In July 2011, the government enacted amendments to its Article 375 that increased penalties for the "pimping of children in prostitution" from two to five years' imprisonment if the victim is below the age of

16. However, the government has yet to identify a child victim of sex trafficking in Luxembourg or initiate a criminal prosecution for this offense. The government failed to initiate, conduct, or participate in any anti-trafficking law enforcement training in 2011. There were no reports of the government investigating, prosecuting, convicting, or sentencing public officials for trafficking complicity.

Protection

The Government of Luxembourg sustained its efforts to protect trafficking victims in 2011. The government has yet to implement a March 2009 law that codifies procedures for the identification, referral, and provision of comprehensive assistance to trafficking victims; nor has it adopted systematic procedures for the proactive identification of victims. The government's vice squad did not employ any guidelines or procedures to proactively identify victims among women in prostitution in Luxembourg's legalized or illegal sex trade. According to a 2010 NGO report, the police relied primarily on self-identification by the victims rather than their own proactive measures. Furthermore, police were the only authorities permitted to carry out formal victim identification. The government reported that all of the 25 trafficking victims it identified subsequently cooperated in the investigation of their traffickers; however, only three of these 25 victims officially received the government-offered recovery and reflection period of 90 days. The government did not confirm whether any victims received temporary residency permits in 2011, whereas it had reported that three victims were provided with these permits in 2010. Most victim cooperation occurred immediately after arrest or in a post-raided environment. The government identified two Chinese child victims subjected to forced labor in restaurants in 2011.

The government continued to fund two NGOs providing services for women in distress, including adult female trafficking victims. However, because parliament had not approved implementing regulations for the 2009 protection law, NGOs were unable to benefit from the assistance system that law established, which would provide specialized care to potential and confirmed trafficking victims. The government did not provide or fund specialized services or shelters for child victims of trafficking. The government retained a stated policy of ensuring that victims are not punished for unlawful acts committed as a direct result of their being trafficked; it was unclear whether the government attempted to identify trafficking victims among all women found in vulnerable groups, such as those in prostitution or those detained as undocumented migrants in the country.

Prevention

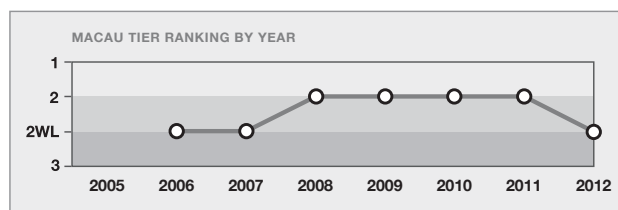
The government took few concrete steps to proactively address its trafficking problem through public awareness activities during the year. The government did not initiate or contribute to the development of any anti-trafficking prevention efforts in 2011. Local experts previously noted that authorities in Luxembourg have only recently begun acknowledging the problem of human trafficking within the country, and they noted that the general public is not aware of trafficking as an issue of importance. During the year, an NGO initiated a petition calling on the government to develop anti-trafficking campaigns in national high schools focused on the sex trafficking of children. The government has not adopted a national action plan specifically on trafficking, and while it

reported publicly on a range of issues that included trafficking, it did not report explicitly on its anti-trafficking efforts during the year. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

MACAU (Tier 2 Watch List)

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a source territory for women and children subjected to sex trafficking and possibly forced labor. Victims originate primarily from the Chinese mainland, with many from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. Sex trafficking victims in Macau also include women from Mongolia, Vietnam, Thailand, and Russia. Many trafficking victims fall prey to false advertisements for jobs in casinos and other legitimate employment in Macau, but upon arrival, are forced into prostitution. Foreign and mainland Chinese women are sometimes passed to local organized crime groups upon arrival, held captive, and forced into sexual servitude. Victims are sometimes confined in massage parlors and illegal brothels, where they are closely monitored, forced to work long hours, have their identity documents confiscated, and are threatened with violence. Chinese, Russian, and Thai criminal syndicates are believed to be involved in recruiting women for Macau's commercial sex industry. Macau made no changes to the immigration regulation structure which renders foreign migrants vulnerable to forced labor; those foreign migrants who are fired for cause or quit must wait six months to obtain another work permit. In one documented case, Macau also has been a source territory for women who are subjected to sex trafficking elsewhere in Asia.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the MSAR authorities did not demonstrate evidence of increasing efforts to address human trafficking; therefore, Macau is placed on Tier 2 Watch List. The government made no discernible progress in prosecuting sex trafficking or forced labor offenders, obtaining no human trafficking convictions during the reporting period. It identified and assisted 13 victims, a decline from 17 victims the previous year, and did not have a clear policy in place to protect trafficking victims from future hardship.



Recommendations for Macau: Expand capacity to prosecute trafficking cases by increasing the number of prosecutors responsible for criminal cases and devoting a prosecutor specifically to trafficking crimes; significantly increase efforts to investigate and prosecute trafficking offenders, including perpetrators of forced labor; make efforts to investigate and prosecute official complicity in trafficking; continue to conduct worksite inspections for evidence of forced labor and apply appropriate protective measures when victims are identified,

including offering them legal alternatives to their removal to countries where they may face hardship and retribution; implement proactive victim identification methods, particularly among vulnerable populations such as migrant workers; end the six-month waiting period for migrant workers to obtain new work; and continue to educate law enforcement, other government officials, and the public on forced labor as well as sex trafficking.

Prosecution

During the reporting period, Macau authorities decreased their trafficking investigations and did not report any prosecutions or convictions. Macau's anti-trafficking law, Law Number 6/2008, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. Macau authorities conducted 13 forced prostitution investigations and no forced labor investigations during the reporting period, a slight decrease in investigations from the previous period in which the government conducted 15 forced prostitution investigations. The government did not report any prosecutions or convictions of trafficking offenders during the reporting period, whereas in the previous year the government prosecuted two cases and secured one conviction. The government initiated no investigations or convictions of officials either complicit or responsible for human trafficking. The judiciary remained ill-equipped to address trafficking and had just 11 prosecutors to handle all criminal cases in Macau. Many cases investigated were closed due to lack of evidence or witnesses who were unwilling to cooperate with government authorities. In October 2011, the judicial police held a training seminar for 68 officers on Macau's anti-trafficking law and case studies. Additionally, in November 2011, the Human Trafficking Deterrent Measures Concern Committee (which serves as Macau's anti-trafficking committee) organized a seminar for participants from various law enforcement agencies in Macau on how to define, investigate, and prosecute trafficking cases. The government continued to provide trafficking awareness training to all new judicial and public security police officers.

Protection

Macau authorities made modest efforts to protect trafficking victims during the reporting period. The government identified 13 victims of forced prostitution in 2011 compared with 17 victims of forced prostitution in 2010. The government identified no victims of forced labor in 2011. Twelve of the victims identified in 2011 were from China and one of the victims was from Russia. The Social Welfare Bureau assisted and offered shelter to all of the identified victims. The government reported using a standardized screening questionnaire to guide law enforcement, immigration, and social services personnel in identifying trafficking victims. The government designated 21 beds for female trafficking victims of any nationality at a shelter managed by the Social Welfare Bureau. An NGO-operated shelter for children 16 years old and under continued to operate; it served three victims of trafficking during the reporting period. The government sustained an existing partnership with a local NGO in order to identify interpreters to assist in interviewing foreign trafficking victims. The government did not report providing any services to male or female forced labor victims, or male victims of forced prostitution. In March 2011, the government trained

30 officers from the Health Bureau on procedures for medical professionals caring for trafficking victims. During seminars in May, September, and November 2011, Health Bureau officers trained 212 fellow officers on behavioral and psychological indicators of trafficking. Immigration regulations continued to create vulnerabilities for foreign workers during the reporting period. The government encouraged victims to assist in the investigation and prosecution of trafficking crimes and nine of the 13 trafficking victims did so during the reporting period. Victims were not allowed to work during the reporting period. Although the government had a policy in place for general foreign crime victims, offering them legal alternatives to removal to countries in which they would face retribution or hardship, it was unclear whether this policy applied specifically to trafficking victims.

Prevention

The Government of Macau made efforts to prevent forced prostitution and some efforts to prevent forced labor during the reporting period. The Human Trafficking Deterrent Measures Concern Committee is the government's anti-trafficking committee. The committee is comprised of representatives from eight different government agencies and met monthly during the reporting period to coordinate the government's response to trafficking among the various agencies in the committee. The Legal Affairs Bureau, assisted by an NGO, produced and disseminated two new pamphlets on trafficking, with one pamphlet aimed at clients and the other at victims of the sex trade. The client-oriented pamphlet focused on legal ramifications of participating in the commercial sex trade, and offered mechanisms to report suspected trafficking, whereas the victim-oriented pamphlet discussed assistance and rights for victims. Both pamphlets were available in multiple languages. These did not, however, attempt to reduce the demand for commercial sex acts. An NGO was funded by the government to place 4,000 posters on the dangers of child trafficking in public buses, taxis, and public places. The Social Welfare Bureau partnered with the Women's Association of Macau to organize four community education events on human trafficking. Recommendations released in 2011 from a government-commissioned study conducted by the University of Macau led the government to increase efforts to raise public awareness of trafficking. The government reported no investigations or prosecutions of child sex tourism during the reporting period.

MACEDONIA (Tier 1)

Macedonia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Macedonian women and children are trafficked within the country. Foreign victims subjected to forced prostitution or forced labor in Macedonia originate in Albania, Bulgaria, Serbia, Ukraine, and Kosovo; and Macedonians are subjected to forced labor and sex trafficking in Europe. Children, including ethnic Roma, are subjected to forced begging in streets and public markets. During the year, authorities reported an increase in undocumented foreign migrants in the country, a group vulnerable to trafficking. A 2011 labor sector assessment found the prevalence of labor exploitation to be greatest in Macedonia's textile sector, mostly in southeast Macedonia, and significantly prevalent in civil engineering, tourism, catering, and agriculture. Trafficking offenders increasingly used false

marriage, particularly among the ethnic Roma population, as a tactic to lure victims into forced prostitution.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government sustained its vigorous prosecution and conviction of trafficking offenders, and proactively investigated trafficking complicity. The government effectively partnered with NGOs providing victim assistance in its domestic shelter and demonstrated a sensitive approach to victim-witnesses. The government failed, however, to provide adequate financial resources for victim care in the shelter, and did not provide critically needed resources for reintegration. The government continued to identify only a small number of victims relative to the rest of the region. The lack of results in victim identification continued to suggest some front-line responders and other officials lack a full understanding of the complexities of trafficking and the required skills to identify potential victims, thus failing to ensure victims' full access to their rights and protection under Macedonian law.



Recommendations for Macedonia: Proactively improve victim identification efforts to locate potential domestic and foreign trafficking victims in Macedonia; ensure that victims are not deported and punished as a result of their trafficking; ensure that foreign women entering the country on entertainment visas receive information on trafficking and their rights in Macedonia; pursue potential cases of trafficking that involve non-physical forms of coercion; institutionalize and increase funding to ensure comprehensive care, sustainability of the shelter, and reintegration services for victims; continue to build the anti-trafficking expertise of social workers to ensure their engagement in reintegration; follow through on plans to establish local commissions to decentralize and improve victim identification throughout the country; provide more incentives, including not detaining potential victims in the transit shelter, for foreign trafficked children and adults to stay in Macedonia long enough to assist in bringing their traffickers to justice; streamline interagency reporting and advance the use of an automated case management system in courts to produce final trafficking case statistics, including data of jailed convicted offenders; and continue to use the national rapporteur report as a tool for centralized reporting, including more self-critical analysis and making clear distinctions between trafficking and migrant smuggling.

Prosecution

The Government of Macedonia sustained its efforts to prosecute and punish trafficking offenders during the reporting period. The government prohibits sex and labor trafficking through articles 418(a) and (d) of its 2004 criminal code. The minimum penalty prescribed for sex trafficking is four years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2011, the government completed four

trafficking investigations involving 29 suspects, including two public officials. During the year, Macedonian courts also convicted nine trafficking offenders, compared with 21 convicted offenders in 2010. Sentences for the nine convicted offenders ranged from two to nine years in prison. The government convicted all but one of these offenders under its anti-trafficking law. Courts convicted two offenders for sex trafficking, two offenders for labor trafficking, and five offenders on charges of both. Macedonian law prevents the imposition of jail sentences until the appeal process is complete; authorities confirmed that of the nine convicted, six are currently in jail. In April 2011, a court of appeals upheld the convictions of six trafficking offenders, including a complicit government official noted in the previous TIP Report. According to the government, trafficking offenders, complicit local police officers, and nightclub owners are familiar with the standard questions used by officials to identify trafficking victims and have thus modified their *modus operandi* to keep victims in a state of servitude and evade law enforcement. Observers reported concerns of complicity among local officials and police, specifically involving bars and nightclubs in western Macedonia. In April 2011, the Skopje Court of Appeals upheld a conviction and sentence of a police officer to 8.5 years in prison for facilitating the sex trafficking of children. It also investigated two other local police officers for trafficking-related complicity during the year.

Protection

The Government of Macedonia maintained protections for identified domestic trafficking victims during the reporting period, specifically by including NGOs as primary care providers in its domestic trafficking shelter and funding the shelter's basic operating costs. The government, however, did not make critically needed improvements in victim identification nor did it ensure adequate funding for comprehensive victim care and reintegration. It reported identifying 12 trafficking victims in 2011, the same number it identified in 2010. Country experts raised concerns during the year about local police conducting raids in bars without coordinating with the anti-trafficking unit. Police reportedly transferred foreign national women working illegally in these establishments to immigration police for immediate deportation without a proper assessment of trafficking indicators. In 2011, authorities in Ukraine and Bulgaria identified victims subjected to forced prostitution in Macedonia. According to local experts, the government's focus on victims' initial consent to be smuggled into Macedonia as well as on the lack of limitations on foreign victims' freedom of movement suggests serious misunderstandings about the definition of trafficking, risking victims' punishment for crimes committed as a direct result of being trafficked. According to an anti-trafficking report issued by the Belgian government in 2011, a Macedonian sex trafficking victim was granted refugee status in Belgium in October 2010. The Belgian court based its determination on the trafficking offender's alleged collusion with Macedonian authorities, the victim's well-founded fear of reprisal, and the Macedonian government's inability to protect her.

The government sustained partnerships with two NGOs that provided victims with social assistance, legal aid, vocational training, and psychosocial support in the domestic trafficking shelter in 2011. The government provided a total funding the equivalent of \$14,000 to two NGOs providing victim services in this shelter. Other than the annual grant, however, NGOs must secure outside funding for all other assistance for victims,

including food and medical services. Although the government appointed four social workers to assist with critical victim reintegration in 2011, NGOs report little concrete engagement from this sector. According to one NGO, authorities referred domestic victims directly to the shelter post-raid, and police demonstrated a victim-sensitive approach in victims' cases. Twelve trafficking victims testified before an investigative judge in 2011, five of whom testified in a trial. The government continued its good practice of assigning a guardian to each identified child trafficking victim to help ensure a continuum of care and trust.

The government continued to operate a reception center for foreign migrants and trafficking victims, in which trafficking victims were detained during the recovery and reflection period. The government did not ensure an NGO presence in the transit shelter to assist with the identification process nor ensure potential trafficking victims awaiting deportation procedures received specialized care and assistance. The government offers temporary residency permits to foreign trafficking victims only if they cooperate in the investigation and prosecution of their traffickers, though no such residency permits were granted to trafficking victims during the reporting period. Authorities referred four suspected foreign victims from Albania, Bulgaria, and Kosovo to the government's reception center in 2011; however, it determined that two potential victims from Kosovo, including a child, were not trafficking victims. The Bulgarian victim testified in front of an investigative judge within days of her identification and only stayed at the reception center for seven days.

Prevention

The Government of Macedonia sustained its anti-trafficking prevention efforts during the reporting period. It provided the equivalent of \$14,000 to two anti-trafficking NGOs to implement anti-trafficking prevention campaigns primarily aimed at school children and college students. The government, through the national commission and in partnership with NGOs, organized anti-trafficking workshops and presentations, including some implemented through local trafficking prevention councils in some cities in 2011. The government undertook some measures to prevent child begging in 2011, including removing children from the streets and placing some in orphanages; it reportedly prosecuted and sentenced some parents to jail time for forcing their children to beg. According to one NGO, however, the heavy media attention surrounding these operations resulted in sensationalizing the issue of child begging, with little positive impact on the children. In January 2012, the government's national rapporteur published Macedonia's third annual report on trafficking; the report contained useful case-based analyses and some pragmatic, self-critical recommendations for future progress.

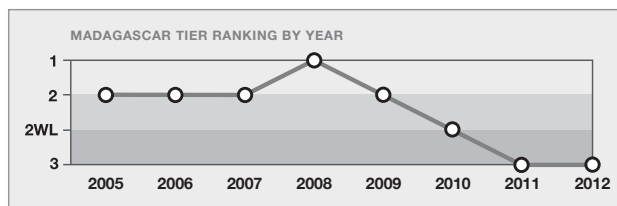
MADAGASCAR (Tier 3)

Madagascar is a source country for women and children subjected to forced labor and sex trafficking. Reports indicate that sex and labor trafficking of Madagascar's citizens has increased, particularly due to a lack of economic development and a decline in the rule of law since the current political crisis began in March 2009. An estimated 4,000 Malagasy women are employed as domestic workers in Lebanon. Many are single mothers that come from rural areas and are illiterate or poorly

educated, making them vulnerable to deception and abuse at the hands of recruitment agencies and employers. At least five deaths were reported in this population during the year. Trafficking victims returning from Lebanon also reported rape, psychological abuse, physical torture and violence, sexual harassment and assault, harsh working conditions, confinement to the home, confiscation of travel documents, and withholding of salaries. Recent reports indicate that Malagasy citizens are fraudulently recruited for jobs in China, only to be forced into marriage or debt bondage upon their refusal to marry.

Malagasy children, mostly from rural areas, are subjected to domestic servitude, prostitution, forced begging, and forced labor in mining, fishing, and agriculture within the country. In addition, children are used in the commission of crimes, such as drug trafficking. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the exploitation of children. Parents in the southern regions send girls to local markets without money for groceries, forcing them to prostitute themselves in what is known as *Tsenan'Ampela* or "girls market" to earn enough to buy food for the family. In a practice known as *Miletra*, parents in the northeastern regions force their daughters into prostitution, directly negotiating the price and duration in advance. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, Diego Suarez, and Majunga, as well as the capital, Antananarivo. Some children are fraudulently recruited for work in the capital as waitresses, maids, and masseuses before being coerced into prostitution on the coast. Most child sex tourists are French nationals with some reports of German and Italian nationals. The main clients of prostituted boys and girls, however, are Malagasy men.

The *de facto* Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Since the March 2009 coup, combating human trafficking has not been a priority, despite the growing size of the problem both internally and transnationally. Anti-trafficking efforts remained negligible during the year. Despite widespread allegations of child sex tourism and sex trafficking, the government failed to prosecute or convict trafficking offenders and did not identify or refer victims to necessary services. Pervasive corruption and minimal capacity throughout the entire justice system, lack of awareness of the anti-trafficking law, and official complicity in trafficking crimes, including allegations of police protection of clients of children in prostitution, contributed to the dismal state of anti-trafficking law enforcement efforts in Madagascar. The *de facto* government for a third year did not engage the Government of Lebanon regarding protection of and legal remedies for exploited Malagasy workers and failed to coordinate the repatriation of Malagasy citizens from Lebanon during the reporting period.



Recommendations for Madagascar: Utilize the anti-trafficking law, including at the provincial level, to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; amend the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; open a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a consulate in Lebanon to provide consular and, when needed, protective services to Malagasy workers; institute a process for law enforcement officials to document trafficking cases, interview potential victims, and refer trafficking victims for assistance; increase efforts to raise public awareness of labor trafficking; and provide anti-trafficking training to law enforcement, labor, and social welfare officials.

Prosecution

The Malagasy *de facto* government's anti-trafficking law enforcement efforts diminished over the year, as it completed no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking but prescribes punishments only for sex trafficking. Penalties for violation of the law range from two years' to life imprisonment and are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of the labor code criminalizes labor trafficking, for which it prescribes insufficiently stringent penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes insufficiently stringent punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor.

The *de facto* government has never used its anti-trafficking law to punish traffickers. Authorities neither investigated nor prosecuted cases of forced labor during the reporting period and, despite widely publicized allegations against two French child sex tourists during the year, made minimal efforts to investigate allegations of sex trafficking. Public officials' complicity in human trafficking remained a significant problem. In May 2011, one French national resident paid and procured two girls for another French national resident of Madagascar and later sold film footage of the girls engaged in sex acts. Despite public calls for the investigation of the case, authorities apprehended only one suspect whose current location cannot be confirmed. Credible reports indicate that the other suspect met with the *de facto* Minister of Justice, who assigned police officers to guard his residence to prevent his arrest. In remote parts of Madagascar, local authorities reportedly procured underage girls for sexual exploitation by visiting Malagasy dignitaries. Corrupt police permitted organized child prostitution rings to operate, particularly in Nosy Be. Local police generally remained hesitant to pursue child sex trafficking and child sex tourism offenses because of deep-rooted corruption, pressures from the local community, or lack of knowledge of the anti-trafficking law. The regime reported no efforts to investigate, prosecute, convict, or sentence public officials complicit in human trafficking.

Protection

The *de facto* Malagasy government made negligible efforts to protect victims. One of the few *de facto* government officials to demonstrate commitment to working on trafficking, the *de facto* Minister of Population and Social Affairs who formerly coordinated the repatriation of victims from Lebanon, died

in an accident in August 2011. Following the March 2011 repatriation of 85 women, government officials – including the honorary Malagasy consul in Lebanon – failed to organize any additional repatriations or support repatriations organized by NGOs during the year. In March 2011, over 600 Malagasy awaited repatriation from Lebanon, 140 of which were classified as victims in need of emergency repatriation. In 2011, an NGO organized the repatriation of 427 Malagasy citizens, 153 of whom reported physical, psychological, or sexual abuse. For a third year, the *de facto* government did not engage the Government of Lebanon regarding the protection of and legal remedies for exploited workers. Madagascar's honorary consul in Beirut was ineffective in addressing the needs of Malagasy trafficking victims, often encouraging victims to return to their employment agencies and not advocating for victim protection or investigations into allegations of abuse.

The *de facto* government lacked procedures to proactively identify trafficking victims among vulnerable populations and did not provide services or refer victims for care in a systematic way. NGOs provided counseling, legal services, and medical care to victims, and referred them to government hospitals. The *de facto* government provided medical and psychiatric care on a case-by-case basis at one public hospital in Befelatanana. No other hospitals provide such services free of charge. Services and facilities are insufficient and often nonexistent in areas beyond Antananarivo. The *de facto* government may arrest and punish internal trafficking victims for unlawful acts committed as a direct result of being trafficked. It did not encourage victims to assist in the investigation and prosecution of their exploiters.

Prevention

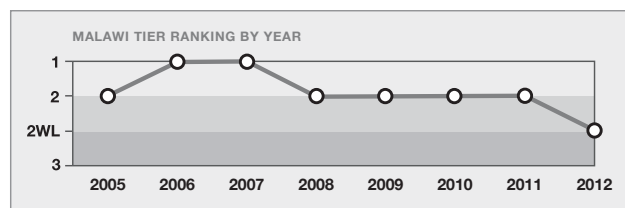
The *de facto* government made negligible efforts to prevent trafficking during the reporting period. It maintained the suspension of several employment agencies implicated in human trafficking and continued the November 2009 ban on sending domestic workers to Lebanon. However, many agencies reportedly continued to send workers directly to Lebanon, and unofficial networks now reportedly send Malagasy migrant workers through Mauritius, South Africa, Kuwait, Egypt, France, or the Seychelles to circumvent the ban. The *de facto* government officially began a labor recruitment program to send Malagasy garment sector workers to Jordan and Kuwait. Although conditions were reported to be acceptable, the *de facto* government did not make an effort to improve its oversight of recruitment agencies before beginning the new program.

MALAWI (Tier 2 Watch List)

Malawi is a source country for men, women, and children subjected to forced labor and sex trafficking. To a lesser extent, Malawi is also a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe and a transit point for people from these same countries who are subjected to sex and labor trafficking in South Africa. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and Europe. Within the country, children are subjected to forced labor in domestic service, cattle herding, agriculture (tobacco, tea, coffee, and sugar plantations), begging, small businesses, and coerced into the commission of crimes, including home robberies.

One-third of Malawian children are involved in labor activities, with sources reporting that the majority of cases of child labor outside of the family involve fraudulent recruitment and physical or sexual abuse, conditions indicative of forced labor. Adult tenant farmers are vulnerable to exploitation as they incur debts to landowners and may not receive payment in times of poor harvest. Brothel owners or other facilitators lure girls – including primary school children – from rural areas with promises of clothing and lodging, for which they are later charged high fees, resulting in debt-bonded prostitution. Girls are recruited for domestic service, but instead are forced to marry and later forced into prostitution by their husbands. In lakeshore districts, tourists – including Europeans – purchase commercial sex from women, girls, and boys in forced prostitution. Nigerian and Tanzanian women force Malawian women and girls into prostitution in Malawi, and Nigerian syndicates are also involved in the sex trafficking of Malawians to South Africa, Germany, the Netherlands, the United Kingdom, Thailand, and Brazil. Italian and Mexican organized crime entities reportedly also are involved in sex trafficking between Malawi and South Africa. Traffickers target Malawian girls in secondary school for recruitment for work in neighboring countries, offering to pay their rent, but subjecting them to forced prostitution upon arrival. South African and Tanzanian long-distance truck drivers and mini-bus operators, transport these victims across porous borders by avoiding immigration checkpoints. Malawians are taken to Mozambique and Zambia for forced labor on tobacco and tea farms, to Zambia for brick-making, and to Tanzania for forced labor in the fishing industry. Anecdotal reports indicate South Asian adults and children are forced to work in hotels, shops, bakeries, and in the construction sector in Malawi.

The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these modest efforts, the government failed to demonstrate overall increasing efforts to combat trafficking during the reporting period; therefore, Malawi is placed on Tier 2 Watch List. Malawi's anti-trafficking law enforcement performance declined over the last year, with fewer trafficking offenders prosecuted than in 2010, and fewer convicted trafficking offenders punished with time in prison. Furthermore, the government did not finalize and pass anti-trafficking legislation drafted in 2009. The government continued to rely on international organizations and NGOs to fund most anti-trafficking programs, and district-level staff active on trafficking received little supervision or guidance from national coordinating bodies.



Recommendations for Malawi: Prosecute both sex and labor trafficking offenses vigorously; ensure the adequate sentencing of convicted trafficking offenders, including the increased imposition of prison sentences rather than fines; investigate and prosecute complicit officials; expand training programs for judges, prosecutors, labor inspectors, and police on identification, investigation, and prosecution of trafficking offenses under existing laws; begin the collection of national

prosecution and protection data; develop a formal system to identify trafficking victims and to refer them to available services; increase the availability of accommodations and protection services for victims through financial or material support to NGOs or expansion of direct service provision; improve national-level coordination of anti-trafficking efforts across all districts; and launch anti-trafficking public awareness campaigns.

Prosecution

The Government of Malawi decreased its anti-trafficking law enforcement efforts during the year, convicting fewer offenders than in 2010 and failing to enact anti-trafficking legislation drafted in 2009. Malawi prohibits all forms of trafficking through various laws, including the Employment Act and articles 135 through 147 and 257 through 269 of the penal code. The penalties prescribed under these various statutes range from small fines to 14 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. Despite the existence of these laws, their enforcement is weak. The Child Care, Protection and Justice Act of 2010 prohibits child trafficking, prescribing penalties of life imprisonment for convicted traffickers. In January 2012, the act was published in the government's gazette and printed; however, some courts have rejected cases charged under the act since they are still without a copy of the act. Reports indicated that labor trafficking offenders were not prosecuted for a first offense; only repeat offenders were prosecuted.

Although governments in 12 of 28 districts reported investigating a total of 241 trafficking cases in 2011, specifics regarding these cases or their status were not provided. Local sources reported the convictions of one labor trafficker and three sex traffickers in 2011. Only one offender, however, received a prison sentence, while the remainder paid minimal fines. In Machinga District, the Liwonde magistrate court sentenced a convicted offender to five years' imprisonment with hard labor in 2011 for the sex trafficking of two girls from Mangochi. In October 2011 in Blantyre, authorities used the Employment Act to convict a man for the forced labor of 11 children; he received a fine equivalent to \$17 and was required to pay return transport costs for the victims. The government's continued failure to seek criminal prosecution and sentencing of forced labor offenses meant there was no effective deterrent to the commission of trafficking crimes.

The government continued to train police recruits in identifying and combating human trafficking as part of its standard training curriculum at three police training schools, reaching 600 recruits during the year. In 2011, the Ministry of Gender, Child and Community Development (MGCCD) and the Ministry of Justice (MOJ) trained law enforcement and social welfare officials on the child protection law. Nonetheless, police and immigration officials were complicit in trafficking crimes, with reports of court cases diverted and offenders released; however, the government did not investigate or prosecute such officials.

Protection

The Government of Malawi sustained minimal efforts to provide protection to trafficking victims during the year. The government relied largely on NGOs to identify victims and provide long-term care. In addition, the government

failed to establish or employ systematic procedures for the proactive identification of victims and their referral to care. The government funded one drop-in center that provided counseling and services for victims of trafficking and gender-based violence; it is unknown whether the center assisted trafficking victims during the year. Over 100 police stations across the country housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately, providing only limited counseling and, in some districts, temporary shelter to victims. Government-run hospitals provided trafficking victims with limited access to medical and psychological services; for shelter, district social welfare and child protection officers referred victims to NGO-run facilities that catered to vulnerable children and youth. The government did not provide material or financial support for these NGO services.

The national government did not provide data on the number of victims it identified, referred, or assisted during the reporting period; detailed case information provided by two districts indicates that officials, often in partnership with NGOs, identified at least 114 trafficking victims. Police, district-level social welfare officers, and child protection officers cooperated with local NGOs that coordinated and funded the rescue of trafficking victims; during the year, these partnerships resulted in the rescue of 83 children in prostitution from a brothel in Blantyre. The district social welfare office in Lilongwe – through the aforementioned social rehabilitation center – provided office space to an NGO that identified 86 child sex trafficking victims in four districts of Lilongwe in 2011. A 2011 NGO baseline survey of six districts reported that over 70 percent of victims did not receive any services after their rescue. The government did not provide foreign victims with temporary residency or other legal alternatives to their removal to countries where they would face hardship or retribution. The district social welfare office in Mangochi assisted in the repatriation of one victim. The government encouraged victims' participation in the investigation and prosecution of trafficking crimes. Law enforcement, however, generally treated persons in prostitution – including children – as criminals rather than their pimps or clients, making sex trafficking victims vulnerable to arrest; subsequent to their arrest, some police coerced them into sex acts by threatening them with charges.

Prevention

The government made minimal efforts to prevent human trafficking during the year. The majority of public awareness campaigns were coordinated at the district level with NGOs partners; national level coordinating bodies played a negligible role, failing to organize awareness activities or finalize the national plan of action drafted in the previous year. The newly reorganized Child Protection Technical Working Group included trafficking within its broad work to coordinate efforts on child protection. The Malawi Network Against Child Trafficking, which is comprised of government representatives, NGOs, and religious leaders, met quarterly and, with funding from a foreign government, organized an October 2011 workshop on best practices to combat human trafficking. In 2011 in Mangochi District, social welfare and labor officers forged partnerships with police and NGOs to train 25 peer educators in Traditional Area Chowe; this event publicized the IOM trafficking hotline in South Africa and resulted in the repatriation of one victim. State-owned radio also

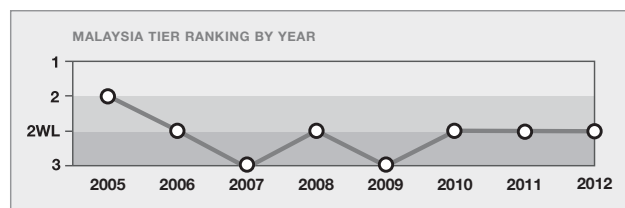
broadcast weekly radio programs on child labor and human trafficking led by an NGO. The government did not make efforts to reduce the demand for commercial sex acts during the year, and made no efforts to address child sex tourism. The government did not provide its military personnel with anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

MALAYSIA (Tier 2 Watch List)

Malaysia is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to conditions of forced labor and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the estimated two million documented and two million or more undocumented foreign workers in Malaysia. They migrate willingly to Malaysia from countries including Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam in search of greater economic opportunities. Some of them subsequently encounter forced labor or debt bondage at the hands of their employers, employment agents, or informal labor recruiters. While many of Malaysia's trafficking offenders are individual businesspeople, large organized crime syndicates are also behind trafficking. A significant number of young foreign women are recruited ostensibly for legal work in Malaysian restaurants and hotels, some of whom are legally admitted to the country for this purpose but are coerced into the commercial sex trade. During the year, reports indicated an increasing number of Ugandan women were fraudulently recruited to Malaysia for ostensibly legitimate work but were forced into prostitution upon arrival. Ugandan and Nigerian syndicates transport victims between China and Malaysia, and use threats of physical harm, including through voodoo, to victims and their families to coerce them into prostitution. Many Malaysian labor outsourcing companies recruit workers from India, Vietnam, and other countries, who are often subjected to conditions of forced labor by unscrupulous employers. In some cases, foreign workers' vulnerability to exploitation was heightened when employers neglected to obtain proper documentation for workers or employed workers in sectors other than that for which they were granted an employment visa. Many migrant workers on agricultural plantations, at construction sites, in textile factories, and in homes as domestic workers throughout Malaysia are subject to practices indicative of forced labor such as restrictions on movement, deceit and fraud in wages, passport confiscation, and imposition of significant debts at the hands of agents or employers. Passport confiscation remains widespread, particularly among domestic workers. Some employees reported that their employers exercised control over them by threatening to take a worker's passport to immigration authorities where the employer would allege that the workers had breached the terms of their labor contracts, which could result in the revocation of the workers' visas and their subsequent deportation. Some Malaysian employers reportedly did not pay foreign domestic workers three to six months' wages in order to recoup recruitment agency fees and other debt-bonds. In some cases, employers illegally withheld employee wages in escrow until completion of the contract, resulting in workers continuing to work for fear of not receiving financial compensation if they ceased to do so.

Forced labor, including debt bondage, occurred among domestic workers. It was also reported to occur on plantations in the east Malaysian states of Sabah and Sarawak and in plywood and pulp factories. There are an estimated 250,000 foreign domestic workers in Malaysia with legal authorization for employment in that sector. NGOs estimate that an additional 100,000 migrant domestic workers are not formally registered; many domestic workers, both documented and undocumented, may be trafficking victims. An estimated 90 percent of all domestic workers are from Indonesia. The Indonesian government had previously banned the arrival of additional Indonesian domestic workers to Malaysia; although this prohibition expired during the reporting period, unresolved negotiations over a revised memorandum of understanding (MOU) between the two governments delayed the arrival of additional Indonesian domestic workers. A small number of Malaysian citizens reportedly were trafficked internally and abroad to Singapore, China, and Japan for commercial sexual exploitation.

The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of overall increasing efforts to address human trafficking compared to the previous year; therefore, Malaysia is placed on Tier 2 Watch List for a third consecutive year. Malaysia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the year, the government continued to confine foreign victims to substandard facilities and failed to provide them with sufficient legal, translation, or psychological resources; government-certified victims cannot opt to reside outside these facilities. Malaysia's anti-trafficking law does not include adequate provisions for the protection of victims, and the government did not take steps to amend its laws to allow certified victims to reside outside government facilities. The government took steps to ameliorate the poor conditions faced by officially certified trafficking victims – such as granting three-year work permits to one group of 32 male victims of forced labor – but it did not take the more meaningful steps of structurally reforming the unnecessarily complex victim identification and protection regime that likely causes further harm to victims. Front-line officials continued to lack the ability to recognize indicators of human trafficking, limiting their efforts to assist victims and to investigate, prosecute, and convict trafficking offenders.



Recommendations for Malaysia: Increase law enforcement actions under the anti-trafficking law, particularly labor trafficking cases; apply stringent criminal penalties to those involved in fraudulent labor recruitment or forced labor; increase efforts to investigate – and prosecute and punish, as appropriate – reports of public officials who may profit from trafficking or who may exploit victims; develop and implement procedures to identify labor trafficking victims, using

internationally recognized indicators of forced labor among vulnerable groups such as migrant workers and refer them to available protection services; increase training for officials on the effective handling of sex and labor trafficking cases, with a particular emphasis on victim protection and the identification of labor trafficking victims; improve victim identification efforts to ensure that victims of trafficking are not threatened or punished for crimes committed as a result of being trafficked; with the assistance of NGOs, improve victim protection in government facilities by providing victims regular access to legal services and effective counseling in their native languages; in collaboration with NGOs, develop and implement mechanisms to allow adult foreign trafficking victims to travel, work, and reside outside government facilities, including while under protection order; provide all victims legal alternatives to removal to countries in which they would face retribution or hardship; make greater efforts to educate migrant workers of their rights, legal recourses available, and remedies against traffickers or employers who fail to meet their legal obligations; negotiate MOUs with source countries to incorporate victim protection and prohibit employers from confiscating passports and travel documents and ensure that such MOUs are enforced; make efforts to reduce the demand for both sex and labor trafficking; and increase efforts to raise awareness about the dangers of both labor and sex trafficking.

Prosecution

The Government of Malaysia made insufficient overall progress in addressing human trafficking through law enforcement means during the reporting period. While it continued to prosecute and convict sex trafficking offenders, it did not demonstrate progress in its efforts to punish those who exploit others for forced labor. Malaysian law prohibits all forms of human trafficking through its 2010 Anti-Trafficking in Persons Act (amended), which prescribes penalties that are commensurate with those prescribed for other serious offenses, such as rape. In November 2010, the government enacted amendments to the law that broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labor or services of a person through coercion.

During 2011, the government convicted 17 sex trafficking offenders but did not convict any perpetrators of forced labor; this compares with 14 convictions for both sex and labor trafficking offenders obtained in 2010. Sentences for convicted offenders ranged from two to 30 years' imprisonment. Police and immigration officials investigated 97 suspected trafficking cases during the year, 45 of which were labor trafficking cases; they initiated 16 prosecutions, 13 of which involved sex trafficking and three of which involved forced labor. A total of 231 prosecutions, initiated in previous years, remained ongoing at the close of the reporting period. The share of initiated prosecutions that resulted in acquittals continued to remain high, in part the result of a lack of incentives for victims to participate in investigations and prosecutions.

In November 2011, the Labor Department filed charges in a suspected labor trafficking case, the first such action it has taken since being granted authority to file charges in trafficking cases in 2010. Three suspected trafficking offenders, proprietors of a media company, were accused of subjecting five Indian nationals to forced labor distributing and selling newspapers. Initially, the victims – whose documents had been confiscated by their employer – were arrested on immigration violations and the employers were not charged. Following pressure from

civil society, the Labor Department subsequently made the decision to investigate the case; the prosecution of the three traffickers remained ongoing at the close of the reporting period.

Poor government treatment of identified trafficking victims and the lack of victim protection or incentives for victim assistance in investigations and prosecutions remained a significant impediment to successful prosecutions. As in previous years, NGOs reported referring cases of alleged labor and sex trafficking to the government but believed that in many instances authorities did not investigate these allegations. NGOs reported that the police and Labor Department officials often failed to investigate complaints of confiscation of passports and travel documents or withholding of wages – especially involving domestic workers – as possible trafficking offenses, and that front-line officers' failure to recognize indicators of trafficking regularly led them to treat these cases as immigration violations. Labor Department officials often classified trafficking cases as routine labor disputes; labor inspectors were not experienced in anti-trafficking procedures. The government did not report any criminal prosecutions of labor recruiters who used deceptive practices and debt bondage to compel migrant workers into involuntary servitude.

The previously reported prosecution of one immigration official, who was arrested in July 2009 for alleged involvement in trafficking Burmese citizens to Thailand, ended in an acquittal during the reporting period; the government filed an appeal, but no additional developments have been reported. Reports also indicated that collusion between individual police officers and trafficking offenders sometimes led to offenders escaping arrest and punishment. The Malaysian government took no discernible steps to investigate such reports or to prosecute or punish direct involvement in or facilitation of trafficking crimes by Malaysian officials.

Protection

The government made modest but insufficient progress in protecting victims of trafficking during the reporting period, and overall victim protection efforts remained inadequate and negatively affected victims. Victims identified by Malaysian authorities are adjudicated under an official protection order that triggers their forcible detention in government facilities, where they must remain for the period stipulated by the court. Most victims reportedly stay in these facilities for three to six months, and some are detained for more than a year. The government reports that victims are no longer locked in their rooms, yet they continue to be locked inside facilities, and are only permitted to leave for hospital visits or court appearances under the custody of the police; male victims are largely confined to their rooms and have limited freedom of movement inside facilities. Victims were provided limited, if any, access to legal or psychological assistance by the government or NGOs. The majority of funding for government shelter facilities supports arming the facilities with high levels of security, which may serve to prevent victims from escaping rather than to protect them from harm; in fact, shelters that prohibit victims from leaving are regarded by experts as posing a serious risk for re-traumatizing victims. The government provided limited counseling to victims; it reported beginning to grant some victims individual counseling sessions during the year, and enlisting the assistance of five university students to support the work of the two counselors it employed, although it did not always have adequate facilities to offer victims

privacy during these sessions. During the reporting period, the government began working with non-governmental entities to increase the availability of counseling and discuss guidelines for improved shelter management. The facilities did not employ medical officers or trained psychologists, and employees, assigned on a temporary basis, did not receive adequate, if any, training for working with trafficking victims or managing the facilities; a lack of translation services meant that some victims were unable to communicate with staff.

During the reporting period, the government discontinued its policy of treating certified victims as illegal aliens and transferring them to detention facilities for deportation after they provided evidence to prosecutors. Victims typically were uninformed about the legal processes to which they were subjected, and the government did not make adequate efforts to inform the victims of why or for how long they were being detained. This situation increased hardship for victims, who often exhibited severe anxiety at not knowing when they would be allowed to leave. As noted during previous reporting periods, the government's policy of detaining trafficking victims against their will continued to provide a disincentive for victims and their advocates to bring cases to the government's attention or to cooperate with authorities.

The Ministry of Women, Family, and Community Development continued to operate three facilities for women and child victims of trafficking. These facilities detained suspected and confirmed foreign trafficking victims for an average of three to six months (but in some cases much longer) until they were deported to their home countries, per Malaysian law. The women's facility in Kuala Lumpur moved to a larger location during the reporting period, although there were reports that it occasionally housed numbers of victims beyond its capacity. The Ministry of Home Affairs ran a similar facility for male victims of trafficking, which also detained suspected and confirmed trafficking victims. The government reported plans for the Women's Ministry to assume responsibility for this shelter, but this did not occur during the year. Despite the availability of specialized NGO resources to serve trafficking victims, including through providing shelters that may provide a more comfortable environment to victims, the government confines victims in its own facilities where it lacks the physical and human resource capacity to accommodate them. The basis for the government's expressed security concerns with NGO shelters was unclear, as no known security incidents have been reported at NGO shelters and their locations were kept confidential.

During the reporting year, 125 foreign women, 75 foreign men, and 22 foreign children were certified as trafficking victims and detained in government facilities. The total number of victims certified, 222, is a significant decrease from the 383 victims identified during the previous year. The government identified an unknown number of Malaysian victims who were exploited within the country during the year. Some foreign embassies sheltered victims directly, rather than transferring them to Malaysian facilities, to expedite their repatriation and protect them from detention during lengthy criminal proceedings. In a positive step, the home minister announced in January 2012 that the government would grant some victims the right to temporarily work in Malaysia following the expiration of their protection order. In March 2012, the government granted three-year work and residency permits to 32 labor trafficking victims deemed to be in danger if returned to their home country. These victims had already endured a

stay of more than one and a half years in a government facility. The Home Ministry reported plans to extend the provision of work permits to other victims – meeting certain criteria – following the expiration of their protection order, but it did not provide further details about how this program would be implemented or how many victims would be eligible. It reported that only victims who had entered Malaysia legally, and whose safety was not guaranteed if they returned to their country of origin, would be eligible. NGOs expressed concerns that challenges in interagency coordination may make it difficult to extend temporary work permits to all eligible victims. While the government reports it encouraged victims to assist in the prosecution of their traffickers, some victims sought immediate repatriation by their countries' embassies in Malaysia or by NGOs, rather than staying in Malaysia to testify, due to systemic disincentives such as long detentions in facilities during lengthy court proceedings. Certified victims were not permitted to leave the country while they waited for trials to commence. The government did not provide any incentives such as work permits to victims during the duration of their traffickers' trials. Victims could theoretically file civil suits against traffickers, but as foreign victims were provided neither any form of legal assistance nor basic translation services, none accessed this option during the year. Law enforcement officers did not receive sufficient training to work with victims, and poor investigation procedures did not take into account the best interests of victims. Victims were asked to recount their trafficking experience on numerous occasions to different officials, and during trial proceedings authorities did not make adequate efforts to separate victims from their traffickers or recruitment agents, a practice that may have resulted in threats or pressure exerted on victims and their families if they cooperated with police and prosecutors. Several NGOs reported that they generally no longer referred victims to the police, as they believed that doing so was detrimental to the welfare of the victims. Some NGOs not affiliated with the government's anti-trafficking council were barred from further assisting victims after they were placed into a government facility. The government did not provide financial assistance to NGOs providing services to victims. The anti-trafficking law provided immunity to trafficking victims for immigration offenses such as illegal entry, unlawful presence, and possession of false travel documents, but some unidentified victims continued to be detained, deported, or charged with immigration offenses.

The government reported that individual law enforcement agencies followed standardized procedures for identifying, interviewing, and referring trafficking victims, but there was no evidence of the existence of formal procedures for the proactive identification of victims among vulnerable groups with whom authorities came in contact. The Labor Department, which recently assumed its mandate to investigate labor trafficking cases, required evidence of non-payment of wages to investigate a suspected trafficking case; it did not develop or implement procedures to identify internationally recognized indicators of forced labor, such as the confiscation of travel documents or the imposition of significant debts by employers or labor brokers. Some unidentified victims, particularly those whose documents had been confiscated by employers, were processed as illegal migrants and held in prisons or immigration detention centers prior to deportation.

Prevention

The Malaysian government continued efforts to prevent human trafficking during the reporting period. The National Council for Anti-Trafficking in Persons (MAPO), and its trafficking in persons Secretariat within the Home Ministry continued to coordinate the government's anti-trafficking response; although certain NGOs were included in the MAPO council, some non-affiliated NGOs expressed frustration at not being included in the government's policy discussions in their areas of expertise. In a positive step, the attorney general's office and the Women's Ministry began to invite certain NGOs not affiliated with MAPO to attend meetings to discuss issues of forced labor and victim protection; the government's denial of regular access to a number of NGOs to its victim facilities, however, continues to obstruct effective government-civil society collaboration to combat trafficking. A state-level anti-trafficking council in Selangor, conducted independent anti-trafficking efforts in that state, although it has not been formally recognized by MAPO. The government continued an anti-trafficking public awareness campaign in print media, on the radio, and on television, and officials displayed an increased willingness to speak about the dangers of labor trafficking in addition to sex trafficking. For example, in November 2011, an official from the Human Resources Ministry spoke on a prime time news program to publicize the new provisions of an agreement with Indonesia – including the potential for criminally prosecuting exploitative employers under the anti-trafficking law – and to encourage the public to report suspected abuses. This ministry reported conducting a series of training events reaching 514 domestic workers, 532 employers, and 93 private employment agents. The Home Ministry continued to maintain a watch list of 42 outsourcing companies that recruit foreign workers into Malaysia whose licenses have been suspended for engaging in suspicious activities, such as use of falsified documents or listing false employers, but it did not pursue criminal prosecutions of any outsourcing companies during the year. The government reported imposing administrative sanctions against 136 employers in 2011, but it is unknown whether any of these fines were applied for violations related to human trafficking.

Although the Home Ministry announced plans to investigate allegations that recruitment agencies charged migrant workers excessive, exploitative fees during the government's migrant worker registration program, it took no discernible action to initiate any investigations during the year. In May 2011, the governments of Indonesia and Malaysia signed amendments to a bilateral MOU on domestic workers; the updated agreement includes provisions prohibiting employers from taking possession of domestic workers' passports unless given consent to do so, mandating a weekly rest day for workers, requiring payment of salaries directly into bank accounts, limiting the amount an employer can deduct from a domestic worker's earnings for repayment of recruitment fees, and requiring that workers and employers attend a seminar explaining rights and responsibilities. The MOU provided insufficient protections for workers who are compelled by their employers to "consent" to the withholding of the workers' passports. An existing agreement with the Philippines provides some protections for Philippine workers, and the Malaysian government continued negotiations with the Cambodian government over a proposed MOU to govern Cambodian domestic workers employed in Malaysia. Domestic workers are excluded from a number of protections in Malaysian labor law.

In October 2011, the government amended its Employment Act to provide a legal definition of a “contractor for labour” as an employer; it is unknown what effect these amendments may have on government regulation of contractor-based labor arrangements, which create vulnerabilities to forced labor. Although the confiscation of passports by employers of migrant workers is illegal, the government continued to allow this practice to occur with impunity; it did not prosecute any employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. In January 2012, the government, with an international organization, co-hosted a Bali Process workshop – a regional conference on combating transnational organized crime, including trafficking – attended by delegates from a number of other countries in the region, and earlier in the reporting period, government officials spoke at a conference to engage journalists on human trafficking issues. While authorities continued some anti-trafficking training for officials with responsibilities to combat trafficking, including training conducted through cooperation with foreign donors, international organizations, and NGOs, the lack of understanding of human trafficking by many Malaysian front-line officers, such as police, immigration, and labor officials, continues to hinder the identification and proper investigation of trafficking cases and identification and assistance to trafficking victims. The government did not take measures to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training to Malaysian troops prior to their deployment abroad on international peacekeeping missions.

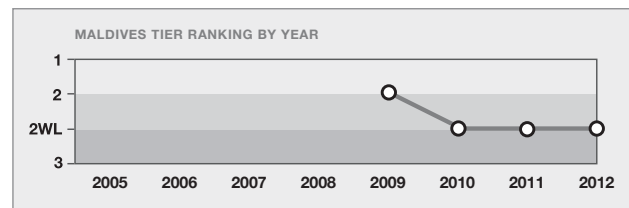
MALDIVES (Tier 2 Watch List)

Maldives is primarily a destination country for migrant workers from Bangladesh and, to a lesser extent, India, some of whom are subjected to forced labor. It is also a source and destination country for women and girls subjected to sex trafficking. An unknown number of the 80,000 to 110,000 foreign workers that government officials estimate are currently working in Maldives – primarily in the construction and service sectors – face conditions indicative of forced labor: fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. According to government sources, up to 44,000 of these workers do not have legal status in the country, although both legal and illegal workers were vulnerable to conditions of forced labor. According to a diplomatic source, an estimated 50 percent of Bangladeshi workers in Maldives are not documented and a number of these workers are victims of trafficking. Migrant workers pay the equivalent of \$1,000 to \$4,000 in recruitment fees in order to migrate to Maldives. In addition to Bangladeshis and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in Maldives. Recruitment agents in source countries generally collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet Union countries, as well as some girls from Bangladesh, are subjected to sex trafficking in Male, the capital. Some reports indicate that internal sex trafficking of Maldivian girls also is a problem. The Human Rights Commission of the Maldives reported that some migrant female domestic workers were

trapped in circumstances in which employers used threats and intimidation to prevent them from leaving. Some underage Maldivian children are transported to Male from other islands for forced domestic service, and a small number were reportedly sexually abused by the families with whom they stayed. This is a corruption of the widely acknowledged practice where families send Maldivian children to live with a host family in Male for educational purposes.

The Government of Maldives does not fully comply with the minimum standards for the elimination of trafficking. The government has not demonstrated evidence of increasing efforts to address human trafficking over the previous year; therefore, Maldives is placed on Tier 2 Watch List for a third consecutive year. Maldives was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The government continued to lack systematic procedures for identifying victims of trafficking among vulnerable populations and, during the reporting period, did not take sufficient law enforcement steps or concrete actions to protect trafficking victims and prevent trafficking in Maldives. Counter-trafficking efforts are impeded by a lack of understanding of the issue, a lack of legal structure, and the absence of a legal definition of trafficking.



Recommendations for the Maldives: Enact legislation prohibiting and punishing all forms of trafficking in persons; clearly distinguish between human trafficking and human smuggling in legislation, policies, and programs; develop and implement systematic procedures for government officials to proactively identify victims of trafficking among vulnerable groups, such as undocumented migrants and women in prostitution; work to ensure that identified victims of trafficking are provided access to victim services; increase efforts to investigate and prosecute suspected trafficking offenses; raise public awareness of human trafficking through media campaigns; empower the Labor Tribunal by giving it legal authority to enforce its decisions and by providing translators so it is more accessible to foreign workers; ensure that changes to labor migration policies for the purpose of reducing human trafficking do not restrict legal migration; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

Prosecution

The Government of Maldives undertook minimal anti-trafficking law enforcement efforts during the year. Although Maldives does not have laws prohibiting all human trafficking offenses, its constitution prohibits forced labor and slavery, and the Employment Act of 2009 prohibits most forms of forced labor. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years’

imprisonment for violations. However, Article 14 of the act provides that, if a person is legally married to a child under Islamic Sharia, none of the offenses specified in the legislation, including child prostitution, would be considered a crime. The government continued to develop its draft anti-trafficking law during the reporting period. The government did not prosecute any new human trafficking cases. Of the two child prostitution investigations noted in the 2011 TIP Report, one investigation is ongoing and the other did not lead to a prosecution due to lack of evidence. Police coordinated with Sri Lankan police in an investigation of Sri Lankan women forced into prostitution in Maldives by suspected Maldivian traffickers.

Protection

The Maldivian government did not ensure that victims of trafficking received access to necessary assistance during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims. In 2011, 13 suspected victims of human trafficking and two suspected human traffickers were intercepted and deported in three cases of human trafficking identified at the Ibrahim Nasir International Airport. The government did not provide access to services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. The government's general policy for dealing with trafficking victims was to deport them, and it did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders. Due to a lack of comprehensive victim identification procedures, the government may not have ensured that migrants subjected to forced labor and prostitution were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. In April and May 2011, the Department of Immigration and Emigration (DIE) conducted two one-day training programs on trafficking victim identification, training 17 labor inspectors and 35 police officers.

Prevention

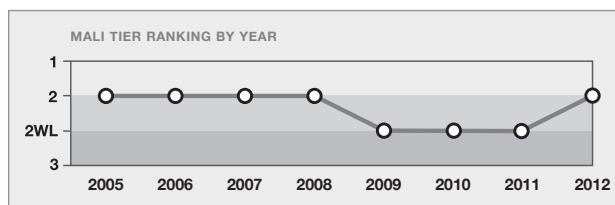
Maldives made some progress in preventing human trafficking during the year. In March 2012, the government approved an anti-trafficking action plan for 2011-12. In January 2012, the government established an Anti Human-Trafficking and People Smuggling Unit, which is charged with implementing the action plan. In April 2011, the DIE established an integrated investigation unit with the Maldives Police Services, and through this unit the government has investigated an unknown number of ongoing cases involving fraudulent recruitment. Two foreigners were deported as a result of these investigations. Police reportedly raided and closed recruitment agencies by court order for further investigation when there was evidence that the agencies' operations involved fraud and forgery. However, no labor recruiter or broker was punished or fined for fraudulent recruitment practices. During the reporting period, the DIE conducted lectures for a college on migration and human trafficking, held anti-trafficking events during a human rights day fair, and conducted a training program for immigration officials. The Labor Relations Authority prepared leaflets on workers' rights in Dhivehi and English for distribution by employers to employees and are translating the leaflets into Bangla, spoken by Bangladeshi migrant workers. In January 2012, the government declared a moratorium on the issuance of new work permits to Bangladeshis seeking to migrate to the

country for employment, a move which was intended to address the vulnerability of unemployed Bangladeshis to trafficking. The government continued a program, started in 2009, to register unregistered migrant workers. The government made efforts to reduce the demand for commercial sex by investigating and prosecuting clients of prostitution. Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2)

Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within Mali, women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines, as well as subjected to sex trafficking. Malian boys are found in conditions of forced labor in agriculture, artisanal gold mines, and the informal commercial sector. Adult men and boys, primarily of Songhai ethnicity, are subjected to the longstanding practice of debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tamacheq community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships, and this involuntary servitude reportedly has extended to their children. Boys from Mali, Guinea, Burkina Faso, Niger, and other countries are forced into begging and exploited for labor by corrupt *marabouts* (religious instructors) within Mali and in neighboring countries. Reports indicate that Malian children are transported to Senegal and Guinea for forced labor in gold mines and on cotton and cocoa farms in Cote d'Ivoire. Women and girls from other West African countries are subjected to prostitution in Mali. Malians and other Africans – who travel through Mali to Mauritania, Algeria, or Libya in hopes of reaching Europe – are particularly at risk of becoming victims of human trafficking. Malian girls and women are trafficked to Gabon, Libya, Lebanon, and Tunisia for commercial sexual exploitation.

The Government of Mali does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its efforts to prosecute and convict trafficking offenders, although these did not include cases of hereditary slavery – a problem that remains largely unaddressed. Law enforcement officials prosecuted 11 trafficking cases, convicted seven trafficking offenders, and identified at least 170 victims and referred them to local NGOs. The government provided in-kind donations to NGO-run multipurpose shelters, including paying for the services of doctors to care for trafficking victims' medical needs. It also sponsored awareness-raising events in all eight regions of the country and engaged in a series of bilateral events with regional partners on combating trafficking. Despite ministerial approval in June 2010, a bill outlawing all forms of trafficking, including slavery, has still not been brought to a vote in the National Assembly.



Recommendations for Mali: Improve efforts to investigate and prosecute trafficking offenses, particularly cases of traditional slavery and forced prostitution, and convict and punish trafficking offenders; investigate and, as appropriate, prosecute trafficking offenses involving women and girls brought into and through the country for forced or child prostitution; enact draft legislation that prohibits and punishes all forms of trafficking in persons, including all forms of slavery; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; develop an improved system for collecting data on trafficking crimes and the number of victims identified and referred by government authorities to service providers for care; and increase efforts to raise public awareness about human trafficking, particularly traditional hereditary slavery.

Prosecution

The Government of Mali demonstrated increased anti-trafficking law enforcement efforts during the year. Mali does not prohibit all forms of trafficking, although Article 244 of the criminal code prohibits all forms of child trafficking. Child trafficking offenders convicted under Article 244 face penalties of five to 20 years' imprisonment; these penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 229 of the criminal code criminalizes the sexual exploitation of children and forced prostitution of adult women, prescribing penalties of six months' to three years' imprisonment; these penalties are neither sufficiently stringent nor commensurate with other serious crimes, such as rape. Malian law may not adequately prohibit other forms of trafficking. Articles 242 and 243 of the criminal code prohibit forced labor, servitude, and other illegal labor practices. Slavery is prohibited by Malian law, but no penalty is prescribed for its commission. Article 242 of the criminal code, passed in 1973, prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty. NGOs assert that the law, which has sometimes been characterized as an anti-slavery law, is inadequate to prosecute cases of hereditary slavery, which are not predicated on agreements or contracts entered into after 1973. In June 2010, the Council of Ministers approved an anti-trafficking bill, which, if enacted, would prohibit all forms of trafficking, although it does not adequately prohibit slavery. Despite concerted efforts by the Ministry of Justice to bring the bill before the National Assembly, it did not come to the floor for a vote during the reporting period. In 2011, the government, with assistance from international organizations and NGOs, began drafting a law criminalizing slavery. Despite NGO-led efforts to work with the courts in Northern Mali to hear pending and newly registered hereditary slavery cases, deterioration in security throughout northern Mali led to the August 2011 shutdown of all judicial courts in this region. Thus the government, which has not prosecuted a case of traditional slavery since 1969, has not taken action on at least three pending cases of traditional slavery that have been stalled in courts for more than three years.

The government reported investigating 24 new trafficking-related cases in 2011, prosecuting 11 cases and convicting seven trafficking offenders, a significant increase over the two cases investigated and prosecuted and two trafficking offenders convicted in 2010. Five of the seven offenders convicted in 2011 received sentences of five to 20 years' imprisonment; two offenders received three-year suspended sentences. In

June 2011, Malian officials extradited two suspected Nigerian traffickers to Nigeria for prosecution by the National Agency for Prohibition of Traffic in Persons (NAPTIP). In November 2011, the Morals Brigade and Interpol joined forces with NAPTIP and raided four brothels in the capitol, Bamako, operated by Nigerian nationals. Four alleged traffickers were apprehended and transported to Nigeria on a Nigerian government-funded plane, along with approximately 104 potential female trafficking victims. In March 2012, gendarmes apprehended four individuals suspected of trafficking four Burkinabe boys for forced labor in Malian artisanal gold mines. As of March 2012, 12 trafficking-related prosecutions remained before the court. Due to the shutdown of the courts in the north, two cases of traditional slavery remained pending for a third year and four new civil lawsuits requesting the return of children allegedly held in traditional slavery were also put on hold. The government provided no anti-trafficking training to its officials. There was no evidence of government officials' involvement in human trafficking, although general corruption is seen as pervasive through the security forces and the judiciary. The government did not report efforts to investigate, prosecute, or punish acts of government employees' complicity in human trafficking.

Protection

The Government of Mali demonstrated increasing efforts to protect trafficking victims during the year. The government referred approximately 170 victims to NGOs and international organizations for assistance. The vast majority of the victims were initially identified by police, gendarmes, border control officers, or regional officials of the Ministry for the Promotion of Women, Children, and the Family. Border patrol officials stopped two suspected cross-border trafficking attempts, rescuing three Burkinabe children at the Mali-Guinea border, and five Malian girls at the Mali-Niger border. In 2011, the Ministry for Women, Children, and the Family appropriated the equivalent of \$100,000 to support regional multipurpose welcome centers and family placement services for abused or trafficked children. Due to limited resources, the government did not directly offer shelter services, although its regional welcome centers received trafficking victims from law enforcement and other government officials and referred them to an NGO-operated shelter or other forms of care. The government paid for the services of doctors who cared for child trafficking victims in NGO-operated multipurpose facilities. Government officials periodically visited multipurpose shelters in the capital and brought large donations of milk, sugar, diapers, and other in-kind support to these organizations. The prime minister presented the equivalent of \$600 to a shelter that cared for infants and children, some of whom may be trafficking victims. The government also provided the equivalent of \$435 in direct aid to rescue and repatriate 19 Senegalese boys held in forced begging by a corrupt Malian *marabout*. The government did not report identifying or assisting any victims of traditional slavery. Despite increasing reports of large numbers of children forced to labor in artisanal gold mines within Mali, the government cited a lack of personnel and resources to adequately identify and rescue victims in this sector. There were no reports that trafficking victims were penalized for unlawful acts they committed as a result of being trafficked.

Prevention

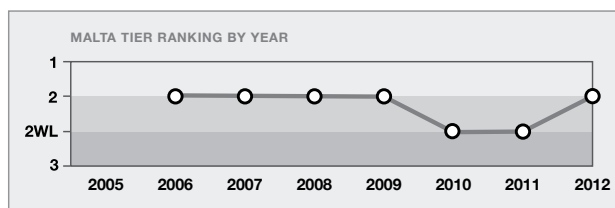
The Government of Mali made modest efforts to prevent trafficking during the last year. In October 2011, the Ministry of Malians Abroad held a workshop in Bamako to educate approximately 5,000 Malians about the dangers of illegal migration to Europe, including the possibility of becoming a victim of human trafficking. In January and February 2012, the Ministry of Malians Abroad sponsored awareness raising debates on human trafficking in all eight of Mali's regions. The chair of the National Coordinating Committee for the Fight against Trafficking in Persons and the head of the Malian National Unit for the Fight against Child Labor participated in international meetings in Cote d'Ivoire, Togo, Senegal, and Guinea-Bissau to further coordinate regional trafficking prevention. As part of the Mali-Cote d'Ivoire bilateral accord, the Malian and Ivoirian first ladies met in October 2011 to intensify their efforts against human trafficking. In November 2011, the National Coordinating Committee, the National Unit for the Fight Against Child Labor, the Committee to Track Child Labor, and local NGOs gathered and agreed to regular meetings, a standardized intake process, and common forms and tools for use by police, ministry officials, regional directorates, and NGOs in addressing child victims of trafficking. The government took no visible measures to decrease the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to Malian troops prior to their deployment abroad on international peacekeeping missions.

MALTA (Tier 2)

Malta is a source, transit, and destination country for women and children subjected to sex trafficking. Sex trafficking victims have originated in Romania and Russia; children from Malta are also found subjected to sex trafficking within the country. Malta is likely a destination country for men and women subjected to forced labor, including in restaurants, private households, and in unskilled or semi-skilled labor. The approximately 4,500 irregular African migrants currently residing in Malta from African countries may be vulnerable to human trafficking in the country's informal labor market. There were reports that Malta may be a transit country for African women subjected to sex trafficking in continental Europe.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government progressed this year in its commitment to fight human trafficking, including through victim identification and the prosecution of trafficking offenders. The government created its first national anti-trafficking action plan and allocated funds to implement the plan. The government formally identified three victims of sex trafficking in June and began prosecuting the offenders. The government convicted a trafficking offender in a long-pending case, sentencing the offender to a significant prison term. The government also began collaborating with members of civil society to improve its anti-trafficking activities. Nevertheless, the Maltese government did not identify children in prostitution as sex trafficking victims or provide them with support available under Maltese anti-trafficking laws, but instead charged some them for loitering for prostitution and sometimes subjected them to punishment. Despite issuing the action plan in late

2011, the government has not yet finalized formal victim identification guidelines or conducted awareness-raising activities. The government sponsored an IOM-conducted training session in late March 2012 which was designed to review existing guidelines and provide a template for a new national referral mechanism.



Recommendations for Malta: Strengthen efforts to proactively identify trafficking victims among vulnerable populations, particularly migrants, children, and women in prostitution, and foreign workers; develop and ensure implementation of formal victim identification guidelines; ensure that victims of trafficking are not punished for acts committed as a direct result of trafficking; ensure that potential trafficking victims are not deported prior to the investigation of their trafficking cases; increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; continue to ensure that convicted trafficking offenders, including any officials convicted of complicity in trafficking, receive adequate punishment, including time in prison; fully enact national anti-trafficking action plan; strengthen partnerships with NGOs or religious organizations in Malta on anti-trafficking activities and encourage NGOs or religious organizations to cooperate with the government in identifying and providing services to potential victims; publicize the support hotline more broadly as an anti-trafficking hotline; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for foreign victims.

Prosecution

The Government of Malta demonstrated clear progress in its law enforcement efforts to address human trafficking during the reporting period. Article 248A-E of Malta's criminal code prohibits all forms of trafficking in persons and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government investigated three new trafficking cases during the year, a significant increase from the complete lack of cases investigated in the previous three years. The first case involved Romanian dancers allegedly coerced into prostitution. The two remaining cases involved labor trafficking. The government initiated the prosecution of four alleged offenders in the sex trafficking case; the other investigations remained ongoing. A court convicted one trafficking offender in a case pending from 2004, sentencing him to a term of ten years in prison and one additional year for a prior suspended sentence. Prosecution of a police officer charged in a directly related criminal case remained pending. Authorities also convicted a trafficking offender on non-trafficking charges related to producing child pornography and child prostitution, sentencing the offender to six years in prison. The government provided partial financial support for an anti-trafficking training session conducted in June

2011 for members of the police, the attorney general's office, the social services agency, and other stakeholders. In March 2012, the government funded training for 30 government and NGO representatives on victim identification and referral. The government did not conduct any training programs in the previous reporting period. In January 2012, the government reorganized the police vice squad to create a specialized unit on trafficking and appointed an experienced police inspector as its head. Maltese authorities collaborated with Russian and Polish authorities on sex-trafficking investigations.

Protection

The Government of Malta improved its victim protection efforts during the reporting period, identifying victims of trafficking, and providing care to two of them. The government did not have a formal referral mechanism with which to identify victims of trafficking and ensure their care. The lack of formal procedures to guide law enforcement responders in identifying victims of trafficking in vulnerable groups – such as children in prostitution, foreign workers, women in prostitution, and irregular migrants – continued to impair the government's ability to ensure that trafficking victims were recognized and treated in accordance with international law. Authorities sometimes filed criminal charges against children in prostitution without showing that they had attempted to identify any trafficking victims among them. The government publicly recognized the need to create victim identification guidelines and created a task force to do so. In 2011, the government identified three foreign female sex trafficking victims. The social services agency provided the victims with hotel accommodation and short-term psychological assistance during the brief period of time they were in Malta. The government funded the victims' return to their home country at their request but did not coordinate with NGOs to ensure that their return was safe. The government continued to assign responsibility for the care of trafficking victims and provide funding to Appogg, a government social services agency with some private participation. Under the terms of a memorandum of understanding, Appogg was empowered to provide shelter, psychological care, and other services to any identified victims of trafficking. Appogg cared for one potential trafficking victim in its 16-bed mixed-use shelter. The government also provided long-term medical care and rehabilitation to another trafficking victim evacuated from Libya. During the previous year, Appogg cared for no victims of trafficking. The government entered into a contract with an international organization for anti-trafficking protection work. The government did not establish any partnerships with international NGOs or organizations in relevant source countries to ensure the safe and voluntary return of foreign victims. There were no reports of any trafficking victims availing themselves of the government's 60-day "reflection period," during which authorities would provide them shelter and services while they reflected on their options as provided under Maltese law. Victims who assisted police in prosecuting trafficking cases are entitled in theory to residence permits, but the government did not issue any such permits to victims during the year. The government took action to inspect both risky workplaces and strip clubs to detect illegal work and potential trafficking cases.

Prevention

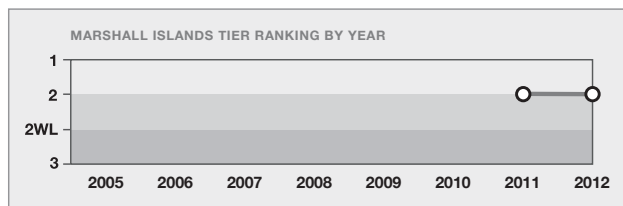
The government made progress in advancing anti-trafficking prevention efforts. In October 2011, it publicized its first anti-

trafficking national action plan. The action plan contemplates that the government train the judiciary, law enforcement, and social services on trafficking, create guidelines for victim identification, complete a study on victims' needs, and conduct awareness raising activities among vulnerable groups, including irregular migrants. The government allocated significant funds toward the action plan – the equivalent of approximately \$132,000 in 2011 and the equivalent of approximately \$198,000 in 2012. In no prior year has the government assigned a line-item budget for trafficking. The government enhanced transparency by issuing quarterly reports about its anti-trafficking activities. The government's anti-trafficking monitoring board brought together key actors from relevant agencies, such as the Office of the Prime Minister, the Ministry of Finance, the Ministry of Justice and Home Affairs, and the police commissioner. The government also began convening the stakeholder task force of working-level contacts responsible for anti-trafficking activities. The government also established relationships with certain civil society organizations to strengthen anti-trafficking efforts. NGOs were specifically included in the anti-trafficking action plan to identify trafficking victims and assist in their care. The government conducted no formal anti-trafficking awareness campaigns during the year, although government officials did discuss trafficking in persons openly and high-level officials took part in a top-rated television interview program on the subject of human trafficking in October 2011. The Appogg social services agency continued to run a social services hotline that could receive calls about human trafficking but did not receive any trafficking-related calls on the hotline during the reporting period. NGOs raised concerns that the hotline was not well-publicized as a mechanism through which individuals could report cases of trafficking. The government did not report taking any specific measures to reduce the participation of Maltese nationals in child sex tourism abroad.

MARSHALL ISLANDS (Tier 2)

The Republic of the Marshall Islands (RMI) is a destination country for women subjected to sex trafficking. Foreign women are reportedly forced into prostitution in bars frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women were recruited with the promise of legitimate work, and after having paid large sums of money in recruitment fees, forced into prostitution in the Marshall Islands. Little data on human trafficking in the Marshall Islands are available, as the government has not made efforts to identify victims proactively, especially among vulnerable populations such as foreign and local women in prostitution and foreign men on fishing vessels in Marshall Islands waters. The government has not conducted any inquiries, studies, or surveys on human trafficking.

The Government of the Marshall Islands does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government obtained two convictions in the country's first human trafficking cases, and it enacted legislation specifically prohibiting human trafficking. However, the government did not take steps to identify and protect victims of sex trafficking proactively or educate the public about human trafficking. The government devotes few resources to addressing human trafficking.



Recommendations for the Marshall Islands: Train law enforcement and judicial officials to implement new anti-trafficking laws; increase efforts to investigate, prosecute, and punish trafficking offenders and apply stringent sentences to convicted offenders; take steps to prosecute public officials when there is evidence they are complicit in trafficking activities or hindering ongoing trafficking prosecutions; work with NGOs and international organizations to provide protective services to victims; make efforts to study human trafficking in the country and identify victims among vulnerable populations, such as women in prostitution, and foreign workers, including foreign fishermen; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution; develop and conduct anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of the Marshall Islands increased its efforts to investigate and prosecute trafficking offenses during the reporting period. In September 2011, the government enacted its first legislation specifically prohibiting trafficking in persons, within a package of revisions to the country's criminal code. Article 251 of the revised code, which came into effect in October 2011, defines trafficking and prescribes penalties of up to 35 months' imprisonment and a \$5,000 fine for the trafficking of adults and up to 10 years' imprisonment and a \$10,000 fine for the trafficking of children. The penalties for the trafficking of children are sufficiently stringent, but the penalties for trafficking adults are not, and neither penalty is commensurate with those prescribed for other serious crimes, such as rape. A specific section of Article 251 criminalizes the exploitation of people not legally entitled to work, including through confiscating such workers' passports or travel documents, disclosing the circumstances of their employment to any person, or interfering with workers' access to privacy and freedom of movement. Article 251 also includes updated provisions against promoting prostitution, replacing the Prostitution Act, which was used to prosecute two cases during the year. During the year, authorities initiated one new sex trafficking prosecution and concluded one which remained pending at the close of the previous year; both cases, prosecuted under the country's now-repealed anti-prostitution law, involved Chinese traffickers who lured women to the RMI from China on the promise of legitimate employment and subsequently forced them into prostitution. The government obtained convictions in both cases – the first convictions for human trafficking offenses in the RMI – despite initial concerns that senior officials might attempt to interfere in the trials. The first convicted trafficker received an insufficient sentence of a one-year house arrest and a fine; she was permitted to leave the country to visit family after submitting a bond to the government and is currently serving her sentence in the RMI. The second offender was sentenced to five years' imprisonment, the maximum allowed under the law, and a fine, but four

years of the sentence were suspended; due to a lack of prison facilities for women, she is currently serving her sentence as house arrest. The government did not provide any training for law enforcement or other officials on the provisions of the new legislation or how to recognize, investigate, and prosecute instances of trafficking. The government did not investigate, prosecute, or convict any public officials for trafficking or trafficking-related offenses during the reporting period. The government also did not provide training to law enforcement or court personnel on identifying trafficking victims and prosecuting trafficking offenders.

Protection

The Government of the Marshall Islands made few efforts to ensure trafficking victims' access to protective services during the year. Law enforcement and social services personnel do not have systematic procedures to identify victims of trafficking proactively among high-risk populations with whom they come in contact; this could have resulted in some victims being punished for acts committed as a result of being trafficked. No specialized services were available to trafficking victims. Two foreign victims identified themselves to authorities with complaints of mistreatment. Both victims, in addition to two victims identified during the previous year, assisted authorities in the investigation and prosecution of their cases. The government does not have any mechanisms in place to ensure that trafficking victims receive access to legal, medical, or psychological services, and it did not make efforts to identify or reach out to international organizations or community groups to provide such assistance. The government did not provide financial assistance to repatriate victims to their home countries. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution.

Prevention

The government made negligible efforts to prevent trafficking during the year. It did not conduct any public campaigns or take other steps to raise public awareness about the dangers of trafficking. The government did not provide general human trafficking awareness training or guidelines to government employees, nor did it take steps to reduce the demand for commercial sex acts. The lack of explicit labor rights afforded to all workers in the Marshall Islands' labor code increases the vulnerability to forced labor. The RMI is not a party to the 2000 UN TIP Protocol.

MAURITANIA (Tier 2 Watch List)

Mauritania is a source, transit, and destination country for women, men, and children subjected to conditions of forced labor and sex trafficking. Adults and children from traditional slave castes are subjected to slavery-related practices rooted in ancestral master-slave relationships. Reliable data on the total number of slaves do not exist, but according to the estimate of a respected Mauritanian NGO, slavery may affect up to 20 percent of the population in both rural and urban settings. Held for generations by slave-holding families, persons subjected to slavery are forced to work without pay as cattle herders and domestic servants. Some boys from within Mauritania and other West African countries who study at

Koranic schools – referred to as *talibes* – are subsequently subjected to forced begging by corrupt religious teachers known as *marabouts*. Mauritanian girls as well as girls from Mali, Senegal, The Gambia, and other West African countries are forced into domestic servitude. Mauritanian women and girls are forced into prostitution in the country or transported to countries in the Middle East for the same purpose. Men from Middle Eastern countries use legally contracted “temporary marriages” as a means to sexually exploit young girls and women in Mauritania.

The Government of Mauritania does not fully comply with the minimum standards for the elimination of trafficking, but it is making efforts to do so. The government acknowledges that some forms of trafficking are a problem in the country and, during the year, its multi-stakeholder body met seven times to coordinate government and NGO activities related to child trafficking, child smuggling, and child labor. For the first time in its history, in November 2011, the government successfully prosecuted and punished a slave-master under its 2007 anti-slavery law. In partnership with local NGOs, the government rescued four child trafficking victims during the year. In early 2011, the parliament approved a constitutional provision criminalizing slavery and all forms of exploitation, equating them to crimes against humanity. In August, the government also enacted a new statute to strengthen the labor code governing the employment of domestic workers in private households. Despite these efforts, investigations and prosecutions remained minimal and protective services for victims were inadequate.



Recommendations for Mauritania: Increase efforts to investigate and prosecute trafficking offenses, addressing all types of trafficking of adults as well as children, and to convict and punish offenders using the 2003 Law Against Trafficking in Persons and the 2007 Anti-Slavery Law; ensure that efforts to hold parents criminally liable for their involvement in sending their children away from home are accompanied by efforts to prosecute and convict the traffickers who force children into servitude; train law enforcement personnel to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; consider amending Law 2007-048, which outlaws slavery, to allow civil society organizations to file complaints on behalf of slaves; provide support for and access to legal assistance for adult and child trafficking victims; increase efforts to coordinate with NGOs to arrange protective services for trafficking victims; with input from civil society representatives, develop a plan to provide economic resources – financial or property – to empower members of traditional slave castes to live independently; ensure that the Program to Eradicate the Effects of Slavery functions and provides financial compensation to previous slaves; and increase efforts to raise public awareness about trafficking, including traditional servitude.

Prosecution

The Government of Mauritania increased its anti-trafficking law enforcement efforts during the reporting period. All forms of trafficking, except hereditary slavery, are prohibited by the 2003 Law Against Trafficking in Persons, which prescribes penalties of five to 10 years' imprisonment for violations. These penalties are sufficiently stringent and exceed those prescribed for rape. Slavery, including hereditary slavery, is prohibited by Law 2007-048, which was enacted in September 2007. The law defines slavery and prescribes a sufficiently stringent penalty of five to 10 years' imprisonment for violations. The law's effectiveness remains impaired by its requirement that slaves file a legal complaint before prosecution can be pursued as well as by its barring of NGOs from filing complaints on behalf of slaves. Many slaves are illiterate and unable to complete the paperwork involved in filing a criminal or civil complaint. The government provided no support for programs to assist victims in filing complaints on slavery. In April 2011, the government prosecuted two alleged slave-masters for enslaving a child. Although the court acquitted the defendants, the case set a precedent, as it was the first time the 2007 anti-slavery law was specifically invoked. In November 2011, the government successfully prosecuted six individuals for enslaving two children and convicted a slave-master, his siblings, and the mother of enslaved 11- and 14-year-old boys for slavery offenses under the 2007 anti-slavery law. The slave-master received a sentence of two years' imprisonment, while his four siblings and the children's mother were given two two-year suspended sentences and fines ranging from the equivalent of \$1,724 to \$345, respectively, for their complicity. The judge ordered the slave-master to pay the victims the equivalent of \$3,725. In partnership with UNICEF, 213 law enforcement officials and NGOs participated in training that covered anti-trafficking. As a result of complaints filed by NGOs and parents, trafficking victims who had suffered violence and physical abuse were referred to the Special Police Brigade for Minors. NGOs reported that few of these cases resulted in prosecutions. Victims and their employers generally resolved grievances via informal agreements out of court. The government did not report any investigations or prosecutions of government officials for complicity in trafficking, although civil society representatives argue that judicial failure to pay due attention to slavery cases brought to their attention amounts to tacit complicity.

Protection

The Government of Mauritania demonstrated modest efforts to protect victims of human trafficking, including those exploited in traditional slavery. NGOs reported that the government removed four children from slavery in 2011 as well as 1,678 child domestic workers and childcare providers – some of whom may have been victims of trafficking – from exploitative households. Six former slave children were returned to their families and 182 of the 1,678 rescued child domestic workers were enrolled in school or training centers, with the remainder returned to their families. The Ministry of Social Affairs, Childhood, and the Family continued to operate two National Centers for the Protection and Social Integration of Children and, in September 2011, opened a third center in a major town in the interior. However, NGOs note that these centers are not fully functional due to insufficient funding, and it is not clear how many of the children they assisted were trafficking victims. During the reporting period, NGOs provided the majority of protection services to trafficking victims. The

government continued to take no steps to identify trafficking victims among vulnerable populations. Illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou pending their expulsion from the country, and women suspected of prostitution were often jailed. The government also did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and no victims filed civil suits against trafficking offenders.

Prevention

The Government of Mauritania made limited efforts to raise awareness of trafficking during the year. In January 2012, the Commissariat for Human Rights, Humanitarian Action, and Relations with Civil Society, a government agency responsible for coordinating Mauritania's international commitments with its domestic human rights policy, held a two-day workshop in cooperation with the UN to create a road map for Mauritania's anti-trafficking efforts. The government broadcast a televised debate on slavery in April 2011 with representatives from local NGOs, government officials, and the country's human rights ombudsman. In August 2011, Mauritania adopted a new labor statute to update and strengthen regulation of the employment of domestic workers by private households, including replacing provisions governing the treatment of household employees and reinforcing their rights *vis-a-vis* employers for proper treatment, pay, and work conditions. The TTTE (*Traite, Traffic, et Travail des Enfants*), the government's multi-stakeholder body addressing trafficking in persons, organized a workshop in January 2012 to present a draft law to representative government agencies on the worst forms of child labor and strengthening child protection. Through its child protection centers, the government provided care to children vulnerable to forced labor and helped reintegrate approximately 2,000 children back into public school. The government's the equivalent of \$3.4 million Program to Eradicate the Effects of Slavery (PESE) did not function during the reporting period after the former human rights commissioner was arrested in 2010 and the commissariat's financial director and the PESE coordinator were arrested on corruption charges in May 2011. The government made no effort to reduce the demand for forced labor or commercial sex acts.

MAURITIUS (Tier 1)

Mauritius is a source country for children and, to a much lesser extent, men and women subjected to sex trafficking primarily, but also to forced labor. Secondary school-age girls and, in fewer numbers, younger girls from all areas of the country, including from Rodrigues Island, are induced into prostitution, often by their peers, family members, or by businessmen offering other forms of employment. Girls are also sometimes sold into prostitution by a family member or forced into the sex trade in exchange for food and shelter. Taxi drivers provide transportation and introductions for both the girls and the clients. Girls and boys whose mothers engage in prostitution are reportedly vulnerable to being forced into prostitution at a young age. Some women addicted to drugs are forced into prostitution by their boyfriends, who act as their pimps. In recent years, small numbers of Mauritian adults have been identified as trafficking victims in the United Kingdom, Belgium, and Canada. Mauritius's manufacturing and construction sectors employ approximately 30,000 foreign

migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar. Although there have been no confirmed cases to date of workers subjected to conditions of forced labor within Mauritius, some migrant workers have reported passport confiscation, underpayment of wages, substandard living conditions, and threats of deportation. In 2011, Cambodian men were identified as victims of forced labor on a Thai-flagged fishing boat in Mauritius's territorial waters. Malagasy women reportedly transit Mauritius *en route* to employment as domestic workers in Lebanon, where some were subsequently subjected to conditions of forced labor.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its efforts to identify, investigate, and prosecute human trafficking offenses during the reporting period. In 2011, the government investigated 14 cases of child trafficking and convicted six trafficking offenders, an increase over the previous year. The government augmented its funding for victim services, identified and cared for seven victims of child prostitution, and rescued and repatriated 24 Cambodian forced labor victims. The Mauritius police force maintained its anti-trafficking training programs for police officers and continued its awareness campaigns in schools and villages. The government's efforts to communicate with and coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims. Although the government sought to address proactively the exploitation of children in prostitution, it made no similar effort to investigate or address the forced prostitution of women.



Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including in cases involving adult women exploited in forced prostitution; designate an official coordinating body or mechanism to facilitate improved anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; establish procedures to guide officials in the proactive identification of victims of trafficking among at-risk populations; provide increased funding and support to all branches of the Minors Brigade in the investigation of human trafficking cases; provide anti-trafficking training to personnel of the police prosecution office to improve the timeliness in deciding whether to prosecute trafficking cases; and ensure that all cases of children in prostitution identified by the Ministry of Gender Equality, Child Development, and Family Welfare's (MOGE) Child Development Unit (CDU) are referred to the police for investigation.

Prosecution

The Mauritian government augmented its anti-trafficking law enforcement efforts during the reporting period, investigating an increased number of child trafficking cases and achieving

six convictions, compared with none in 2010. The Combating of Trafficking in Persons Act of 2009 prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years' imprisonment for convicted offenders. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment; the Judicial Provisions Act of 2008 increased the maximum prescribed punishment for child trafficking offenses to 30 years' imprisonment. All of the aforementioned penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve; a lack of anti-trafficking training among officials in the police prosecution office often created backlogs when determining whether to prosecute a trafficking case. The MOGE reported the government's investigation of 14 cases of child trafficking in 2011. The Mauritian police reported its investigation of 12 child sex trafficking cases involving 15 suspects during the reporting period, including one case involving three suspects in early 2012, and its referral of 11 cases to the director of public prosecution for trial in 2011. The government secured six convictions in 2011 under Article 14-1 (Causing a child to be sexually abused) of the Child Protection Act and Articles 253 (Procuring prostitutes) and 90 (Brothel keeping) of the Criminal Code Amendment Act of 1998, with punishments ranging from small fines to 10 years' imprisonment with hard labor; one convicted trafficking offender received a suspended sentence pending the completion of 250 hours of community service. In July 2011, the government convicted one man and one woman under Article 14-1(c) of the Child Protection Act for causing a child to engage in prostitution, sentencing them to 10 years' imprisonment with hard labor. The Minors Brigade of the Mauritian police force maintained a database of all trafficking incidents involving minors. A local NGO provided training for 70 government officials on commercial sexual exploitation of children and the police training school provided training to 300 new police recruits on trafficking in persons. There was no evidence of government officials' involvement in human trafficking during the reporting period.

Protection

The government sustained protection of child trafficking victims during the reporting period and dedicated significant financial resources to expanding existing assistance options. The Minors Brigade systematically referred all cases of identified children in prostitution to the CDU for assistance. CDU officials regularly referred abused and exploited children to organizations running multi-purpose shelters for care. The government also encouraged the placement of trafficking victims in foster homes for long-term shelter. Victims received medical and psychological assistance regardless of whether they resided in a shelter, in foster care, or with relatives. In 2011, the MOGE provided the equivalent of \$89,965 to fund the operation of an NGO-run drop-in center for sexually abused children – a 246 percent increase over 2010 funding – that provided counseling to girls engaged in prostitution and advertised its services through a toll-free number and community outreach. The center counseled seven victims of child prostitution during the reporting period. In 2011, the MOGE broke ground on the construction of a residential center at Grande Riviere North West – at a cost equivalent to \$804,195 – to provide care for victims of child prostitution; it is expected to be operational by June 2012.

In July 2011, Mauritian maritime authorities intercepted a Thai-flagged fishing vessel and rescued 24 Cambodian males, including one child, who claimed to be working in conditions of forced labor. Although the government did not designate the 24 Cambodians as victims of human trafficking or offer them shelter, it facilitated IOM's interviewing of the victims and the Mauritius Immigration Office transported the victims to and provided them assistance at the airport when they were repatriated to Cambodia in the November 2011. Although the government continued to operate a 24-hour hotline for reporting cases of sexual abuse, it received no calls regarding cases of child prostitution or other forms of trafficking in 2011. The government continued to employ a formal protocol on the provision of assistance to all victims of sexual abuse; minors victimized in prostitution were accompanied to the hospital by a child welfare officer, and police worked in conjunction with this officer to obtain statements from the children. Medical treatment and psychological support were readily available at public clinics and NGO-run centers in Mauritius. The government encouraged victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that identified victims were not incarcerated inappropriately, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The government made notable efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. Communication and coordination among the relevant government ministries, however, was insufficient and hindered effective national partnerships. The police Family Protection Unit and the Minors Brigade continued their widespread public awareness campaigns on child abuse and child rights at schools and community centers that included information on the dangers and consequences of engaging in prostitution. The campaign targeted at-risk regions in the east and south coasts of the island and reached 38,979 persons in 2011, including parents, primary school children, high school students, and civil society members. Members of police units also discussed these topics on three radio programs. Law enforcement and child welfare officials conducted surveillance at bus stops, nightclubs, gaming houses, and other places frequented by children to identify and interact with students who were at a high risk of sex trafficking. In order to prevent potential child trafficking between mainland Mauritius and Rodrigues Island, the Passport and Immigration Office required children under the age of 18 to carry a travel document issued by their local police station when traveling between the two islands.

The Ministry of Tourism, Leisure, and External Communications sustained its distribution of pamphlets to hotels and tour operators regarding the responsibility of the tourism sector to combat child sex trafficking. Inspections conducted by the Ministry of Labor's 30 labor officers in 2011 yielded no cases of forced labor or exploitative child labor. The Ministry of Labor's Special Migrant Unit was responsible for vetting contracts, inspecting workplaces, investigating claims of poor working conditions, and following up on worker complaints; it did not provide specific information regarding corrective actions, such as the issuing of notices or fines, taken as a result of such inspections during the reporting period. The unit employed interpreters to facilitate communication between the ministry and foreign workers of every nationality employed in Mauritius. The Occupational

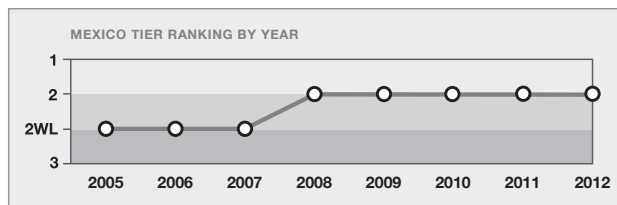
Safety and Health (Employees' Lodging Accommodation) Regulations of 2011 establish a minimum standard for lodging and other living conditions provided to migrant workers. In 2011, the government established a lodging accommodation committee to examine companies' applications for lodging permits, as well as a lodging accommodation unit – comprised of officials from the Ministries of Labor and Health and the Fire Services Department – to enforce the regulations. Corrective actions taken by these entities during the reporting period, if any, are unknown. Several Mauritian statutes, including the anti-trafficking act, the Child Protection Act, and the Employment Rights Act of 2008 make provision for criminal punishment for local recruitment agencies who engage in recruitment of workers using fraudulent or deceptive offers; the government did not investigate or shut down any local or foreign recruitment agencies suspected of fraudulent operations in 2011.

MEXICO (Tier 2)

Mexico is a large source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, and undocumented migrants. Mexican women and children are exploited in sex trafficking within Mexico and the United States, lured by fraudulent employment opportunities or deceptive offers of romantic relationships. Mexican men, women, and children also are subjected to conditions of forced labor in agriculture, domestic service, construction, and street begging, in both the United States and Mexico. The vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central and South America, particularly Guatemala, Honduras, and El Salvador. However, trafficking victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some *en route* to the United States. There were continued reports from civil society organizations that organized criminal groups coerced children and migrants into prostitution and to work as hit men, lookouts, and drug mules. Central American men, women, and children, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture, domestic servitude, street vending, and forced begging. Child sex tourism persisted in Mexico, especially in tourist areas such as Acapulco, Puerto Vallarta, and Cancun, and in northern border cities like Tijuana and Ciudad Juarez. Many child sex tourists are from the United States, Canada, and Western Europe, though some are Mexican citizens. In some parts of the country, threats of violence from criminal organizations impede the ability of the government and civil society to combat trafficking effectively.

The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Mexican authorities passed constitutional reforms on trafficking, strengthened training and awareness efforts, and significantly increased trafficking convictions at both the federal and state level, convicting at least 14 trafficking offenders. Given the magnitude of Mexico's trafficking problem, however, the number of human trafficking investigations, prosecutions, convictions, and sentences remained low, and government funding for victim services remained inadequate. Victim identification and interagency coordination

remained uneven. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some government officials tolerate and are sometimes complicit in trafficking, undermining anti-trafficking efforts.



Recommendations for Mexico: Continue to investigate and prosecute trafficking offenses and convict and punish trafficking offenders at both the federal and state level, including for forced labor crimes; increase efforts to hold public officials who are complicit in trafficking accountable through prosecution and conviction; increase funding for specialized victim services and shelters and ensure that victims of all forms of trafficking receive adequate protection; continue to implement the National Program to Prevent and Combat Trafficking in Persons and consider increasing dedicated funding for the program; consider amending the current law to strengthen the legal framework; increase collaboration with NGOs to provide victim care; enhance formal procedures to identify trafficking victims among vulnerable populations, such as people in prostitution and undocumented migrants; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and specialized units to more effectively respond to human trafficking cases through increased funding and staff dedicated to state-level efforts; improve data collection efforts; ensure effective protection for witnesses and victims testifying against traffickers; and increase training on human trafficking and victim identification and treatment for law enforcement officers, immigration officials, labor inspectors, prosecutors, judges, social workers, and other government employees.

Prosecution

The Government of Mexico sustained its anti-trafficking law enforcement efforts during the reporting period; convictions of sex trafficking offenders increased, though the number of convictions remained low in comparison with the number of cases investigated. There were no reported convictions for forced labor. Mexico's 2007 federal anti-trafficking law prohibits all forms of human trafficking, prescribing penalties of six to 18 years' imprisonment. The law includes a clause that can render consent of victims over the age of 18 relevant, even if threats, abduction or fraud were used, making the prosecution of traffickers more difficult when the victim may have originally consented to an activity. In April 2011, the government enacted reforms raising trafficking to the level of a serious crime, allowing for preventive detention of suspected traffickers, as well as establishing enhanced victim identity protections.

In Mexico's federal system, state governments investigate and prosecute trafficking cases that occur wholly within the country, except in cases that involve organized crime, transnational trafficking, government officials, and cases occurring on federally-administered territory. All 32 Mexican

states have passed some anti-trafficking penal code reforms, though these reforms varied in content and effectiveness, and not all of the reforms outlawed all forms of trafficking. Eighteen states have specific state trafficking laws, and three have achieved convictions under these laws. Inconsistencies among state penal codes and laws on human trafficking caused confusion among law enforcement and problems among inter-state prosecutions.

The federal police maintained a small unit to investigate human trafficking and smuggling crimes, and some states also had law enforcement units that investigated trafficking crimes, specifically sex trafficking. The Attorney General's Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) handles federal trafficking cases involving three or fewer suspects, while the Attorney General's Office of the Special Prosecutor for Organized Crime (SIEDO) investigates cases with more than three suspects. Law enforcement coordination between different government entities and data collection on human trafficking efforts were weak. Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors had jurisdiction, to the detriment of both the criminal case and the victim. Resources and staff for these dedicated units remained limited. Mexican authorities at the federal and state levels convicted a total of 14 sex traffickers during the year. There were no reported convictions for forced labor. In 2011 FEVIMTRA investigated 67 trafficking cases: it did not report how many prosecutions were initiated, and did not convict or sentence any traffickers. In 2011, SIEDO achieved its first convictions for trafficking; four sex trafficking offenders received sentences ranging from 14.5 to 16.5 years' imprisonment, while other traffickers involved in the crime were convicted in the United States. The Mexico City Attorney General's Office convicted four trafficking offenders, whose sentences ranged from six to 12 years' imprisonment. Several states also prosecuted human trafficking cases; authorities in Puebla reported three convictions, while Chiapas reported two and Yucatan reported one, with sentences ranging between 10 and 14 years' imprisonment. This represents an increase from the previous year, when FEVIMTRA convicted one trafficker and Mexico City prosecutors achieved four convictions.

NGOs, members of the government, and other observers continued to report that trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, was a significant concern. Some officials reportedly accepted or extorted bribes, including in the form of sexual services, falsified victims' identity documents, discouraged trafficking victims from reporting their crimes, solicited sex from trafficking victims, or failed to report child prostitution and other human trafficking activity in commercial sex locations. Puebla prosecutors reported investigating four officials for suspected trafficking crimes, but there were no reported prosecutions or convictions of public officials for trafficking complicity in 2011.

NGOs noted that some public officials in Mexico did not adequately distinguish between alien smuggling, prostitution, and human trafficking offenses and that many officials are not familiar with trafficking laws. They also reported that some officials threatened to prosecute trafficking victims as accomplices in order to force them to denounce their traffickers. Some federal government agencies provided their own employees with anti-trafficking training and cross-trained officials in other agencies, often in partnership with

NGOs, international organizations, and foreign governments, and FEVIMTRA reported training hundreds of officials on trafficking in 2011. The Mexican federal government continued to partner with the U.S. government on cross-border trafficking investigations.

Protection

The Mexican government carried out limited efforts to identify and assist trafficking victims in 2011, with the majority of services available only to female sex trafficking victims. The government continued to work in cooperation with NGOs, international organizations, and foreign governments to provide victim care, relying on these partners to operate or fund the bulk of specialized assistance and services for trafficking victims. Mexican immigration agents continued to implement a system for identifying potential trafficking victims and referring these victims to care providers, such as NGOs. Some NGOs, however, were critical of the government's ability to identify accurately trafficking victims, and most states lacked formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers and people in prostitution. There were no comprehensive statistics available on the number of trafficking victims identified during the year; FEVIMTRA reported identifying 89 victims in 2011, while the National Institute for Migration (INM) reported identifying 29, and authorities in Baja, California and Mexico City identified 13 and 29 victims respectively. This represents a decrease from 2010, when authorities reported identifying at least 259 victims. INM and the National Human Rights Commission (CNDH) both had referral mechanisms for trafficking victims, though officials' ability to refer Mexican victims to care services varied in different parts of the country.

In September 2011, the president established a new agency, Proactiva, to assist victims of all crimes, and shifted funding and facilities from other government agencies, including FEVIMTRA, to support it. Proactiva provides medical and psychological support, as well as information and assistance during legal processes, through 14 help centers across the country, but does not provide shelter. Some interlocutors noted that the lack of clarity regarding the division of responsibilities between FEVIMTRA and Proactiva, as well as the lack of organizational structure within the new agency, could negatively impact the quality of services provided to trafficking victims. The lack of Proactiva centers in high-crime areas such as cities along the northern border hindered provision of services.

FEVIMTRA continued to operate a high-security shelter in Mexico City dedicated to female victims of sex trafficking and other violence including kidnapping, as well as women whose family members had disappeared or been murdered. Victims were not allowed to leave the shelter unaccompanied; according to the government, this was due to safety concerns. Some NGOs reported that the shelter housed victims for up to three months. This shelter coordinated medical, psychological, and legal services for 97 individuals during the year: it is unclear how many of these were trafficking victims. Mexico's social welfare agency maintained general shelters for children under the age of 13 who are victims of violence, though statistics were not maintained on how many trafficking victims were housed in these shelters during the reporting period. The government continued to support a national network of shelters and emergency attention centers for female victims of violence, but few of these shelters offered specialized care

for trafficking victims. Some victims received services at shelters that were operated and funded by NGOs, international organizations, and religious groups, and officials referred some victims to these shelters during the reporting period. According to NGOs, however, victim services in some regions of the country remained inadequate in light of the significant number of trafficking victims. Furthermore, some shelters for migrants and domestic abuse victims were reportedly reluctant to house trafficking victims due to fear of retribution from organized crime. Authorities arrested and opened an ongoing investigation of the director of a domestic violence shelter in Ciudad Juarez in October 2011 that had received some state funding. Authorities charged the director with human trafficking, illegal detention, and sexual abuse of women and girls reportedly held against their will in the shelter. The government did not provide adequate shelter services for male victims. Mexican consulates in the United States identified and assisted an unknown number of victims during the year, and authorities provided limited services to some repatriated Mexican trafficking victims.

Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or seek legal remedies due to their fears of retribution from trafficking offenders or lack of trust in authorities. Some civil society groups reported that local authorities threatened to arrest victims as accomplices if they refused to testify against their traffickers. Traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim or witness testimony. Trafficking victims and witnesses continued to have little incentive to participate in the legal process, based on the limited numbers of trafficking convictions and sentences and on the fact that no trafficking victim was awarded compensation for damages. Furthermore, many victims feared for their safety, since the witness protection program in Mexico remained nascent and did not provide sufficient protection. Foreign trafficking victims could receive refugee status, and an INM directive required immigration officials to offer foreign victims the option to stay in the country, independent of any decision to testify against their traffickers. However, NGOs and international organizations reported these legal alternatives to deportation were often not provided in practice; they noted that some officials handed identified victims over to INM for deportation due to their lack of legal status or that victims were not identified as such and housed in INM detention centers and subsequently deported. Many foreign trafficking victims opted to return to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported that 11 victims that they identified in 2011 received legal residency in Mexico, while 13 were repatriated and five cases were ongoing. However, it was unclear how many of the 98 foreign victims identified by INM and FEVIMTRA in 2010 – whose application for residency remained pending in early 2011 – were allowed to remain in the country.

Prevention

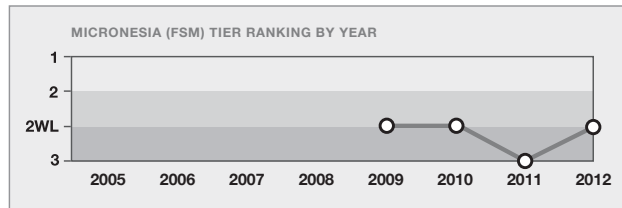
Federal and state governments sustained trafficking prevention efforts last year. An inter-agency commission on trafficking coordinated federal government efforts. The commission was responsible for implementing the National Program to Prevent and Combat Trafficking; the government reduced the budget for the National Program to Prevent and Combat Trafficking to the equivalent of \$313,000 from the equivalent of \$4.2 million

for budgetary reasons. NGOs and international organizations criticized authorities for the reduction and lamented the lack of information on the program's implementation. The government engaged in a variety of awareness-raising activities using radio and television commercials, as well as other multimedia efforts. Some states established or maintained state-level anti-trafficking committees. CNDH also maintained regional partnerships with NGO and government actors in 13 states, and reported training over 20,000 individuals on trafficking in 2011, including officials, tourism operators, and transportation companies. Authorities raised awareness of child sex tourism and reported investigating some cases; however, the government reported no prosecutions or convictions of child sex tourists, and some NGOs alleged that some corrupt local officials allowed commercial sexual exploitation of children to occur. There were no reported efforts to reduce the demand for forced labor or to punish labor recruiters or brokers complicit in human trafficking.

MICRONESIA, FEDERATED STATES OF (Tier 2 Watch List)

The Federated States of Micronesia (FSM) is a source and, to a limited extent, a destination country for women subjected to sex trafficking. Some reports suggest FSM women are recruited with promises of well-paying jobs in the United States and its territories and are subsequently forced into prostitution or labor upon arrival. The most vulnerable groups of persons at risk for sex trafficking in FSM include foreign migrant workers and FSM women and girls. Pohnpei State Police have reported the prostitution of FSM and foreign women and children to crew members on fishing vessels in FSM, or in its territorial waters. Some Micronesians allegedly transport women and girls to the fishing vessels and are involved in their prostitution in restaurants and clubs frequented by fishermen. Other vulnerable groups include FSM nationals who travel to the United States. In addition, the Transnational Crime Unit (TCU) has received and investigated labor trafficking complaints from foreign nationals on fishing boats for lack of payment and inhuman treatment. Data on the prevalence of human trafficking in the FSM is not available, as the government does not collect and maintain crime data, nor has it conducted any studies or surveys on human trafficking.

The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment of these significant efforts is based in part on the government's commitment of future actions, FSM is placed on Tier 2 Watch List. During the current reporting year, the FSM acceded to the 2000 UN TIP Protocol, and the FSM congress passed new legislation that revised the country's criminal code to include anti-trafficking provisions. However, the Government of the FSM did not prosecute any trafficking cases, made no efforts to identify or assist victims of trafficking, and failed to make substantive efforts to prevent trafficking or increase the general public's awareness of trafficking in 2011.



Recommendations for the Federated States of Micronesia: Publicly recognize and condemn all acts of trafficking; make robust efforts to criminally investigate, prosecute, and punish all trafficking offenders; develop and implement procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign workers in the FSM, fishermen on fishing vessels, women and girls in prostitution, and FSM nationals migrating to the United States for work; establish measures to ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a direct result of being trafficked; train officials on human trafficking and how to identify and assist trafficking victims; support and facilitate comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and clients of the sex trade; make efforts to notify foreign workers of their rights, protections, and ways they can report abuse; establish a registration system for overseas employment recruiters as agreed to in the Compact of Free Association as Amended (2004); initiate monitoring mechanisms for recruitment agencies both domestically and abroad; investigate and prosecute recruiters who may be engaged in fraudulent recruitment acts that lead to trafficking in persons; and develop a national plan of action for anti-trafficking matters.

Prosecution

The Government of the Federated States of Micronesia demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. During the reporting period, the FSM congress drafted and passed anti-trafficking legislation that prohibits all forms of trafficking in persons, and acceded to the 2000 UN TIP Protocol. The newly enacted legislation prescribes penalties of 15 to 30 years' imprisonment and fines not exceeding \$50,000, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. While there were limited investigations of entertainment sites suspected of involvement in sex trafficking, authorities did not report any prosecutions, or convictions for trafficking crimes. The government did not cooperate with any international organizations or NGOs to offer anti-trafficking training and support to government officials during the reporting period. During the year, there were no investigations, prosecutions, convictions, or sentences of government employees complicit in human trafficking.

Protection

The FSM government's efforts to identify and protect trafficking victims during the reporting period remained inadequate. FSM has never identified a trafficking victim within the country and does not have a proactive system in place to identify victims of trafficking systematically among vulnerable groups, such as foreign workers and women and children in prostitution. In addition, the FSM government made no efforts to identify,

protect, or refer trafficking victims to services during the reporting period; no NGOs provided services to any trafficking victims. The government reported that any identified victims would have access to the very limited social services and legal assistance provided to victims of any crime. Although victims have the legal right to bring personal injury civil suits against traffickers, because no victims have ever been identified, no suits have ever been filed. FSM officials did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

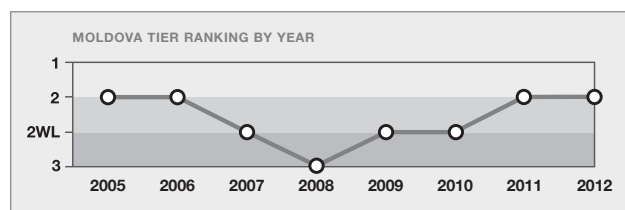
Prevention

The FSM government did not substantially expand efforts to prevent trafficking or increase the general public's awareness of trafficking during the reporting year. Two members of the FSM congress made several outreach presentations over the course of 10 days within Yap, Chuuk, and various outer islands in order to promulgate awareness of trafficking and immigration issues. However, the government did not conduct or support any other informational or educational campaigns solely about human trafficking and the prevention thereof. Also, FSM officials did not develop or implement any monitoring or enforcement measures to govern the activities of labor recruiters and brokers. Government entities did not develop or disseminate campaigns aimed at reducing the demand for commercial sex acts and child prostitution, nor were specific populations targeted. The FSM government did not draft a national action plan against trafficking in persons and sufficient resources were not designated to this regard.

MOLDOVA (Tier 2)

Moldova is a source and, to a lesser extent, a transit and destination country for women and girls subjected to sex trafficking, and for men, women, and children subjected to conditions of forced labor. Moldovan women are subjected to forced prostitution in Turkey, Russia, Cyprus, the United Arab Emirates (UAE), Bulgaria, Kosovo, Israel, Indonesia, Malaysia, Lebanon, Italy, Greece, Ukraine, the Czech Republic, Romania, Poland, Slovenia, Spain, Tajikistan, and Ukraine. Men, women, and children are subjected to conditions of forced labor in Russia, Ukraine, Turkey, UAE, Israel, Greece, and the United States in the construction, agriculture, and service sectors. Men, women, and children are also subjected to conditions of forced labor and sexual exploitation in Slovenia, Spain, the Netherlands, and Ukraine. Children from Moldova are subjected to conditions of forced begging in some neighboring countries. Victims of forced prostitution found in Chisinau include Ukrainian women and Moldovan girls and women from rural areas. Moldovan men and women are subjected to forced labor in Moldova. Moldovan victims of trafficking have been subjected to re-trafficking after their return to Moldova from foreign countries. Victims from Moldova are often recruited by individuals they trust. In the past several years, there have been reported incidents of men from the United States, the United Kingdom, Germany, Italy, Greece, Norway, and possibly Turkey traveling to Moldova for the purpose of child sex tourism. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for victims of both forced labor and forced prostitution.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has made progress over the past year in addressing the protection of victims and the prevention of trafficking. Specifically, it increased the participation of NGOs in law enforcement investigations and made special provisions to protect child trafficking victims. The government also increased funding to its primary shelter and offered services to victims with physical and mental disabilities. The government expanded its national referral system (NRS), a program lauded by NGOs and viewed as a model for other countries in the region. In addition, the government raised awareness through high-level attention to the issue and numerous public campaigns. Law enforcement started to investigate and prosecute forced labor crimes. However, the government did not show sufficient progress in addressing widespread complicity in trafficking by law enforcement and other public officials. Reports of widespread corruption in the police and judicial system persisted and no officials were convicted for trafficking-related offenses. Furthermore, despite increased prosecutions in comparison to the previous year, the number of convictions declined and the proportion of convicted offenders receiving prison sentences declined as well. The government provided inadequate witness protections for some victims waiting to testify in court.



Recommendations for Moldova: Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal prosecution and conviction of any guilty officials; ensure that convicted trafficking offenders serve time in prison; increase investigation, prosecution, and conviction of labor trafficking offenses; train investigators, prosecutors, and judges in applying human trafficking laws to forced labor cases; increase the number of prosecutors assigned to the anti-trafficking section of the Prosecutor General's Office; further improve child trafficking victim protection by continuing to encourage law enforcement officials, in both urban and rural areas, to consult with NGO experts during the victim interview process; increase the safety of victims prior to testifying by increasing security at shelters, decreasing delays in court hearings, increasing prosecutions of witness tampering, and relocating witnesses when warranted; improve victims' awareness of and ability to obtain restitution from trafficking offenders; clarify the rules and procedure for the provision of residence permits to trafficking victims; reinstitute inspections of regional national referral commissions and revitalize inactive ones; continue to improve cooperation between local anti-trafficking civil society groups and local law enforcement; continue efforts to provide anti-trafficking training to law enforcement and other government officials, including members of the judiciary; and use measures to reduce the demand for commercial sex, such as conducting awareness activities that target potential consumers of prostitution.

Prosecution

The Government of Moldova demonstrated inadequate anti-trafficking law enforcement efforts during the reporting period. Of particular concern, it demonstrated inadequate efforts to prosecute, convict, or criminally punish government employees complicit in human trafficking. The government prohibits all forms of trafficking through articles 165 and 206 of its criminal code, which prescribe penalties of five to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. An NGO reported that Moldovan prosecutors frequently reclassified cases of labor trafficking from articles 165 and 206 to article 168, which also criminalizes forced labor. Article 168, however, prescribes lighter penalties of a maximum of only three years' imprisonment and the possibility of probation or dismissal of the case if the parties achieve reconciliation. Regional investigators, also lacking familiarity with trafficking laws, frequently applied the more lenient forced labor law to labor trafficking cases. The government reported 135 trafficking investigations in 2011, down from 161 reported in 2010. Authorities reported prosecuting 79 suspected trafficking offenders in 2011, an increase from 66 suspected offenders in 2010. However, the government convicted only 22 trafficking offenders in 2011, reflecting a significant decrease from the 47 trafficking offenders convicted in 2010. The government reported that approximately one-quarter of its prosecutions in late 2011 and early 2012 were labor trafficking cases, a notable increase from 2010 when the government had no labor trafficking prosecutions or convictions. Moreover, the government convicted one individual for forced labor in July 2011, although the court suspended the convicted offender's sentence. In 2011, the Moldovan government indicted five suspects involved in a child sex tourism ring uncovered in 2010.

Despite promises to establish a national trafficking statistics database, the government has made little progress in doing so. While Moldovan law provides explicit sentencing guidelines for traffickers, which are consistent with international standards, the judiciary often applies sentences that do not correspond with the severity of the crime, and traffickers have regularly escaped with fines or suspended prison terms. In 2011, 10 out of 22 convicted offenders were prescribed prison sentences, which ranged from four years and eight months to 11 years' imprisonment. The remaining 12 convicted offenders received suspended sentences or paid a fine and did not serve time in prison. Multiple individuals convicted of trafficking in previous years were acquitted on appeal in 2011, at times without the court issuing a written opinion explaining its decision. The government continued to assign five prosecutors to focus solely on investigating and prosecuting trafficking cases. The government provided anti-trafficking training in the police academy curriculum that is mandatory for police officers and investigators; it also held two anti-trafficking trainings for more than 50 judges and prosecutors. During 2011, law enforcement officials worked with counterparts in Greece, Spain, Russia, Poland, Romania, and Ukraine to investigate transnational cases of human trafficking.

Government complicity in human trafficking remained a significant concern and no government officials were convicted for trafficking-related complicity in 2011. The government is currently prosecuting two high-level government officials for trafficking-related complicity, an increase from last year when there were no prosecutions against public officials.

However, the Government of Moldova has provided very limited information on other cases against public officials moving from investigation to trial. Some anti-trafficking experts noted concerns of complicity in human trafficking cases within the judicial branch. For example, NGOs have reported judges giving reduced sentences in exchange for monetary bribes, as well as judges supporting certain political parties in exchange for political protection. Due to low resources for victim protection and endemic delays in court hearings, victims often receive threats or bribes to change their stories. The OSCE also reported that trafficking offenders had threatened some victims' lawyers.

Protection

Moldova made modest progress in improving its efforts to ensure that victims of trafficking received access to protections during the reporting period. The government and IOM, which worked together in implementing the NRS, identified 98 victims in 2011, compared to 139 in 2010. This represents a three-fold reduction in the number of victims identified by IOM and the government since 2006. The NRS expanded to four more regions in 2011 and now covers all 32 regions in the country. Each region has a multidisciplinary team composed of representatives from the police, NGOs, and care providers that is tasked with identifying and assisting trafficking victims and persons vulnerable to trafficking. In 2011, the government allocated the equivalent of \$67,000 to a primary shelter operated jointly by the government and IOM for repatriated and internal adult and child victims of trafficking, compared with the equivalent of \$48,000 in 2010. The shelter provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 67 trafficking victims in 2011. Victims are not detained in the shelter; they are permitted to freely enter and leave. The national government provided the equivalent of an additional \$154,947 to four regional rehabilitation centers that provided trafficking victims with long-term assistance. The government provided cash benefits to 65 victims in 2011, up from 63 in 2010. Increasingly, local governments also provided assistance to trafficking victims and people vulnerable to trafficking through limited funding, specialized personnel, and rent-free facilities and utilities given to NGOs and shelters. For instance, the city of Balti allocated the equivalent of over \$45,155 to a crisis center that provides care to a variety of people in need, including victims of trafficking. The Department for Victim and Witness Protection reported that it accommodated three trafficking victims in its program.

The government encouraged all victims to assist law enforcement with trafficking investigations and prosecutions, and did not make assistance contingent upon their cooperation; however, a draft amendment to the Law on Foreigners would require foreign victims in Moldova to participate in the criminal case as a precondition to receiving a residence permit. Although general mistrust of the police remained high, 131 victims cooperated with law enforcement in 2011, compared with 169 victims in 2010. Moldovan law enforcement demonstrated efforts to protect and assist child victims of trafficking by more consistently involving NGO service providers early in the investigative process and adopting victim-centered interview techniques. For example, a NGO said that its "children's room" was used by Moldovan police to interview 24 child trafficking victims in the presence of an NGO psychologist. According to IOM, 11 trafficking victims with physical and mental disabilities were assisted in 2011, and the government

provided to care facilities with all of the necessary equipment for victims with special needs. The government also provided training for border guards to identify potential victims, though border guards reportedly identified 29 potential victims of trafficking in 2011, down from 83 victims in 2010.

Prevention

The government increased its efforts to prevent human trafficking during the reporting period. The majority of outreach and trafficking awareness efforts by the government were conducted in close coordination with NGOs at the national and regional levels. The government also raised public awareness of trafficking through visible high-level attention and media interaction on the issue. NRS commissions set up at the regional level usually met on a regular basis to deal with trafficking issues, including organizing public awareness events. The OSCE praised this system's structure for its role in preventing trafficking and assisting identified victims. The Ministry of Labor, Social Protection, and Family trained 185 members of these regional commissions in 2011; however, after inspecting 16 regions in 2010, the ministry conducted no inspections in 2011. Moldovan government officials shared best practices with a number of regional neighbors through bilateral meetings, conferences, and trainings. In 2011, the Center for Combating Trafficking in Persons organized 30 workshops in high schools, vocational schools, and universities to raise awareness about trafficking. The Ministry of Education facilitated an anti-trafficking conference attended by 300 students, a roundtable on prevention for 70 vocational schools, and three different classes on trafficking, collectively attended by 750 students. Local governments advertised the existence of victim hotlines. The government's national action plan concluded in 2011, but the National Committee for Combating Trafficking in Persons is currently analyzing its results and developing a new plan that will launch in spring 2012. The government did not undertake steps to reduce the demand for commercial sex acts. In March 2012, the government announced it would implement a code of conduct for businesses in its tourist industry, compelling them to notify travelers of Moldova's laws against the sexual exploitation of children.

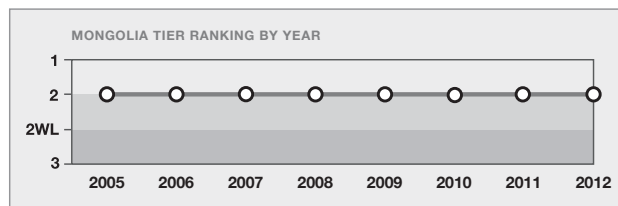
MONGOLIA (Tier 2)

Mongolia is a source, transit, and destination country for men, women, and children who are subjected to sex trafficking and forced labor. Mongolian men, women, and children are found in forced labor and forced prostitution in China, Malaysia, and Singapore. Mongolian women and girls are found in forced prostitution in Macau, Hong Kong, and South Korea. China was the primary source of repatriated Mongolian victims. Mongolian men and women are found in conditions of forced labor in Turkey, Kazakhstan, the Czech Republic, and Poland. Mongolia is used as a transit point *en route* to other destinations in Northeast Asia for forced prostitution and forced labor originating in China and Russia. There were reports of a significant increase in the number of forced labor and forced prostitution cases involving Mongolian labor migrants in Turkey. Singapore has become a destination for Mongolian sex trafficking victims as well as a base of operations for recruiters of illegal Filipino domestic labor to Mongolia. Mongolian women continue to be subjected to involuntary servitude upon engaging in brokered marriages, often to South Korean

men. Women and girls are subjected to forced prostitution in massage parlors, and girls remained vulnerable to forced prostitution in hotels, bars, karaoke clubs, and at mining sites in Mongolia. Young girls are sent to foreign countries to serve as contortionists in circuses, where they may become victims of forced labor. Some Mongolian children are forced to beg or labor in the informal construction, mining, and industrial sectors. There is continued evidence of Chinese laborers in the mining and construction industries being expelled from Mongolia for visa violations without being compensated for their work. Approximately 2,000 North Koreans are employed in Mongolia as contract laborers, more than quadruple the number reported the previous year. This increase occurred despite well-documented concerns that North Korean workers overseas are not free to leave their employment and receive only a fraction of the money paid to the North Korean government for their work.

Mongolian authorities reported that human trafficking cases were more prevalent during the reporting period and recruitment for forced prostitution has become more sophisticated to avoid detection by police. Whereas in the past trafficking perpetrators would place fraudulent ads in newspapers or on television, traffickers are increasingly using social networking sites and online advertisements. Anecdotal reports continue to indicate that South Korean and Japanese tourists engage in child sex tourism in Mongolia.

The Government of Mongolia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2012, the government passed the Law on Combating Human Trafficking, which provides provisions for coordination among agencies on human trafficking and clearly prohibits all forms of trafficking in persons under a single, comprehensive law. To date, the government has not recognized forced labor as a problem and no forced labor cases have ever been prosecuted, despite the fact that Mongolia repatriated forced labor victims in 2010 and 2011. The Criminal Police Department and the State Investigation Department stated that, even when forced labor cases were reported, they were not referred for further criminal investigation. In October 2011, the government passed the National Program for the Elimination of the Worst Forms of Child Labor. However, the government did not dedicate funding towards enacting the initiatives listed in the program, as it hopes to contract with NGOs for specific services and pool funding across agencies to achieve program goals. Funding remained a serious constraint to implementing both the trafficking prevention council and the National Program for the Elimination of the Worst Forms of Child Labor. The entire government budget for crime victim protection services was the equivalent of \$16,000 in 2011. Government corruption remained endemic, and turnover among prosecutors, judges, and law enforcement officers resulted in a new cadre of officials that have little to no experience or training in combating human trafficking. The government conducted a number of training programs for police officers on human trafficking issues and investigations.



Recommendations for Mongolia: Establish formal procedures to guide government officials in victim identification and referral of victims to protective services; cease increases in the employment of North Korean laborers; train law enforcement officials, judges, and members of the government on trafficking and how to effectively implement the new 2012 law; allocate government funds or seek international funding to support activities of the Trafficking Prevention Council and the National Program for the Elimination of Child Labor; cease prosecuting trafficking victims for crimes committed as a result of being trafficked; undertake victim identification efforts among vulnerable populations, such as foreign migrants and children; and commence serious efforts to investigate and prosecute labor trafficking cases, including those involving foreign workers.

Prosecution

The Government of Mongolia made significant anti-trafficking law enforcement efforts during the reporting period. In January 2012, the Mongolian government passed the Law on Combating Human Trafficking, a comprehensive anti-trafficking law that more rigorously defines trafficking to include forced prostitution and prostitution of minors and mandates coordination among agencies involved in anti-trafficking efforts. Mongolia prohibits all forms of human trafficking through Article 113 of its criminal code, which, with the passage of the 2012 Law on Combating Human Trafficking, now clearly covers forced prostitution and prostitution of minors in addition to all other forms of trafficking. Article 115 of the criminal code previously covered prostitution of minors; these provisions were incorporated into Article 113 to aid law enforcement authorities in investigating and prosecuting trafficking-related crimes through a single, comprehensive anti-trafficking law. The law prescribes penalties that are sufficiently stringent – with up to 15 years’ imprisonment – and commensurate with penalties prescribed for other serious offenses, such as rape. During the reporting period, the government investigated 15 forced prostitution cases and obtained nine convictions. The government tried and convicted one case of forced prostitution of a minor. The government conducted no forced labor investigations and obtained no forced labor convictions. However, 2011 saw the first conviction of a trafficker of young female contortionists for circus performances. Article 113 was not used to convict the perpetrator, who was sentenced to 5.5 years’ imprisonment under a torture and grievous bodily harm statute. Although the case was not prosecuted under forced labor statutes, anti-trafficking organizations in the country viewed the case as a positive development. Previously, traffickers of young contortionists had not been prosecuted in Mongolia. Corruption among law enforcement personnel remains a significant problem in the country and a barrier to anti-trafficking progress. The government did not investigate or take disciplinary actions against law enforcement officers involved in trafficking-related corruption. Despite having an extremely

limited budget, the Criminal Police Department's Organized Crime Division held several training programs on trafficking investigations for local police forces. The Ulaanbaatar City mayor's office also provided the equivalent of approximately \$1,600 to train 30 prosecutors on China-Mongolia trafficking issues in September 2011.

Protection

The Government of Mongolia made progress in its efforts to protect victims of trafficking during the year. The government did not employ systematic procedures for the proactive identification of trafficking victims, although authorities identified 52 victims of forced prostitution during the reporting period, and an additional 21 victims were repatriated from other countries. Authorities did not formally identify any victims of forced labor. In one case, the Mongolian Embassy in China repatriated a mentally disabled minor to Mongolia, as authorities believed he had been sent to China for organ harvesting. Because the Mongolian government had no funding for the repatriation of victims, its embassy in Beijing paid repatriation expenses out of its own budget. Donor-funded NGOs provided many protective services for trafficking victims, both male and female, and the Ministry for Social Welfare and Labor funded a shelter dedicated to assisting female trafficking victims. During the reporting period, the shelter assisted 37 trafficking victims. The government funded several other shelters aimed primarily at assisting domestic violence victims; an unknown number of trafficking victims utilized those shelters during the reporting period. In January 2011, a government resolution decreed that the state budget would be used to assist and compensate Mongolian victims of trafficking abroad. However, the government has not assisted any victims using this provision to date, and there were no discernible mechanisms to provide restitution to repatriated Mongolian trafficking victims during the reporting period. The government did not provide foreign victims with legal alternatives to repatriation in cases where repatriation would constitute a significant risk of hardship, torture, or death. Victims continued to be punished for unlawful acts committed as a direct result of their being trafficked, including children in prostitution being arrested, detained, and prosecuted. Foreign trafficking victims in Mongolia were also fined for violating visa terms, as their traffickers were not identified by the government in a timely manner. Intimidation of trafficking victims and witnesses remained a major problem.

Prevention

The Government of Mongolia made almost no effort to prevent trafficking during the reporting period. The government did not conduct any public education campaigns to combat trafficking, although it did host a number of training programs for law enforcement officials. The government introduced a National Plan of Action on Commercial Sexual Exploitation and Trafficking of Women and Children in 2006, which has been implemented to a limited extent. The new law mandates the creation of the trafficking prevention council to streamline government efforts to prevent human trafficking. At the end of the reporting period, the trafficking prevention council had not convened. The law also established fines and administrative penalties for trafficking-related advertisements on television and the Internet. The government convened an interagency council to coordinate the government's anti-trafficking efforts, which met four times during 2011, and it convened an NGO working group on trafficking. The government did not take any

measures during the reporting period to reduce the demand for commercial sex acts or to address the problem of child sex tourism in the country.

MONTENEGRO (Tier 2)

Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Trafficking victims are mostly women and girls from Eastern Europe and other Balkan countries, including Serbia and Kosovo, who migrate or are smuggled through the country *en route* to Western Europe and are subjected to sex trafficking in Montenegro. Children, many of whom are Roma, are coerced by their family members into street begging in Montenegro; many of these children come from Kosovo, Serbia, or from within Montenegro. There have been reports that Roma girls from Montenegro, who are often forced into domestic servitude, have been sold into servile marriages in Roma communities in Switzerland and Germany. *De facto* stateless individuals were vulnerable to trafficking in persons. While there were no reports of labor trafficking during the year, in prior years, there were reports that mainly foreign men and boys were subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are vulnerable to sex trafficking in other Balkan countries, including Serbia. NGOs reported that Roma teenagers in Montenegro were engaged in prostitution, some of which was allegedly sex trafficking.

The Government of Montenegro does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's efforts to address trafficking in persons have been undermined by its officials' position that trafficking did not exist as a prevalent phenomenon in Montenegro, but rather in isolated cases. At the same time, the government identified human trafficking as an important policy issue and its anti-trafficking prevention activities were robust and diverse. The government proactively identified only one trafficking victim during the year. This number is low, despite the government having conducted large-scale operations to suppress child begging and received NGO referrals. The government did not initiate the prosecution of any trafficking offenders during the year. NGOs reported that the government did not take protective action on occasions when potential victims were brought to the centers for social work. Nevertheless, the governments did provide care to more trafficking victims than during the previous year. The court achieved convictions in a high-profile sex trafficking case, including convicting, among others, three police officers for complicity in alleged human trafficking. The government took some efforts to address forced begging, including conducting a study of children involved in begging to assess their demographics and vulnerability.



Recommendations for Montenegro: Improve efforts to proactively identify more potential victims among vulnerable

groups, such as Roma children involved in prostitution, women arrested for prostitution violations, undocumented migrants, refugees and displaced persons – particularly Roma – and child beggars, and refer them to the government shelter or NGO service providers; improve outreach to Roma communities to ensure prevention of trafficking and effective victim identification; ensure that all state institutions responsible for the care of trafficking victims implement their memorandum of understanding defined roles; enhance training and engagement of the centers for social work on trafficking victim assessment and care; vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes, enhance judicial understanding of trafficking offenses, and convict and sentence trafficking offenders, including public officials complicit in trafficking; continue to ensure that the rights of trafficking victims are respected while victims are given care in shelters, including the right to free movement; adopt a public stance toward trafficking in persons that acknowledges trafficking in persons in the country; improve protections for potential victim witnesses to empower more victims to testify against their traffickers; and improve specific protections for child victims of trafficking, ensuring that the best interests of potential trafficking victims guide their care.

Prosecution

The Government of Montenegro made no reported progress during the reporting period in prosecuting new cases of trafficking offenses, although it achieved convictions in cases from previous years. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment for violations and 12 years' imprisonment for offenses involving aggravated circumstances; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government investigated only three trafficking cases. It failed to initiate new prosecutions of any trafficking offenders, in contrast to the 22 alleged trafficking offenders prosecuted in 2010. However, the government convicted 14 trafficking offenders during the year from earlier cases. In one of these cases, eight defendants were convicted of sexual exploitation and organized crime. In 2010, 12 trafficking offenders were convicted and received sentences of between 12 months' and six years' imprisonment. While the trial court initially acquitted the defendants of trafficking charges and convicted them on charges related to forced organized prostitution and criminal association, the appellate court reinstated the trafficking charges and returned the case to the trial court. Among those convicted were three police officers who had transported young women, including trafficking victims, for the purpose of prostitution and served as security guards for the strip clubs. They were convicted for failing to report the prostitution although they were aware of it. Despite conducting investigations of the organized begging of children, authorities did not prosecute any trafficking cases for forced begging. Authorities did, however, charge 11 adults with organizing the begging by children. The government did not provide any specialized anti-trafficking training for prosecutors, police officers, judges, or other investigators this year, although anti-trafficking training remained a mandatory subject for all new police trainees. Montenegrin authorities collaborated with their Serbian law enforcement counterparts to investigate trafficking offenses.

Protection

The government displayed mixed trafficking victim protection efforts during the reporting period and needs to improve the implementation of victim identification procedures. During the year, the government proactively identified one victim of trafficking in Montenegro and a foreign government identified and repatriated two victims to Montenegro. The Montenegrin government provided care to a greater number of trafficking victims than in the prior reporting period. The national coordinator fully funded an NGO shelter, providing the equivalent of \$52,224 for a range of services, including housing, medical, and psychological care to trafficking victims. During the previous year, the government provided the equivalent of \$152,000. The drop in funding was attributed to a change in the funding structure, which resulted in the operational costs of the shelter being covered directly under the budget of the Ministry of Internal Affairs. The government also provided the equivalent of eight dollars per day for each victim who received care at the shelter. The government-funded shelter was a closed shelter. The government takes the position that, for their protection, victims may leave only if accompanied by chaperones. The government cared for three trafficking victims during the reporting period, an increase from the one victim who received care at the shelter the previous year. Two victims who were initially identified by a foreign government received care from Montenegrin authorities, who collaborated with NGOs in their repatriation and provided a medical evaluation, shelter, and psychological assistance. NGOs observed that government officials still lacked skill in proactive victim identification. Despite conducting large-scale police operations to suppress child begging, the government again failed to identify any trafficking victims among child beggars discovered during these operations. In addition, NGOs claimed that, when they brought potential Roma child trafficking victims to the attention of the centers for social work, the government-run centers did not take any action. NGOs alleged that some of the government actors obligated to care for victims, such as the health services, did not provide expedient care. Montenegro's Law on Foreigners allows victims of trafficking to receive a temporary residence permit in the country lasting between three months and one year, although no victims received such a permit during the reporting period. NGOs reported that trafficking victims were not prosecuted for unlawful acts compelled as a direct result of their trafficking. Under a government program, authorities encouraged victims to participate in the investigation and prosecution of human trafficking cases by providing free legal aid and enabling NGOs to attend all interviews with the police. All victims gave statements to the police. Nevertheless, in practice few victims of trafficking participated in the prosecution of their traffickers, and victims often changed their statements about alleged trafficking offenders out of fear of reprisal. A high-profile civil case was resolved during the year with the dismissal of a lawsuit filed by a former government official against a trafficking victim.

Prevention

The Government of Montenegro improved its anti-trafficking prevention activities during the year. In May 2011, authorities conducted a survey of children begging in the street to determine their demographics and vulnerability to trafficking. The government also began a campaign to dissuade people from giving money to children engaged in begging entitled "Let's Teach Them Something New." The government launched

an anti-trafficking campaign in all tourist centers, distributing flyers, posters, and other advertising materials. The government provided an NGO the equivalent of more than \$7,000 for a human trafficking prevention project, "Stop Human Trafficking." In coordination with UNICEF, the government organized anti-trafficking training programs for 60 primary and secondary school teachers in November and December 2011. The government also produced an anti-trafficking text book and leaflets and continued to maintain a hotline and an anti-trafficking website. The government marked European Anti-Trafficking day in October by organizing several events for students in all primary and secondary schools in the country. The government broadcast an anti-trafficking prevention spot to promote the anti-trafficking hotline on television. Authorities investigated nightclubs suspected of providing illicit sexual services but, aside from attempts to address sex trafficking, did not make efforts to reduce the demand for commercial sex acts. The government collaborated with hotels on a code of conduct for protection of children from sexual exploitation in travel and tourism to prevent child sex tourism. The government collaborated with NGOs to develop a new anti-trafficking action plan for 2012-18. The Montenegrin government provided anti-trafficking training to its military personnel prior to their deployment abroad for international peacekeeping missions.

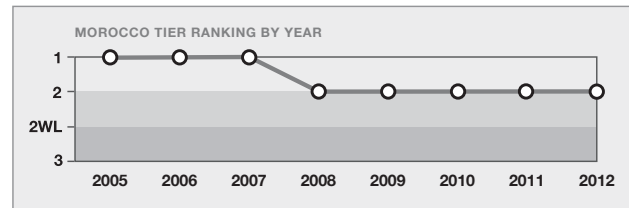
MOROCCO (Tier 2)

Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Some Moroccan girls as young as six or seven years old from rural areas are recruited to work as child maids in cities and often experience conditions of forced labor, such as nonpayment of wages, threats, and physical or sexual abuse, and restrictions on movement; however, due to greater sensitization of the issue, the incidence of child maids has decreased dramatically from 1999 to 2010. Some Moroccan boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. Men, women, and an increasing number of children primarily from sub-Saharan Africa and South Asia enter Morocco voluntarily but illegally with the assistance of smugglers; once in Morocco, some of the women and older girls are coerced into prostitution or, less frequently, forced into domestic service. Some female migrants in Oujda, particularly Nigerians, were forced into prostitution once they reached Europe. Sometimes, female migrants are transported to other cities, including Casablanca, and then sold into prostitution networks. There is some sex tourism by foreigners in major cities in Morocco.

Moroccan men, women, and children are exploited for forced labor and sex trafficking in European and Middle Eastern countries. Moroccan women are forced into prostitution in Gulf States (including the United Arab Emirates and Bahrain), Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Some Moroccan men reportedly are promised jobs in the Gulf but experience confiscation of their passports and are coerced into debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers and are subsequently forced to sell drugs.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however,

it is making efforts to do so. The government continued offering protective services to Moroccan children and adults who may have been trafficked, though it failed to make overall progress in convicting and adequately punishing trafficking offenders, proactively identifying trafficking victims among vulnerable groups, or ensuring that adult male foreign trafficking victims are not subject to arrest and deportation. Moreover, the government did not address the forced prostitution and forced labor of undocumented migrants in Morocco, and continues to conflate migrant smuggling with human trafficking. Despite repeated recommendations in this Report, the Moroccan government has not developed an effective system to collect and report anti-trafficking law enforcement data, which continues to prevent the government from providing trafficking-related investigation, prosecution, conviction, and sentence information in a timely manner.



Recommendations for Morocco: Draft and enact comprehensive anti-trafficking legislation that prohibits all forms of trafficking and increases prescribed penalties for forced labor; enact draft legislation addressing domestic workers, and fully implement Decree no. 1-11-164 concerning the protection of crime victims and witnesses; significantly increase investigations, prosecutions, and convictions of trafficking offenders, including convictions with more stringent penalties, for all forms of trafficking; institute a victim identification mechanism; ensure that identified victims are not punished for acts committed as a direct result of being trafficked; encourage victims to participate in investigations against their traffickers, including by offering relief from deportation; initiate law enforcement activities with destination countries to prosecute those who force Moroccans into labor and prostitution overseas; improve child protection units by providing more human resources, improving management, and collaborating with various ministries; continue to train judges, prosecutors, and law enforcement on the characteristics of all forms of human trafficking; improve data collection and reporting, including the disaggregation of data between human trafficking and people smuggling; ensure that potential trafficking victims do not suffer physical abuse at the hands of Moroccan police; and conduct public awareness campaigns, addressing all forms of trafficking and encompassing child sex tourism.

Prosecution

The Government of Morocco made little progress in its law enforcement response to human trafficking during the reporting period. Morocco lacks a single comprehensive anti-trafficking law. Morocco's penal code prohibits forced child labor through Article 467, and forced prostitution and child prostitution through articles 497-499; Article 10 of Morocco's labor code prohibits forced labor of a worker. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In contrast, penalties prescribed for labor trafficking offenses

do not appear to be sufficiently stringent; penalties for child labor under Article 467 range from one to three years' imprisonment. The government's most recent statistics from 2011 are not specific to trafficking, but rather cover a wide array of offenses that may include human trafficking. The government reported there were 38 cases of exploitation of children to beg, 10 cases of exploitation of children related to drugs, and 55 cases of facilitating the prostitution of a minor. It is unclear, however, how many of these cases constituted human trafficking offenses. The government did not report sentencing information. Despite repeated recommendations, the government has not developed an effective system to collect and report anti-trafficking law enforcement data, which continues to prevent the government from providing trafficking investigation, prosecution, conviction, and sentencing information in a timely manner.

The government continued to provide and fund a variety of trafficking training to law enforcement and judicial officials in 2011. The Ministry of Justice (MOJ) provided anti-trafficking training for 1,000 judges, 170 court clerks, and 88 social assistants. In October 2011, MOJ and UNHCR organized a training session in Tangier for judges, police officers, gendarmerie and civil society members on national and international law related to human trafficking. The Ministry of Interior also reported that territorial police, border security officials, Royal Gendarmerie, and the Auxiliary Forces received training programs that include modules on human trafficking.

Protection

The Moroccan government demonstrated minimal efforts to protect victims of trafficking over the past year. It did not develop or employ systematic procedures to proactively identify victims of trafficking, and it continues to show weak efforts in identifying victims of all forms of trafficking, though it continued to refer victims to NGO-provided services. The government is also limited in its ability to provide sufficient staffing and funding resources to address human trafficking. The Ministry of Employment and Professional Development (MOEPT) employed 463 labor inspectors for the entire country, and 45 of the total 51 labor inspectorates in the country are trained and designated to child labor cases. The inspectors were hindered by minimal staffing and did not have the legal authority to enter homes, preventing them from investigating and identifying instances of child labor or child trafficking in domestic service situations. The government continued to make some progress in protecting child victims of violence found within the country, some of whom may be victims of trafficking, through its 75 "children reception centers" and three child safety centers for girls; however, it is unknown how many of the child victims receiving services at these centers were trafficking victims. The government made minimal efforts to protect Moroccan victims overseas, though the government reportedly provided assistance with travel documents and transportation home in 2011. Undocumented foreign trafficking victims were often treated as undocumented migrants, and reports from NGOs state that some victims have been arrested, detained, and deported. Undocumented migrants who arrived from Algeria were usually deported back to the Algerian border, reportedly often without food or water, and were susceptible to being robbed, assaulted, and sexually abused by criminal gangs that operate in the area. The government did not provide or fund protective services for foreign trafficking victims.

The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. The government did not report if it encouraged victims to participate in investigations against traffickers. Sub-Saharan African women who were forced into prostitution in Morocco were unlikely to report crimes for fear of being treated as undocumented migrants and deported, though in reality, undocumented migrant women were rarely deported. Undocumented migrants have access to basic medical care at public health institutions.

Prevention

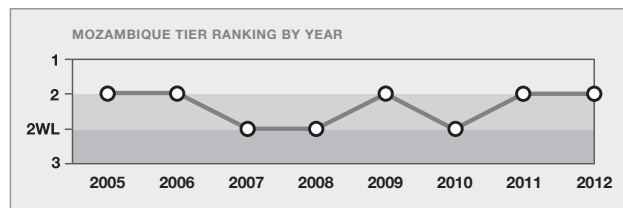
The Moroccan government made few efforts to prevent human trafficking over the last year. The government did not undertake campaigns to raise public awareness about human trafficking. Most child labor prevention programs focus on providing financial support and education to targeted families to ensure that children stay in school. In 2011, the MOEPT allocated the equivalent of \$187,500 to child labor prevention programs conducted by Moroccan NGOs focusing on awareness-raising and rescuing children. Two government-operated child protection units, an emergency telephone hotline, a mobile assistance program, and "women and children" focal points continued to assist vulnerable women and children in major cities in Morocco. The government reported in 2011 that labor inspectors visited 383 enterprises on potential incidents of child labor, filed 1,234 reports, issued 63 formal notices of warning, and imposed nine fines. Through these visits, inspectors identified and addressed cases of 119 child workers under the age of 15 years old and 397 child workers between the ages of 15 to 18; the government provided no information on possible assistance to the children. An inter-ministerial committee on coordination for trafficking issues comprised of representatives from multiple ministries did not meet formally during the reporting period. Authorities made no discernible efforts to raise public awareness of child prostitution and sex trafficking of women and did not take any reported measures to reduce the demand for commercial sex acts. The Moroccan government provided training on the issue of sex trafficking to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions. The Moroccan government has not implemented the legislative and policy recommendations enshrined in the IOM and UNHCR report on transnational human trafficking. Morocco ratified the 2000 UN TIP Protocol in April 2011.

MOZAMBIQUE (Tier 2)

Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor is common in agriculture, including on tobacco farms, and in commercial activities in rural areas of the country, often with the complicity of family members. Women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and the sex trade. Young Mozambican men and boys are subjected to forced labor on farms and in mines in South Africa, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Some Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Some women and

girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude. Mozambican or South African trafficking networks are typically informal; larger Chinese and Nigerian trafficking syndicates are reportedly also active in Mozambique. In addition, South Asian alien smugglers who move undocumented South Asian migrants throughout Africa reportedly also transport trafficking victims through Mozambique. Recent reports indicate that South Asian citizens and companies in Mozambique pay the initial travel costs of illegal Bangladeshi and Pakistani migrants, whom they later maintain in bonded labor.

The Government of Mozambique does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2011, the government continued to increase its anti-trafficking law enforcement efforts, including more than doubling its number of trafficking prosecutions – totaling 11 new cases – and achieving seven convictions, some with significant prison sentences, under the 2008 anti-trafficking act; this data was reported as part of a new effort to track trafficking case data by province. The government instituted a new two-week course at its law enforcement training center for new officers. Despite these advances, the government made minimal efforts to protect trafficking victims, raise public awareness, and prevent the use of forced child labor.



Recommendations for Mozambique: Take concrete steps to finalize and issue necessary regulations to implement the protection and prevention provisions of the 2008 anti-trafficking law; develop a formal system to proactively identify trafficking victims among vulnerable populations and refer victims to care; continue to build the capacity of the police anti-trafficking unit, the labor inspectorate, and the Women and Children's Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims; continue training for law enforcement officers in victim identification, particularly at border points; finalize the national action plan to coordinate the government's efforts, with resources allocated to its implementation; and investigate reports of official complicity in human trafficking and vigorously prosecute, where appropriate, those implicated in trafficking offenses.

Prosecution

The government demonstrated significant progress in its anti-trafficking law enforcement efforts during the reporting period. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years' imprisonment for violations, penalties which are sufficiently stringent and exceed those for other serious crimes, such as rape. In 2011, the government compiled data on its anti-trafficking law enforcement efforts for the first time. It reported seven

investigations carried over from 2010, 15 new investigations, 11 prosecutions, six convictions, one acquittal, and 16 ongoing investigations carried into 2012, although it did not provide details on the facts in these cases. The court in Manica province convicted and sentenced two trafficking offenders to two years' imprisonment for the attempted trafficking of a child; further details regarding this case are unknown. In addition, at least one convicted trafficking offender in Sofala province received a sentence of eight years' imprisonment, while a conviction in Gaza province resulted in a sentence of 10 years' imprisonment. The remaining three cases that resulted in convictions carried sentences of less than two years' imprisonment. Police investigative techniques, training, capacity, and forensic abilities are known to be very weak, particularly outside of the capital. Local experts report that these shortcomings led to the acquittal of three alleged offenders in Manica province.

The Interior Ministry's investigative police maintained a seven-member unit that specialized in addressing violence against women and children nationwide, including handling trafficking cases, although the government did not report on the unit's specific anti-trafficking efforts in the last year. In late November and early December 2011, the government instituted a two-week anti-trafficking course at the police training center for all newly recruited police officers, border guards, customs and immigration agents, and rapid intervention police (riot police). The course, taken by 1,500 recruits in 2011, provided instruction on recognizing trafficking cases, protecting victims, the rights of children, domestic abuse, and child custody law. Separately, 120 customs, immigration, and border police agents received NGO-funded training on identifying trafficking cases.

During the reporting period, there were reported cases of government officials facilitating trafficking and trafficking-related crimes. Trafficking offenders commonly bribed law enforcement officials to allow them to move trafficking victims within the country and across national borders into South Africa and Swaziland, sometimes without passports. In January 2012, police in Beira announced the arrest of two Sofala Provincial Civil Identification Services officials for illegally providing Mozambican identity cards to four foreign citizens. Sources also reported an ongoing investigation at the Ressano Garcia border post, attempting to root out official corruption and possible complicity in illegal acts, which may or may not include trafficking.

Protection

The Government of Mozambique demonstrated little progress in its efforts to protect victims. The Ministry of Justice (MOJ) began drafting regulations for the non-criminal portions of the anti-trafficking law that would address assistance to victims. In parallel to this effort, in March 2012, the parliament approved a draft law on the protection of victims and witnesses of all crimes, including trafficking victims and those who cooperate with law enforcement in the investigation and prosecution of human trafficking cases. The government provided very limited funding to NGOs or international organizations undertaking anti-trafficking work in Mozambique. Government officials continued to rely on NGOs to provide shelter, counseling, food, and rehabilitation to victims. An NGO managed the country's only permanent shelter for child trafficking victims, while the Ministry for Women and Social Action funded the staff's salaries and the district of Moamba provided the land for the shelter. The government lacked formalized procedures

for identifying potential victims of trafficking and referring them to organizations providing protective services. The Interior Ministry's Women and Children's Victim Assistance Unit continued to operate facilities in over 200 police stations throughout the country that provided temporary shelter for an unknown number of trafficking victims and referred victims to NGOs offering services. In 2011, the Institute for Judicial Support, a government body that provides legal advice to the impoverished, began to offer legal assistance to abused women and children, including an unknown number of trafficking victims. The government offered very limited reintegration assistance to repatriated trafficking victims. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution and it continued to deport foreign trafficking victims without screening them for possible victimization. Although NGO contacts reported no instances of trafficking victims having been detained, fined, or jailed for unlawful acts committed as a result of having been trafficked, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims received such penalties.

Prevention

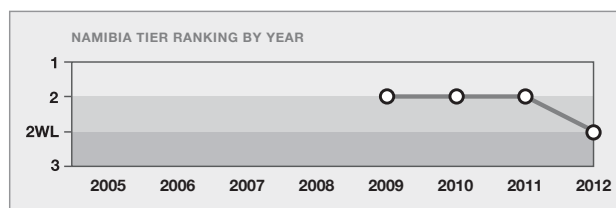
The Government of Mozambique demonstrated decreased trafficking prevention efforts during the reporting period and lacks a single national body to coordinate anti-trafficking efforts across ministries. A national action plan to combat human trafficking exists as a subsection of the government's current five-year anti-crime plan, and the MOJ began drafting an independent plan specific to trafficking. The Ministry of Labor employed labor inspectors, but they were too few in number, lacked resources such as transportation, and had generally not received adequate training regarding human trafficking. Consequently, the government did not adequately monitor for child trafficking and labor violations, especially on farms in rural areas, and judges frequently dismissed cases because inspectors did not properly prepare evidence. The number of public awareness campaigns decreased from the previous year, when the government was more active in distributing information on human trafficking to students, outgoing travelers, community leaders, and businesses. The government did not make an effort to reduce the demand for commercial sex acts during the year. In July and August 2011, the Caucus of Women Parliamentarians led delegations of public officials and civil society leaders to the cities of Quelimane and Nampula to conduct two days of training for local officials and to raise awareness among the public of the legal remedies provided by anti-trafficking, spousal protection, and family laws.

NAMIBIA (Tier 2 Watch List)

Namibia is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. Victims lured by promises of legitimate work for adequate wages may instead be forced to work long hours and carry out hazardous tasks in urban centers and on commercial farms. Traffickers in Namibia exploit Namibian children, as well as children from Angola, Zambia, and Zimbabwe, through forced labor in agriculture, cattle herding,

fishing, and domestic service as well as in prostitution. Tourists from southern Africa and Europe are among the clientele of children in prostitution in Namibia. Children are forced to care for the children of farm or factory workers and are also coerced to engage in criminal activity, including drug smuggling and robberies. Some adults subject the children of their distant relatives to sex trafficking or forced labor. Among Namibia's ethnic groups, San girls are particularly vulnerable to be trafficked for prostitution and forced labor on farms or in domestic service. Allegations arose during the year regarding the labor conditions at Chinese companies' construction sites in Namibia, including long hours and low wages for both Chinese and Namibian staff.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, including its continued investigation of nine suspected traffickers and the initiation of one potential trafficking investigation in 2011, the government did not demonstrate evidence of overall increasing efforts to address human trafficking over the previous year; therefore, Namibia is placed on Tier 2 Watch List. The government failed to prosecute or convict trafficking offenders during the year and has not yet prosecuted or convicted a trafficking offender under any of its laws. During the year, the cabinet approved the Child Care and Protection Bill, which now awaits parliamentary debate and passage. The government also completed its renovation of three additional shelters for victims of gender-based violence, including trafficking. Although the government continued public awareness campaigns, it took no action to prosecute sex trafficking offenders and protect such victims.



Recommendations for Namibia: Greatly increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders under existing legislation, including the Prevention of Organized Crime Act (POCA); train law enforcement officials on the anti-trafficking provisions of the POCA and other relevant legislation; establish a formal process for the identification of victims and their subsequent referral to care among law enforcement, immigration, labor, and social welfare officials; continue to dedicate adequate time and resources to complete ongoing shelter and safe house renovations; strengthen coordination of anti-trafficking efforts across the government; conduct national anti-trafficking public awareness campaigns; and collect data and maintain databases on trafficking cases.

Prosecution

The Government of Namibia made modest anti-trafficking law enforcement efforts during the year, as it failed to prosecute or convict trafficking offenders. In May 2009, the government enacted the POCA of 2004, which explicitly criminalizes all forms of trafficking. Under the POCA, persons who participate in trafficking offenses or aid and abet trafficking offenders may be imprisoned for up to 50 years and fined up to the equivalent

for identifying potential victims of trafficking and referring them to organizations providing protective services. The Interior Ministry's Women and Children's Victim Assistance Unit continued to operate facilities in over 200 police stations throughout the country that provided temporary shelter for an unknown number of trafficking victims and referred victims to NGOs offering services. In 2011, the Institute for Judicial Support, a government body that provides legal advice to the impoverished, began to offer legal assistance to abused women and children, including an unknown number of trafficking victims. The government offered very limited reintegration assistance to repatriated trafficking victims. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution and it continued to deport foreign trafficking victims without screening them for possible victimization. Although NGO contacts reported no instances of trafficking victims having been detained, fined, or jailed for unlawful acts committed as a result of having been trafficked, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims received such penalties.

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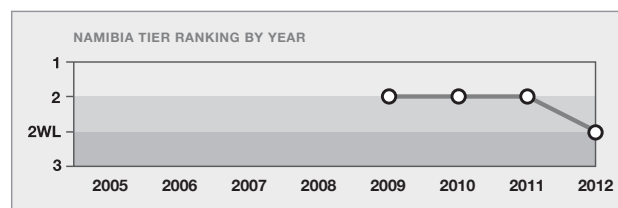
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of \$133,000, penalties which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government, however, has yet to prosecute or convict a trafficking offender under the POCA or other relevant laws. In August 2011, the government, in partnership with UNODC, held an inter-ministerial workshop to plan its development of comprehensive anti-trafficking legislation that would include specific provisions relating to trafficking crimes committed against children and adults; however, the Ministry of Justice did not begin to draft this legislation during the year. The pending Child Care and Protection Bill, drafted in 2009 – which includes a provision against child trafficking – was approved by the cabinet in March 2012 and referred to parliament for debate and passage.

The government continued to make efforts to address labor trafficking, especially forced child labor. In August and September 2011, the Ministry of Labor and Social Welfare (MLSW), in collaboration with the Police, the Ministry of Gender Equality and Child Welfare (MGE CW), and the Namibian Central Intelligence Agency investigated a potential labor trafficking case involving numerous youth and children; although the prosecutor general recommended a criminal complaint be filed as a violation of forced labor provisions of the 2007 Labor Act, no alleged offenders have been arrested. In the previous reporting period, the MLSW followed-up on 111 cases of child labor discovered in 2009, leading the Namibian Police Force's Woman and Child Protection Unit (WACPU) to open criminal investigations in nine cases where employers failed to obey compliance orders received in 2009. In 2011, WACPU reported its continued investigation of these cases, which were then forwarded for prosecution; although prosecutors reported withdrawing the cases due to a lack of evidence, other officials noted that prosecutors did not know how to use existing laws to prosecute these cases and need training on addressing human trafficking. Despite the acknowledged need for training of police and prosecutors on trafficking and relevant existing laws, and while officials participated in trainings sponsored by UNICEF or foreign governments, the government did not provide such training to its staff or support NGOs that did so during the year; human trafficking is not covered as part of any institutionalized basic trainings. However, during the year, in partnership with UNICEF and NGOs, the government began development of a new police curriculum on gender-based violence, including trafficking. Despite its attention to forced labor cases, the government continued to take no action to prosecute sex trafficking in Namibia during the year.

Protection

Overall, the Namibian government did not demonstrate increasing efforts to protect trafficking victims. Although the government discovered children in one suspected labor trafficking ring, it identified fewer victims than in previous years. Despite the existence of government-operated shelters and services for victims of crime, the government did not report their use by trafficking victims in 2011. The government continued to lack systematic procedures for its officials to use in proactively identifying trafficking victims and referring them to care. Police previously had been trained to contact WACPU if they discover a woman or child victim, and WACPU police are subsequently responsible for referring victims – on an *ad hoc* basis, as is done for victims of all crimes – to temporary shelter and medical assistance provided by NGOs or other entities. The MGE CW provided social workers to assist police

in counseling victims of violent crimes, including human trafficking; however, officials noted that social workers and other first responders remain unaware of trafficking indicators. The government continued its renovation of buildings to be used for long-term accommodation for women and child victims of gender-based violence and human trafficking; two facilities continued operation, while three were renovated during the reporting period. The government continued its operation of three "one-stop" facilities for providing care for victims of gender-based violence, including trafficking, in Windhoek, Oshakati, and Rundu, which offered overnight accommodation, medical examinations, and space for social workers to provide counseling and psychosocial support. There are no such facilities for the care of men who are victims of trafficking. The government may grant temporary or permanent residency to foreign victims on a case by case basis; however, with the quick enforcement of immigration law foreign trafficking victims – including children – were most likely deported for immigration violations before identification as trafficking victims.

Prevention

The Namibian government continued its efforts to prevent human trafficking during the reporting period. Under the leadership of the MGE CW, the inter-ministerial committee, which coordinated government activities on gender-based violence and trafficking, began drafting the 2012-2016 national action plan, which awaits finalization. Nonetheless, coordination and communication across government entities on anti-trafficking efforts are not yet effective enough to facilitate understanding of and progress on trafficking issues. The government continued its "Zero Tolerance Against Gender-Based Violence and Trafficking in Persons" media campaign including TV and radio broadcasts on human trafficking. In addition, the police and MGE CW partnered with several NGOs on an anti-trafficking and prostitution demand reduction campaign. With donor funding, the MGE CW launched an awareness campaign on gender-based violence and trafficking, including TV and radio spots and placement of billboards. Unlike in 2010, the MLSW did not make efforts to raise awareness of child labor issues, including child trafficking.

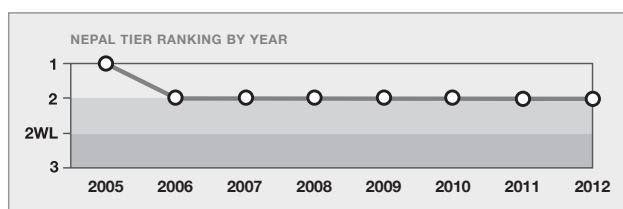
NEPAL (Tier 2)

Nepal is mainly a source country for men, women, and children who are subjected to forced labor and sex trafficking. Nepali men are subjected to forced labor, most often in the Middle East and, to a lesser extent, within the country. Nepali women and girls are subjected to sex trafficking in Nepal, India, and the Middle East, and also are subjected to forced labor in Nepal and India as domestic servants, beggars, factory workers, mine workers, and in the adult entertainment industry. They are subjected to sex trafficking and forced labor in other Asian destinations, including Malaysia, Hong Kong, and South Korea. The Chinese district of Khasa on the border with Nepal is an emerging sex trafficking destination for Nepali women and girls. Nepali boys also are exploited in domestic servitude and – in addition to some Indian boys – subjected to forced labor in Nepal, especially in brick kilns and the embroidered textiles industry. An NGO noted that forced labor of Nepali children in Nepali and Indian circuses has declined dramatically due in large part to the rescues spearheaded by that organization. Bonded labor exists in agriculture, brick

kilns, and the stone-breaking industry, often based on caste. Traffickers generally target uneducated people, especially from socially marginalized and traditionally excluded groups.

Many Nepali migrants seek work in domestic service, construction, or other low-skilled sectors in Gulf countries, Malaysia, Israel, South Korea, and Lebanon with the help of Nepal-based labor brokers and manpower agencies. They migrate willingly but some subsequently face conditions indicative of forced labor, such as withholding of passports, restrictions on movement, nonpayment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. Many are deceived about their destination country, the terms of their contract, or are subjected to debt bondage, which can in some cases be facilitated by fraud and high recruitment fees charged by unscrupulous agents. A recent Amnesty International study found that migrant workers who reported experiencing problems during their migration paid an average of up to the equivalent of approximately \$1,400 in fees to recruitment agents before their departure, almost three times the average annual income for Nepalese, and the equivalent of 10 to 12 months worth of average wages in the Gulf labor markets. However, some Nepalese have paid as much as up to the equivalent of \$12,000 to recruitment agencies. Many workers migrate via India; this is illegal under the 2007 Foreign Employment Act that requires all workers to leave for overseas work via the Kathmandu airport. Many migrants leave by land to avoid legal migration registration requirements and to avoid paying bribes that some officials require at the airport to secure migration documents. A recent International Trade Union Confederation report noted that many employment agencies force migrant workers to travel via India in order to avoid insurance coverage or a proper documentation system and to avoid obligations to pay workers their entitlements. Unregistered migrants – those who travel via India or independent recruiting agents – are more vulnerable to forced labor. Bangladeshis transit Nepal for employment in the Gulf and are at risk of being trafficked.

The Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government developed two policy initiatives providing minimum standards for trafficking victim care and standard operating procedures for shelter homes, endorsed a national plan of action on human trafficking, and increased prosecutions. Problems remained, however. Anti-trafficking structures were ineffective, and trafficked Nepali migrant workers did not receive sufficient support from the government. Anti-trafficking laws were not well implemented, and some funds allocated for protection in previous years remain unspent. Victim identification efforts were weak, with child sex trafficking victims sometimes being returned to their abusers in the wake of raids. Incidents of trafficking-related complicity by government officials persisted and were unaddressed through law enforcement means.



Recommendations for Nepal: Increase law enforcement efforts against all forms of trafficking and against government officials who are found to be complicit in trafficking; show evidence of efforts to investigate, prosecute, and punish offenses of labor trafficking involving Nepalese migrants exploited abroad; show evidence of prosecuting and punishing Nepalese labor recruiters for charging excessive recruitment fees or engaging in fraudulent recruitment; institute a formal procedure to identify victims of trafficking and refer them to protection services; ensure that trafficking victims are not punished for involvement in prostitution or forgery of official documents; raise awareness among government officials and the public of the existence of forced prostitution of Nepali women and girls in Nepal; publicize the lift of the ban on women working as domestic workers in the Gulf; work with Indian officials to establish a procedure to repatriate Nepali victims of trafficking in India; decentralize the system to file complaints under the Foreign Employment Promotion Board as a means to facilitate victims' access to legal remedy; develop a comprehensive witness protective mechanism; provide citizenship documents to returnee female victims of trafficking and their children; and ratify the 2000 UN TIP Protocol.

Prosecution

The Government of Nepal maintained law enforcement efforts during the reporting period. Nepal prohibits most – but not all – forms of trafficking in persons, including the selling of human beings and forced prostitution, through its Human Trafficking and Transportation Control Act (2007) and Regulation (2008) (HTTCA). The HTTCA also prohibits other offenses that do not constitute human trafficking, such as people smuggling and purchasing commercial sex. Prescribed penalties range from 10 to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Bonded Labor (Prohibition) Act (2002) prohibits bonded labor but has no penalties. According to the Office of Attorney General, 229 offenders were convicted in 157 district court cases tried under the HTTCA, compared with 174 offenders convicted in the previous fiscal year in 119 cases. It is not known how many of these convictions were for human trafficking since the same law also prohibits other crimes. In addition, labor trafficking cases may be prosecuted as foreign employment violations, resulting in smaller penalties than if tried under the HTTCA. The National Judicial Academy, with foreign funding, managed and conducted a three-day training-of-trainers program in September for 20 government officials. Many government officials do not prosecute under the trafficking law due to lack of awareness about the law and challenges in evidence collection. Some NGOs report that law enforcement authorities do not consider domestic forced prostitution of adults to be a trafficking issue.

The incidence of trafficking-related complicity by government officials remained a problem. Observers report that traffickers use ties to politicians, business persons, state officials, police, customs officials, and border police to facilitate trafficking, including the paying of bribes for protection and favors. Some Nepali officials work with traffickers in providing false information in genuine Nepali passports, or in providing fraudulent documents. Politically connected perpetrators often enjoyed impunity from prosecution and punishment. There were no investigations, prosecutions, or convictions of government officials for complicity in trafficking during the reporting period.

Protection

The Government of Nepal made limited efforts to protect victims of trafficking in the reporting period, but prepared and approved two policy documents to help facilitate victim protection. The Government of Nepal does not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact and, as a result, some victims were penalized for acts committed as a result of being trafficked. Victim identification did not take place in brothel raids. As a result, some child victims were arrested and then bailed out by their traffickers; this bail further indebted the girls to their exploiters. Some sex trafficking victims were jailed.

Interviewees in a December 2011 Amnesty International study of 149 returned or prospective migrant workers highlighted the lack of support Nepali migrant workers received from the Department of Foreign Employment, the Foreign Employment Promotion Board, and Nepali diplomatic missions in destination countries, when migrant workers sought redress for abuses – including fraudulently advertised employment terms – committed by Nepali labor recruiters. The government continued to run emergency shelters in Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates. The Ministry of Labor's Committee to Hear the Issue of Undocumented Workers established a up to the equivalent of a \$125,000 fund to assist exploited undocumented workers, which could include trafficking victims. While the Foreign Employment Promotion Board collected fees from departing registered migrant workers for a welfare fund, most of the funds remain unused, as many migrants are unaware of their entitlement to these benefits.

The Ministry of Women, Children, and Social Welfare (MWCSW), in consultation with NGOs, prepared and approved two policy initiatives: the National Minimum Standards for Victim Care and the Standard Operating Procedures for shelter homes. The MWCSW reported it continued to partially fund eight NGO-run shelter homes for female victims of trafficking, domestic violence, and sexual assault. The MWCSW also reported it continued to fund emergency shelters across the country for victims of trafficking and other forms of abuse, run by local women's cooperatives. The government reported that it assisted 438 females in government-funded shelters in the 2010-2011 fiscal year, although there was no information whether these females were trafficking victims or victims of other forms of abuse. Most of the funds the government has allocated for protection efforts have remained unspent, and in practice many trafficking victims did not receive legally mandated compensation. The government did not have an official process to refer victims to shelters. All facilities that assist trafficking victims were run by NGOs and most provided a range of services, including legal aid, medical services, psychosocial counseling, and economic rehabilitation. Some of these shelters limited victims' freedom of movement and controlled their access to money. There were insufficient facilities to meet the needs of all survivors and there were no protective services for males. Limited protections for victims negatively affected law enforcement efforts. The government did not routinely encourage trafficking victims to participate in investigations against their traffickers, but anecdotal reports noted that individual police officers increasingly encouraged victims' participation.

Prevention

The Government of Nepal increased its efforts to prevent human trafficking during the reporting period. In August 2011, the National Committee for Controlling Human Trafficking established a secretariat and the government appointed a coordinator under the oversight of a joint secretary. The Secretariat organized the government's participation in the fifth annual national anti-trafficking day. NGOs state that the majority of the District Committees for Controlling Human Trafficking do not function well or are not active. The lack of political stability and resources has hampered translating commitments into actions. The prime minister visited a leading anti-trafficking NGO in October 2011. The government endorsed the National Plan of Action on Trafficking in Persons in March 2012.

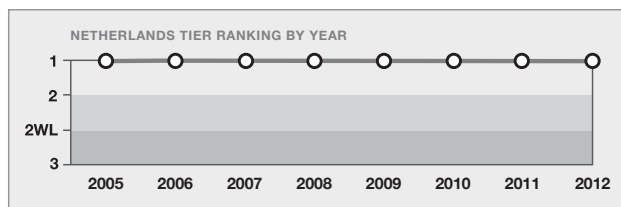
Chapter 9 of the 2007 Foreign Employment Act (FEA) criminalizes the acts of an agency or individual sending workers abroad through fraudulent recruitment promises or without the proper documentation, prescribing penalties of three to seven years' imprisonment for those convicted. Fraudulent recruitment puts workers at significant risk of trafficking. The Foreign Employment Tribunal – which hears cases based on the FEA – is based in Kathmandu without branch offices. This limits the ability of victims outside of the capital to file cases. The government reported data on prosecutions and convictions under the FEA, but given capacity constraints was unable to provide the number of prosecutions and convictions under the fraudulent recruitment section of Chapter 9 of the Act. During the year, the Foreign Employment Promotion Board continued to conduct safe migration radio programs throughout the country, and increased the reach of its programs to all 75 districts, compared to 50 districts the previous year. The government worked with UNICEF and UNHCR to increase birth registrations. In order to reduce the demand for commercial sex acts, the government raided establishments suspected of child sex tourism and arrested clients; however, with poor identification procedures, some sex trafficking victims also were arrested. All Nepali military troops and police assigned to international peacekeeping forces were provided pre-deployment anti-trafficking training funded by a foreign government. Nepal is not a party to the 2000 UN TIP Protocol.

NETHERLANDS (Tier 1)

The Netherlands is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The Netherlands, Nigeria, Hungary, Bulgaria, Poland, Guinea, Romania, and China are the top eight countries of origin for identified victims of mostly forced prostitution, according to the government, although victims from Macedonia and Uganda also were found. Men and boys are subjected to forced prostitution and various forms of forced labor, including in agriculture, horticulture, catering, food processing, cleaning, and illegal narcotics trafficking. Male victims were primarily from Poland, Hungary, Nigeria, Angola, Sierra Leone, and Guinea in 2011 but also were seen from Ghana, China, Romania, Portugal, Suriname, and the Netherlands. There are some reports that foreign diplomats posted in the Netherlands subject their staff to domestic servitude. Groups vulnerable to trafficking include unaccompanied children seeking asylum, women with dependent residence status obtained through

fraudulent or forced marriages, women recruited in Africa, and East Asian women working in massage parlors. Criminal networks often are involved in forced prostitution and forced labor involving foreigners, while those involved in forced prostitution of Dutch residents may work independently and exploit one to two victims at a time. In 2011, the government reported an increased number of underage Dutch residents as victims, who are increasingly controlled through force and violence and recruited over the Internet.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government continued to employ a multi-disciplinary approach to its anti-trafficking efforts, which resulted in the detection of more trafficking victims, increased investigation of forced labor, and an overall increase in the conviction of trafficking offenders. It continued to pursue pragmatic approaches to improve victim care and increase victim incentives to cooperate with law enforcement. Sentences for convicted traffickers, however, remained consistently low during the year.



Recommendations for the Netherlands: Ensure convicted trafficking offenders receive sentences commensurate with the seriousness of the crime; continue to develop pragmatic approaches to victim outreach within illegal and legal labor sectors, including potential victims inadvertently held in detention centers; ensure sufficient shelter capacity for the delivery of comprehensive and specialized services for trafficking victims; continue to employ innovative methods to uncover and prosecute forced labor; continue to offer anti-trafficking training to improve identification of victims and prosecution of traffickers in Bonaire, St. Eustatius, and Saba islands; expand the government's international leadership role to share best practices with other countries, in particular its practices on victim identification and assistance, protection of unaccompanied foreign minors, and its pragmatic, self-critical approach to improving anti-trafficking results.

Prosecution

The Dutch government continued to develop and pursue innovative and effective approaches to addressing human trafficking through law enforcement means. The Netherlands prohibits all forms of trafficking through criminal code Article 273, which prescribes maximum sentences ranging from eight to 18 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2010, the last year for which final trafficking statistics were available, the government prosecuted 135 suspected trafficking offenders, convicting 107. This is a significant increase from the 69 offenders convicted in 2009. The average sentence for convicted trafficking offenders was approximately 21 months, the same average for sentences imposed in 2009 and 2008. In accordance with the law, convicted offenders generally serve only two-thirds of their sentences, suggesting that many convicted

trafficking offenders likely serve little more than a year in jail. Local police complain that low sentences for traffickers continued to result in the reappearance of the same offenders and thus the continued exploitation of trafficking victims within the regulated commercial sex sector. In February 2012, the government submitted a draft amendment to Parliament to amend the trafficking law to increase the maximum prison sentence from eight to 12 years' imprisonment for a single trafficking offense.

The government continued to increase its prosecution for forced labor in 2011; the National Prosecutor's office reported it registered 24 labor exploitation investigations in 2011, compared to 11 in 2010. Furthermore, it reported there were 10 labor trafficking cases since 2010, and the government obtained convictions for 12 persons. In April 2011, police, public prosecutors, and the local government launched a major operation to investigate human trafficking in The Hague's red-light district. The operation resulted in the identification of 54 potential trafficking victims and five ongoing criminal investigations. In December, police launched an investigation of suspected forced labor along the country's highways involving Bulgarian toilet cleaners. In October, police and the labor inspectorate began a joint large-scale investigation into allegations of forced labor involving Philippine seamen working in the country's inland shipping sector. In October, a court imposed a prison sentence of 2.5 years on an asparagus farmer for subjecting Polish, Romanian, and Portuguese workers to conditions of forced labor.

One local official noted judges consistently hand down more severe penalties for rape than for sex trafficking. There were no reported official cases of trafficking-related complicity in 2011; however, Amsterdam police believe that police assigned to anti-prostitution law enforcement efforts carry inherent temptations for corruption. The force therefore requires anti-trafficking officers in Amsterdam to pass three examinations in a specialized, 256-hour training course focused on working with trafficking victims and policing of the sex industry. Potential officers also must sign a code of conduct before they are eligible to work in this sensitive sector.

Protection

The Netherlands made appreciable progress in its efforts to proactively identify and assist trafficking victims. In 2011, *Comensha*, the government-funded national victim registration center and assistance coordinator, registered 1,222 potential trafficking victims, an increase from 993 victims registered in 2010 and a consistent increase from previous years. The majority of these 1,222 victims were identified by the police. The government continued to operate an extensive network of facilities providing a full range of trafficking-specialized services for children, women, and men; the government provided victims with legal, financial, and psychological assistance, shelter, medical care, social security benefits, and education financing. Victims in government shelters were not detained involuntarily. *Comensha* reported a shortage of accommodation for trafficking victims requiring shelter in 2011. Dutch authorities provided temporary residence permits to allow foreign trafficking victims to stay in the Netherlands during a three-month reflection period, during which victims received immediate care and services while they considered whether to assist law enforcement. The government provided permanent residence status to some victims. In 2011, the government granted 347 temporary residency permits to

trafficking victims, approximately the same number it granted in 2010; 280 permits were granted in 2009.

During the year, the government increased its focus on horticultural and agricultural sectors in the country, resulting in an increase in men identified in forced labor sectors. Authorities identified 226 males, compared to 113 the previous year. Since January 2008, the government has provided unaccompanied children who are seeking asylum with intensive counseling in secure shelters that protect them from traffickers; the government extended this pilot until the end of 2014. The government encouraged victims to assist in the investigation and prosecution of traffickers although it lacked figures on the percentage of trafficking victims that filed charges against their traffickers during 2011. The National Prosecutor's Office reported that most victims did not file a complaint, fearing retaliation by traffickers or deportation by officials.

During the reporting period, the government continued to house trafficking victims in three specialized shelters based on the success of an initial pilot project to determine whether the practice increases victim cooperation; according to the government, 72 of the 112 victims participating in the project filed charges against their traffickers. The government also decided to extend a pilot project in which male trafficking victims are offered shelter until the end of 2012. There were no reports that any victims were punished for unlawful acts committed as a direct result of being trafficked. However, one NGO expressed concern that some unidentified trafficking victims may be mistakenly detained by law enforcement who may have missed signs of trafficking. To facilitate safe and voluntary repatriation, the Ministry of Foreign Affairs has developed a system to evaluate victims' safety in five countries of return.

Prevention

The government continued to pursue innovative approaches to prevent trafficking and address demand for commercial sex acts and forced labor during the reporting period. In 2011, the Foreign Ministry began informing foreign diplomats' domestic staff members, without their employers present, how to report cases of abuse. The government-funded victim protection agency launched a social media campaign to raise public awareness about other forms of trafficking outside of the sex industry. Furthermore, in August 2011, national police conducted an Internet chat session to inform young adults about the practice of local pimps seducing young women and then coercing them into sex trafficking and forced prostitution in the Netherlands. The human trafficking task force presented its 2011-2014 action plan in July 2011; one activity includes a field study analysis of seven human trafficking cases involving forced labor and sex trafficking identified as sources of best practices in criminal investigations. The Task Force also published a separate 2011-2014 National Action Plan to address trafficking that occurs within the country involving locally-resident pimps and Dutch girls in December 2011.

The government continued to demonstrate strong anti-trafficking leadership by transparently reporting and publishing self-critical, public reports on its anti-trafficking efforts. According to a survey published by police forces in May 2011, only nine out of 25 regional police forces complied with strict internal guidelines on combating human trafficking. The

government-funded, autonomous Office of the Dutch National Rapporteur on Trafficking monitored the government's anti-trafficking efforts and, in January 2012, published an inventory of human trafficking cases prosecuted between 2006 and 2010. In 2011, the Social Affairs Ministry continued its awareness campaign informing citizens and certain target groups, including trade unions and work councils, about the existence of labor exploitation in the Netherlands. The military provided training on the prevention of trafficking and additional training on recognizing trafficking victims for troops being deployed abroad on missions as international peacekeepers.

Bonaire, St. Eustatius and Saba

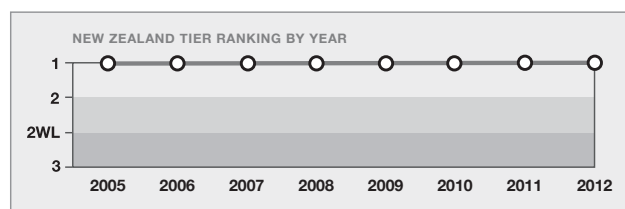
On October 10, 2010, the Kingdom of the Netherlands obtained a new constitutional structure under which the "Netherlands Antilles" ceased to exist as an entity within the Kingdom. As of that date, Bonaire, St. Eustatius and Saba (the BES islands) became part of the Netherlands. On September 27, 2010, the government adjusted the Criminal Code of the BES islands to reflect the new structure. The criminal code contains a prohibition of trafficking in persons, both for sexual and labor exploitation (Art 286f). The government reported this article is similar to the human trafficking article in the country's criminal code, although prescribed penalties are lower, ranging from six years for the lowest-level single offense, to 15 years in the case of a trafficking victim's death. The BES islands are a transit and destination area for women and children who are subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. The women in prostitution in both the BES islands' regulated and illegal commercial sex sectors are highly vulnerable to human trafficking, as are unaccompanied children on the islands. Local authorities believe that men and women also have been subjected to involuntary domestic servitude and other forms of forced labor in the agricultural and construction sectors. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

In June 2011, the Netherlands, also representing BES, signed a new memorandum of understanding (MOU) with Aruba, Curacao and St. Maarten to increase cooperation on anti-trafficking to improve victim identification and prosecution of traffickers on the islands. Part of the MOU includes establishment of a "twinning" system for officials from the four countries of the Kingdom and the BES to provide each other with technical support toward developing anti-trafficking investigations and prosecutions, as well as shelter and information campaigns. In January 2012, anti-trafficking experts from the Netherlands delivered a two-day anti-trafficking training in the BES islands involving 40 officials from 10 organizations. Although formal interagency anti-trafficking working groups operated in Bonaire, Saba, and St. Eustatius, neither local authorities nor the Government of the Netherlands reported the identification of any potential trafficking victims. Moreover, no trafficking prosecutions or convictions were initiated on these islands during the reporting period. The central government continued to provide in-kind support for human trafficking hotlines in St. Maarten and Bonaire, but there were no awareness campaigns specifically targeting potential clients of the sex trade in the BES islands in an effort to reduce demand for commercial sex acts.

NEW ZEALAND (Tier 1)

New Zealand is a source country for underage girls subjected to internal sex trafficking and a destination country for foreign men and women subjected to forced labor. Foreign men, largely from Indonesia, Cambodia, Vietnam, and Thailand, are subjected to conditions of forced labor, including debt bondage, aboard foreign-flagged fishing vessels in New Zealand waters. Alleged conditions experienced by workers on these boats – most of which are Republic of Korea (South Korea)-flagged – include confiscation of passports, imposition of significant debts, physical violence, mental abuse, and excessive hours of work. Prior press reports and the UN Inter-Agency Project on Human Trafficking have indicated that fishermen from Vietnam and elsewhere in Southeast Asia are also allegedly victims of forced labor on fishing vessels in New Zealand waters. Foreign women, including some from China and Southeast Asia, may be recruited from their home countries by labor agents for the purpose of prostitution and may be at risk of coercive practices. A small number of girls and boys, often of Maori or Pacific Islander descent, are trafficked domestically to engage in street prostitution while some are victims of gang-controlled trafficking rings. Some Asian and Pacific Islander individuals migrate voluntarily to New Zealand to work in the agricultural sector and are subsequently forced to work in conditions different from what was stipulated in their contracts. Some foreign workers report being charged excessive – and escalating – recruitment fees, experiencing unjustified salary deductions and restrictions on their movement, having their passports confiscated and contracts altered, or being subjected to a change in working conditions without their permission – all indicators of human trafficking.

The Government of New Zealand fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government initiated research to investigate the extent of human trafficking in the fishing sector and in the legalized sex trade; however, it made no convictions or prosecutions under the country's trafficking legislation. Additionally, the government is undertaking a legal review of national anti-trafficking legislation to ensure its compliance with international norms. While a trafficking investigation continued at the end of the reporting period, and potential victims were identified and provided with some services, the government did not formally identify any persons as trafficking victims during the year.



Recommendations for New Zealand: Draft and enact legislation that will expand New Zealand's current anti-trafficking legal framework to prohibit and adequately punish all forms of human trafficking; update the 2009 national plan of Action to reflect the current trafficking in persons situation in the country; make greater efforts to assess the full extent of sex and labor trafficking occurring in New Zealand; significantly increase efforts to investigate and prosecute both sex and labor trafficking offenders; investigate and prosecute

employment recruiting agencies or employers who subject foreign workers to debt bondage or involuntary servitude; continue and increase efforts to proactively screen vulnerable populations, including women in prostitution, foreign workers, and illegal migrants, in order to identify and assist trafficking victims; increase efforts to identify and assist child sex trafficking victims; continue to make proactive efforts to identify victims of labor trafficking, particularly among populations of vulnerable foreign laborers; and implement an ongoing anti-trafficking awareness campaign directed at clients of both the legal and illegal sex trades.

Prosecution

The Government of New Zealand made efforts to investigate suspected trafficking offenses but failed to convict and punish any trafficking offenders during the reporting period. New Zealand does not have a comprehensive anti-trafficking law. Although the government maintains that its trafficking laws comply under the 2000 UN TIP Protocol, it announced during the year that it would undertake a review of its laws to ensure that they are in fact consistent with international anti-trafficking norms and the 2000 UN TIP Protocol. Current New Zealand statutes which explicitly define human trafficking provide a narrow definition of trafficking as a transnational offense, while other provisions, specifically those found in the Crimes Act of 1961, address some forms of forced labor and domestic trafficking offenses. It appears that New Zealand law does not criminalize all forms of forced labor. First, although slavery is prohibited, its definition only covers situations of debt bondage and serfdom; thus, this prohibition does not cover forced labor obtained by means other than debt, law, custom, or agreement that prohibits a person from leaving employment. Because the prohibition of trafficking is limited to transnational actions such as the abduction, use of force or threat, or force, coercion, or deception to arrange entry into New Zealand – and does not include reference to exploitation, there appears to be no legal prohibition on the domestic recruitment, transfer, or transportation of adults for the purpose of exploitation. Furthermore, there do not appear to be additional prohibitions covering types of forced labor, such as that which is coerced by overt force or compelled by other means, which do not fit into the laws' narrow definition of slavery. The Dealing in Slaves statute and the Prostitution Reform Act criminalize sex trafficking. These statutes prohibit inducing or compelling a person to provide commercial sexual services and, with regard to children, provide a broader prohibition to include facilitating, assigning, causing, or encouraging a child to provide commercial sexual services. While statutory penalties for these crimes are generally commensurate with those prescribed for other serious crimes, such as rape, the maximum penalty of seven years' imprisonment prescribed for the sex trafficking of children is not commensurate with penalties imposed for rape or with the maximum penalty of 14 years' imprisonment prescribed for inducing or compelling the commercial sexual services of an adult. Previous research indicates that children have been prostituted, including by gangs, and the government acknowledges the risk of exploitation of some children. However, there were no such victims identified or cases reported during the year.

The Crimes Act of 1961 and the Wages Protection Act of 1983 prohibit fraudulent employment and recruiting practices, though the government has never prosecuted suspected trafficking offenders under these laws, which prescribe sufficiently stringent penalties of up to 20 years' imprisonment

and a fine in an amount equivalent to \$250,000. These penalties are commensurate with those prescribed for other serious crimes, such as rape. The Immigration Act prohibits retention or control of a person's passport or any other travel or identity document, though there were no prosecutions for passport confiscation during the year. During the reporting period, the government initiated six criminal investigations concerning forced labor on South Korean-flagged fishing vessels operating in New Zealand waters and under charter by New Zealand registered companies; these investigations remained ongoing at the close of the reporting period. Reports regarding forced labor on the South Korean-flagged fishing vessels revealed several abuses, including mental and physical abuse, sexual harassment, and withholding of payment or altered compensation. Although the government has charged the six South Korean-flagged fishing vessels for environment – related offenses, including the dumping of fish to evade quotas, it has yet to charge them with alleged forced labor of crew members.

Protection

The government demonstrated efforts to protect human trafficking victims during the reporting period. The country's laws require that victims of crime, including human trafficking, receive access to and information about services including medical care, legal aid, and psycho-social counseling; the government offers these services to individuals on a case-by-case basis. Also on a case-by-case basis, the New Zealand police, provide amenities, such as food and shelter, to meet the immediate needs of victims of crime and refer them to NGOs or other service providers.

Over 120 possible victims of forced labor aboard foreign chartered vessels in the commercial fishing industry were identified by NGOs and the government during the reporting period. The majority of these individuals, all men, claimed severe underpayment of wages, and some also alleged experiencing additional abuse. These conditions aboard the vessels led to several crews leaving their ships *en masse* during the reporting period. Thirty-two Indonesian fishermen were provided immediate welfare, including short-term shelter and food during the initial phase of one subsequent investigation. Additionally, immigration officials granted six crew members temporary visas, with work rights, to remain in the country to represent the crews' interests in the recovery of wages, to provide testimony regarding fish dumping in contravention of environmental regulations, and to assist in the ongoing investigation of human trafficking aboard the vessels. The remaining members of this crew returned to Indonesia. Members of other crews have been repatriated.

New Zealand's laws authorize temporary residency to victims of trafficking for up to 12 months and makes them eligible for a variety of government-provided or government-funded services. During the reporting period, a citizen of New Zealand was repatriated from the Philippines after being subjected to human trafficking. Upon her return to New Zealand, she received appropriate trafficking victim support services, including medical and counseling services.

Prevention

The Government of New Zealand continued to make efforts to prevent trafficking during the reporting year. The Ministry of Social Development continued to distribute brochures on trafficking indicators in six languages to regional departments,

which distributed them to community groups, as well as those in the sex trade and the horticulture and viticulture industries. At the Auckland, Wellington, and Christchurch international airports, the Department of Labor displayed posters warning people of trafficking vulnerabilities and providing websites where migrant workers can seek additional help. In the months preceding the Rugby World Cup, hosted by New Zealand in September and October 2011, Immigration New Zealand worked with law enforcement agencies in potential source countries, such as Australia, South Africa, Hong Kong, and Singapore to develop a strategy to prevent transnational trafficking, including through the relocation of law enforcement staff and other resources.

During the reporting period, Immigration New Zealand started a nationwide operation increasing the monitoring of brothels to ensure compliance with applicable laws and to identify victims of human trafficking, including forced labor or debt bondage. The Department of Labor established a working group to examine issues that affect vulnerable migrant workers, specifically those on dairy farms, and the government funded a study based in Auckland on migrant women in the legal sex trade to explore conditions that may lead to their exploitation and coercion.

In response to a series of academic, NGO, and press reports on the significant prevalence of forced labor aboard South Korean-flagged fishing vessels operating in New Zealand waters, the Government of New Zealand commissioned a ministerial inquiry in September 2011 to examine the extent of allegations of trafficking and mistreatment of crews, complaints of underpayment, questions about vessel safety standards, and reported breaches of fisheries and environmental regulations. The ministerial inquiry released its final report in March 2012, outlining 15 recommendations, of which six were immediately accepted by the government; other recommendations, some requiring legislative changes, are said to be long-term and remain under consideration. Perhaps the most significant recommendations are those that call on the government to amend the Fisheries Act of 1996 to restrict foreign chartered vessels operating within New Zealand's exclusive economic zone to those under direct charter agreements, and to require all crews on these vessels to be covered under New Zealand employment contracts guaranteeing adequate wages and working conditions.

The government's inter-agency working group on trafficking, led by the Department of Labor, met twice during the reporting period. The government did not take significant steps to reduce the overall demand for commercial sex acts in the decriminalized commercial sex industry. During the reporting period, the Department of Labor developed an online training module on trafficking in persons to make compulsory for all new staff. The government trained customs, immigration, labor, and police officers on identifying victims of trafficking and on victim interview techniques. Front-line customs officers received training aimed at raising their awareness of trafficking indicators and were provided templates of possible questions to ask if they encounter suspected victims of human trafficking. No women in prostitution were identified as trafficking victims by compliance inspectors during their interviews of women in brothels. In November 2011, a man was found guilty for facilitating child sex tourism to Thailand through a website. He was the first person in New Zealand to be charged with such an offense, and in February 2012 he was sentenced to three years' imprisonment. The government provided anti-trafficking

training to military personnel prior to their deployment abroad on international peacekeeping missions.

NICARAGUA (Tier 1)

Nicaragua is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Nicaraguan women and children are subjected to sex trafficking within the country as well as in neighboring countries, most often in other Central American states, Mexico, and the United States. Trafficking victims are recruited in rural areas for work in urban centers, particularly Managua, Granada, and San Juan del Sur, and subsequently coerced into prostitution. Nicaraguan girls are reportedly subjected to sex trafficking along the country's Atlantic Coast. To a lesser extent, adults and children are subjected to conditions of forced labor in agriculture and domestic servitude within the country and in Costa Rica, Panama, and other countries in the region. During the year, authorities reported a potential forced labor case involving 18 Nicaraguan men who were falsely recruited for work in Guatemala and were instead taken to Mexico to be trained in criminal activity by a drug trafficking organization; 10 of the men escaped and returned home. Nicaragua is a destination country for a limited number of women and children from neighboring countries exploited in sex trafficking. Managua, Granada, Esteli, and San Juan del Sur are destinations for foreign child sex tourists from the United States, Canada, and Western Europe.

The Government of Nicaragua fully complies with the minimum standards for the elimination of trafficking in persons. The government significantly improved its anti-trafficking law enforcement efforts during the reporting period, specifically through an increased number of investigations, prosecutions, and convictions of traffickers. During the year, authorities opened a shelter for human trafficking victims, despite limited resources; however, victim services remained uneven across the country. The government maintained anti-trafficking prevention efforts in partnership with civil society organizations.



Recommendations for Nicaragua: Continue to investigate and prosecute all forms of human trafficking, and convict and punish trafficking offenders; institute clear, formal, and proactive procedures for identifying trafficking victims among vulnerable populations; ensure that victims identified within the country and repatriated Nicaraguan victims are referred to appropriate services; provide adequate funding for specialized services for trafficking victims, including the new shelter, as well as for specialized anti-trafficking police units; develop a unified system for tracking trafficking law enforcement data and statistics; partner with civil society organizations to ensure that victims receive long-term care and reintegration services; provide foreign victims with legal alternatives to deportation; increase training and resources for government officials in order to identify and provide

services to victims of sex trafficking and forced labor; institute efforts to reduce the demand for commercial sexual exploitation of children; continue to strengthen mechanisms at the local level to raise awareness and to identify and respond to trafficking cases; and continue to raise awareness of all forms of human trafficking through increased public awareness efforts and campaigns.

Prosecution

The Government of Nicaragua sustained progress in its law enforcement efforts against human trafficking during the reporting period. Nicaragua criminalizes all forms of human trafficking through Article 182 of its penal code, which prohibits trafficking in persons for the purposes of slavery, sexual exploitation, and adoption, prescribing penalties of seven to 12 years' imprisonment. In January 2012, this article was amended, increasing penalties to 10 to 14 years' imprisonment and broadening the scope of offenses that can be prosecuted as human trafficking; these reforms will come into effect in May 2012. A separate statute, Article 315, prohibits the submission, maintenance, or forced recruitment of another person into slavery, forced labor, servitude, or participation in an armed conflict; this offense carries penalties of five to eight years' imprisonment. These prescribed punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities maintained anti-trafficking units in the capital, established in late 2010, within the intelligence and judicial police forces, as well as within the Women's Police Commission, with a total of 14 officers in these central offices. Additionally, a police officer was designated as an anti-trafficking point person in each of the country's 16 departments and each of the capital's 10 districts; these officers received anti-trafficking training and were appointed to work with the specialized units in investigating cases. Although authorities held quarterly working meetings to develop and track case data, a lack of centralized data often resulted in conflicting data on law enforcement efforts.

During the reporting period, police investigated 26 potential trafficking cases, including two labor trafficking cases, and judicial authorities initiated 21 prosecutions, compared with 19 investigations and five prosecutions initiated during the previous reporting period. All accused trafficking offenders apprehended during the year were reported to be in preventive detention. The government convicted nine trafficking offenders during the reporting period, and sentenced them to seven to 12 years' imprisonment; in comparison, during the previous reporting period, authorities reported five convictions. Nicaraguan authorities collaborated with the governments of neighboring countries to investigate jointly trafficking cases and repatriate returning trafficking victims from abroad. In partnership with civil society organizations, authorities provided specialized training on trafficking investigative techniques to over 1,500 law enforcement officers, and the Nicaraguan foreign ministry trained its consular officials in several countries on how to identify trafficking victims. There were no reported investigations, prosecutions, or convictions for official complicity during the year.

Protection

The Government of Nicaragua significantly increased efforts to protect trafficking victims during the last year by opening a dedicated shelter in the capital and identifying

a greater number of victims, although specialized services remained uneven across the country. There were no formal procedures for identifying trafficking victims among high-risk populations, such as adults and children in prostitution. Police reported identifying 85 potential trafficking victims in 2011, a significant increase from 18 victims identified in 2010. It is unclear, however, how many of these victims received specialized services, though 16 were assisted at the new government-run shelter opened in Managua in 2011, which cost up to the equivalent of \$100,000. During the reporting period, 16 adult women received services at the shelter, which is managed by the women's police anti-trafficking unit with a staff of five officers. Authorities were still in the process of developing protocols to govern the use of the shelter, which is designed to provide temporary lodging. The regional departments most affected by human trafficking lacked adequate services. However, NGOs operated shelters for at-risk children and female adult victims of domestic abuse in Rio San Juan, Esteli, Rivas, and Managua, and the government operated one short-term shelter for children who are victims of domestic or sexual abuse in Managua. It was unclear how many trafficking victims were assisted at these shelters during the reporting period, though one NGO reported assisting 15 child trafficking victims, 10 of whom were referred by the government. While the government did not provide funding to these NGOs, officials referred victims to them for assistance. Victims received limited medical and psychological assistance from the government, as well as education when appropriate, though longer-term care was minimal. Services and shelter for male victims remained limited.

The government encouraged victims to participate in trafficking investigations and prosecutions, though some were reluctant to do so due to social stigma and fear of retribution from traffickers. During the year a record 44 victims testified in the prosecution of their traffickers. There were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked. Although there is no trafficking-specific legal alternative to the removal of foreign victims to countries where they may face hardship or retribution, victims often were allowed to remain in the country temporarily.

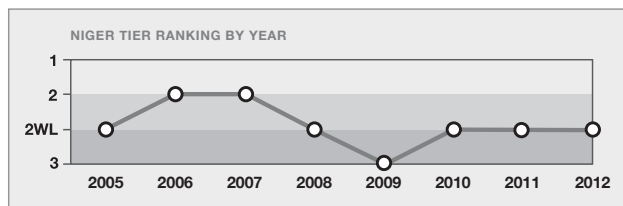
Prevention

The Nicaraguan government maintained efforts to prevent trafficking during the last year, mostly in partnership with civil society organizations and with foreign government funding. The government-run anti-trafficking coalition, which is composed of government and civil society actors, was responsible for coordinating anti-trafficking efforts and implementing its strategic plan, and met every two months. The coalition continued to organize regional working groups to address trafficking at the local level in the country's 15 departments and two autonomous regions, and trained over 500 members of these groups. The regional groups varied in effectiveness, with some still in the developmental stage. Different government entities coordinated with the coalition on awareness efforts and reported reaching over 22,000 Nicaraguans with messages on general women's issues and human trafficking. There were no reported investigations of child sex tourism during the reporting period. The government reported no initiatives to reduce demand for commercial sexual acts or for forced labor.

NIGER (Tier 2 Watch List)

Niger is a source, transit, and destination country for children, women, and men subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country. Nigerien boys are subjected to forced begging or forced labor within the country, as well as in Mali and Nigeria, by corrupt *marabouts* (religious instructors); these individuals, or other loosely-organized clandestine networks, may also place Nigerien girls into domestic servitude or the sex trade. Nigerien children are subjected to forced labor in gold mines, agriculture, and stone quarries within the country. Girls are subjected to prostitution along the border with Nigeria, particularly along the main highway between the towns of Birni N'Konni and Zinder. Nigerien girls reportedly enter into "marriages" with citizens of Nigeria and foreign nationals living in Saudi Arabia and the United Arab Emirates, after which they are forced into domestic servitude upon arrival in these countries. In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as "fifth wives" and subsequently subject them to forced labor and sexual servitude; their children are born into slave castes. Traditional chiefs play a primary role in this form of exploitation, either through enslaving children in their own families or arranging "marriages" for other powerful individuals. A small number of girls in forced marriages may be prostituted by their "husbands," and a larger number are exploited in the sex trade after fleeing their nominal marriages. Nigerien women and children are recruited from Niger and transported to Nigeria, North Africa, the Middle East, and Europe where they are subsequently subjected to domestic servitude and sex trafficking. There were unconfirmed reports during the year that Chinese workers were forced to labor at a petroleum refinery in Niger. Niger is a transit country for men, women, and children from Benin, Burkina Faso, Cameroon, Gabon, Ghana, Mali, Nigeria, and Togo migrating *en route* to Algeria, Libya, and Western Europe; some may be subjected to forced labor in Niger as domestic servants, mechanics, welders, laborers in mines and on farms, or in bars and restaurants.

The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Niger is placed on Tier 2 Watch List for a third consecutive year. Niger was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to that plan. During the year, the government took some steps to finalize a national legal framework to combat trafficking and the president spoke publicly about the government's commitment to pursue vigorous law enforcement action against slavery, child prostitution, exploitive child begging, and other forms of human trafficking. It was notable that this public proclamation explicitly referenced particular forms of trafficking and included a vow to apply severe penalties to traffickers, as senior Nigerien officials had previously exhibited an unwillingness to acknowledge the persistence of traditional slavery, and government efforts to apply criminal penalties to those who exploit others for compelled service have been virtually nonexistent.



Recommendations for Niger: Issue policy guidance to relevant agencies for full implementation of the anti-trafficking law; continue to respond to legal complaints filed by NGOs while increasing efforts to initiate investigations and punish trafficking offenders, particularly those guilty of slavery offenses, using the anti-trafficking law; hand down adequate sentences for individuals convicted of committing trafficking crimes, and enforce court judgments; train law enforcement and judicial officials throughout the country on the provisions of the anti-trafficking law and ensure the text of the law is widely distributed; in coordination with NGOs and international organizations, train law enforcement officials to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, girls born into slave castes, and children at worksites; develop systematic procedures to refer identified victims to protective services and support NGO partners in providing victim care; increase efforts to rescue victims of traditional slavery practices; initiate law enforcement investigations into suspected cases of local officials colluding with traffickers or accepting bribes to obstruct criminal investigations of trafficking crimes, particularly traditional slavery; include civil society representatives in anti-trafficking policy discussions and ensure they are given a platform to provide meaningful input to policymaking decisions; allocate funding for the operation of the National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for the Fight against Trafficking in Persons; and implement an initiative to raise public awareness about the new anti-trafficking law, specifically targeting vulnerable populations, and encourage victims to exercise their rights under the law.

Prosecution

The Government of Niger demonstrated weak efforts to investigate and prosecute trafficking cases during the year, failing to implement its anti-trafficking law, Order No. 2010-86 on Combating Trafficking in Persons. This law prohibits all forms of trafficking, including slavery and practices similar to slavery, and prescribes a punishment of five to 10 years' imprisonment for committing trafficking crimes against adults. These prescribed penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. The law prescribes an increased penalty of 10 to 30 years' imprisonment when the victim is a child. The law defines slavery and practices similar to slavery and specifically prohibits exploitative begging. During the year, the law remained nonoperational, as it lacked the necessary guidance for its implementation. In March 2012, the government established, via decree, two coordinating bodies charged with developing Niger's anti-trafficking policies and guidance for implementing its laws, the first step toward making the anti-trafficking law operational. Other statutes prohibit some forms of trafficking, but were not used to prosecute cases during the reporting period. The country's pre-existing penal code prohibits slavery, procurement of a

child for prostitution, and the encouragement of or profiting from child begging in articles 270 (as amended in 2003), 292-293, and 181, respectively, and its labor code outlaws forced and compulsory labor in Article 4. The penal code's prescribed penalty of 10 to 30 years' imprisonment for slavery offenses is sufficiently stringent. The penalties prescribed in the labor code for forced labor – fines ranging from up to the equivalent of \$48 to \$598 and from six days' to one month's imprisonment – are not sufficiently stringent.

During the reporting period, the government investigated two suspected trafficking cases, but did not prosecute or convict any offenders, representing a decline in its efforts from the previous year. It continued to fail to identify cases and initiate investigations independently, and only took law enforcement action in a small number of instances after cases were brought to its attention by local NGOs. Structural barriers impeded victims' access to justice, as they were often uninformed about their legal rights and lacked the necessary capacities and resources to seek punitive action against their exploiters. In December 2011, police arrested five *marabouts* suspected of forcing children to beg, but released all suspects after two days in police custody. In the same month, the government reported arresting two additional suspected child traffickers who remained in pre-trial detention at the close of the reporting period; it did not provide details about the nature of the case. There were no reported developments in a 2010 case in which a man was accused of re-enslaving two former slaves, and information was not available on a slavery case pending since 2006, suggesting it is no longer pending. An NGO in Tahoua reported a small number of slavery prosecutions that have been ongoing for years remained pending, but no alleged traffickers have been detained. In one infamous case during the year, the government failed to initiate an investigation or prosecution against a *marabout* in Agadez who was known to be forcing 350 children to beg on the streets; some children remained in the custody of the suspected trafficker at the end of the reporting period. The government did not provide specialized training to law enforcement officers on the identification and investigation of trafficking cases, but foreign donors provided some training to officials. In September 2011, Nigerien officials met with counterparts in northern Nigeria to discuss cross-border trafficking, but this meeting did not yield discernible progress toward a bilateral MOU between the two governments. There were reports that local officials chose not to pursue slavery cases brought to their attention due to social or political connections of the alleged traffickers. There is no evidence of public officials' complicity in trafficking, though civil society representatives argued that judicial failure to focus adequately on slavery cases brought to their attention amounted to tacit complicity. No government officials were investigated, prosecuted, or convicted for involvement in trafficking or trafficking-related criminal activities during the reporting period.

Protection

The government undertook few efforts to protect trafficking victims during the year, and it relied almost exclusively on NGOs and international organizations to identify victims and provide them with services. Authorities did not develop or employ proactive measures to identify trafficking victims among vulnerable populations, such as women and girls born into traditional slave castes or children at worksites. Moreover, there were no formal procedures to guide officials in referring identified victims to protective services; police often did not know where to refer victims for care. The government provided

medical assistance and temporary shelter in social service facilities to a small number of child victims and referred others on an *ad hoc* basis to local NGOs for care, but it did not provide services to adult victims or victims of hereditary servitude. The majority of victims were identified and cared for by NGOs without government involvement, and NGO capacity was inadequate. Victims were often forced to return to their villages after a few months if NGO resources ran out, and some children spent the night in police stations when shelter space was not available. The government and NGOs identified 490 victims during the year, 315 of whom were removed from situations of exploitation and some of whom received protective services and temporary shelter. In June 2011, local government officials worked with a local NGO and an international organization to rescue 175 children who had been subjected to forced begging by a *marabout* in Agadez; the children were returned to their families, but did not receive additional services. Due to a lack of funding, an additional 175 victims were not rescued during this operation and remained in the custody of the *marabout*. Recent reports indicate that, as a result of NGO awareness campaigns, additional children were removed from forced begging by their parents and relatives and returned to their villages, and only a small number of children remain at the *marabout's* school.

The government did not assist any foreign victims with repatriation to their home country during the year, and an NGO reported some repatriations were on hold due to a lack of funds or of government cooperation or both. The regional government of Agadez continued to operate a committee comprised of police and local officials to assist in returning Nigerian migrants deported from North Africa to their countries or communities of origin, though it did not make efforts to identify trafficking victims among this population. The government reported that adult victims would be encouraged to assist in the investigation and prosecution of trafficking cases, though none were identified during the year. There were no reports that identified victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as law violators. Front-line officials did not receive training to identify victims and refer them to protective services, and border guards often denied entry to suspected traffickers and victims, rather than attempting to rescue victims and place them in protective care.

Prevention

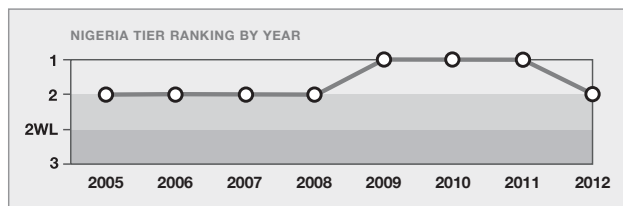
The Government of Niger made some efforts to prevent human trafficking during the year. The president spoke publicly about his administration's commitment to combating human trafficking, including domestic slavery, and senior government officials provided remarks at anti-trafficking training sessions funded by international donors. In May and September 2011, the National Statistics Institute released studies on forced labor it produced in partnership with an international organization. There was no coordinating body for the government's anti-trafficking efforts during the year; the multi-stakeholder National Commission against Forced Labor and Discrimination discontinued its work due to a lack of funding. The National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for the Fight against Trafficking in Persons, required by the 2010 law to develop and implement Niger's anti-trafficking policies, came into existence via an implementing decree in

March 2012. The government did not, however, appoint staff or distribute funding necessary to make these bodies fully operational. During the year, the government drafted a five-year action plan to combat trafficking. It took no discernible measures to address the demand for forced labor or commercial sex acts. Bylaws governing Niger's armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though there is no evidence the government implemented this training.

NIGERIA (Tier 2)

Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerians are recruited from rural, and to a lesser extent urban, areas within the country: women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as South Africa, where they are exploited for the same purposes. Children from West African countries, primarily Benin, Ghana, and Togo, are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls, primarily from Benin City in Edo State, are subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labor. Nigerian women are trafficked to Malaysia where they are forced into prostitution and to work as drug mules for their traffickers. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labor. Nigerian gangs traffic large numbers of Nigerian women into forced prostitution in the Czech Republic and Italy, and EUROPOL has identified Nigerian organized crime as one of the largest law enforcement challenges to European governments.

The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but is making significant effort to do so. During the reporting period, the government did not demonstrate sufficient progress in its anti-trafficking law enforcement efforts. Roughly a third of convicted traffickers received fines in lieu of prison time, and despite identifying 386 labor trafficking victims the government prosecuted only two forced labor cases. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), established by the 2003 Anti-Trafficking in Persons Law to coordinate and facilitate the government's anti-trafficking agenda, did not increase its funding for protective services and its victim shelters offered limited reintegration services and were not always well-maintained. Despite documentation of a staggering number of Nigerians trafficking victims identified in countries around the world, the government inconsistently employed measures to provide services to repatriated victims. However, NAPTIP did execute its first joint law enforcement exercise with the Government of Mali which led to the arrest of trafficking perpetrators and to the rescue of Nigerian trafficking victims.



Recommendations for Nigeria: Ensure that the activities of NAPTIP are funded sufficiently, particularly for prosecuting trafficking offenders and providing adequate care for victims; increase investigations and prosecutions of labor trafficking offenses, and convictions and punishments of labor trafficking offenses; vigorously pursue trafficking investigations, prosecutions, and convictions and impose adequate sentences on convicted trafficking offenders, including imprisonment whenever appropriate; train police and immigration officials to identify trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members; provide mandatory training to all NAPTIP shelter counselors, specifically addressing key trauma issues unique to trafficking victims; increase the provision of educational and vocational training services to victims at all government shelters; develop a formal system to track the number of victims repatriated from abroad, and upon repatriation ensure they are aware of available protective services; ensure NAPTIP productively interacts with and receives support from other government agencies that come in contact with trafficking issues; and take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses.

Prosecution

The Government of Nigeria did not demonstrate adequate progress in its anti-trafficking law enforcement efforts during the year. After a severe reduction in prosecutions in 2010, the percentage of investigations of suspected trafficking offenses that resulted in court proceedings increased slightly in 2011; however the number of cases prosecuted remained low compared to the large numbers of trafficking investigations. Furthermore, sentencing of offenders was inadequate and, despite large numbers of identified forced labor victims, the government continued to neglect the prosecution of labor trafficking crimes. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law prescribed penalties of five years' imprisonment or a fine not to exceed the equivalent of \$645 or both for labor trafficking offenses; these are sufficiently stringent, but the law allows convicted offenders to pay a fine in lieu of prison time for labor trafficking or attempted trafficking offenses, which is a penalty that is not proportionate to the crime committed. The law prescribes penalties of 10 to 15 years' imprisonment for sex trafficking offenses and a fine of the equivalent of \$1,250, or both. For sentences that include only a fine, penalties are not sufficiently stringent.

NAPTIP initiated 279 new investigations during the reporting period, prosecuted 15 trafficking cases, and convicted 23 traffickers. Despite identifying almost 400 forced labor victims, NAPTIP only prosecuted two forced labor cases, in comparison with 13 forced prostitution cases. All cases were tried under articles within the 2003 Trafficking in Persons Law Enforcement

and Administration Act. Sentences ranged from six months' to 14 years' imprisonment and fines ranged from the equivalent of \$63 to \$316 – below the maximum fines to the equivalent of \$645 to \$1,250. Of the 23 offenders convicted, eight received a jail sentence with the option of a fine in lieu of time served, 13 offenders received jail time with no option of a fine, and two received both jail time and a fine. NAPTIP officials held workshops with federal and state judges to educate them on the trafficking in person's law, the particular challenges faced in prosecuting this crime, and on the need to apply stricter penalties in trafficking cases. NAPTIP proposed draft legislation to the national assembly that would eliminate the option of handing down only a fine in trafficking convictions. The national assembly has yet to pass these amendments into law and judges continued to use fines in lieu of prison sentences. At the conclusion of the reporting period, 118 trafficking cases remained pending. NAPTIP's funding levels have remained static for the past few years and the limited number of prosecutions indicates the Government of Nigeria needs to prioritize increased funding to the agency.

Although NAPTIP demonstrated an ability to obtain convictions from the prosecutions it initiated, a small number of investigations conducted during the year resulted in prosecutions, suggesting a need to enhance the investigation and prosecution skills of relevant officials. NAPTIP funded the training of 90 senior NAPTIP officials at the Nigerian Defense Intelligence School in Karu in March and July 2011, where they received training in basic security and intelligence skills necessary for any law enforcement officer. Throughout the reporting period, the government reported collaborating with law enforcement agencies in Germany, the United Kingdom, Greece, Sweden, France, Slovakia, Belgium, The Netherlands, and Italy on trafficking investigations involving Nigerian nationals. In some cases this cooperation led to the successful prosecution of a suspect in the host country; however, specific details on these cases was unavailable. The government did not initiate any investigations, pursue prosecutions, or obtain convictions of government officials for involvement in trafficking-related corruption during the reporting period, although such corruption was known to have occurred.

Protection

The Government of Nigeria made limited efforts to protect trafficking victims during the year, despite the government's considerable resources. NAPTIP maintained a database of trafficking victims identified by the government and NGOs and reported a total of 949 victims identified within the country in 2011, including 386 victims of forced labor, 563 victims of sex trafficking, and 467 children. The government paid a monthly stipend of the equivalent of \$2,500 to a local NGO and provided in-kind donations and services to NGOs and other organizations that afforded protective services to trafficking victims. It reported spending about one fifth of its operational budget, or the equivalent of \$671,000, on victim protection during 2011. NAPTIP continued to operate eight shelters with the total capacity for 210 victims at a time; this constitutes a 50 percent decrease in capacity from 2010. NAPTIP claimed this reduction was intended to provide more comfortable accommodations for victims. Given NAPTIP's ongoing reported difficulty in adequately staffing and caring for victims in shelters, this reduction of beds is worrisome, especially because the number of identified Nigerian trafficking victims continues to increase. During the reporting period, NAPTIP completed the

relocation of its primary and largest shelter to a higher-capacity facility devoted solely to trafficking victims.

In November 2011, senior NAPTIP officials conducted a joint raid with Malian officials in order to rescue previously identified Nigerian sex trafficking victims in Bamako-based brothels. While screening mechanisms in Bamako remained limited, upon arrival in Nigeria victims were referred to local NAPTIP shelters for care; most victims chose to return to their homes after a brief stay in shelters. Within Nigeria, government officials continued to lack systematic procedures for identifying victims among vulnerable populations, such as women in prostitution. Authorities outside of NAPTIP – such as police and immigration officers assigned to other units – were not well-trained to identify victims. In one particular case, and for unknown reasons, Nigerian officials did not assist prosecutors, representing a Nigerian victim in a foreign country, in locating a Nigerian trafficker who was in Nigeria during the case proceedings. Nigerian diplomats in a neighboring West African country referred most of the Nigerian trafficking victims identified in that country to local NGOs rather than arranging for their repatriation to NAPTIP shelters in Nigeria. Despite the growing number of Nigerian trafficking victims identified abroad, the government has yet to implement formal procedures for the repatriation and reintegration of Nigerian victims.

Victims in NAPTIP's shelters were offered counseling, legal services, and basic medical treatment, and victims who required specialized care received treatment from hospitals and clinics through existing agreements with these institutions. Some shelter staff, however, lacked previous training or professional experience in treating the trauma of trafficking victims, and the government did not provide such specialized training to staff members during the reporting period. Victims were allowed to stay in NAPTIP shelters for up to six weeks – a limit which was extended by up to four additional weeks in extenuating circumstances – during which time they received informal education or vocational training; after this time, those who needed long-term care were referred to a network of NGOs that could provide additional services, though few long-term options were available for adult victims. Victims were not allowed to leave the shelters without a chaperone, a practice that is known to risk re-traumatization of trafficking victims. Government officials adhered to the explicit provision of the 2003 Trafficking in Persons Law Enforcement and Administration Act, which ensures that trafficking victims are not penalized for unlawful acts committed as a result of being trafficked. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTIP reported that 29 victims served as witnesses or gave evidence during trial in 2011. All victims were eligible to receive funds from the victims' trust fund, which was financed primarily through confiscated assets of convicted traffickers. During the reporting period the equivalent of \$21,500 was disbursed to 45 victims, although not necessarily in equal amounts and for purposes ranging from medical costs to school tuition. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution; short term residency that could not be extended.

Prevention

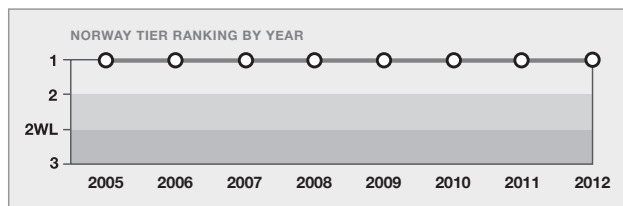
The Government of Nigeria sustained modest efforts to prevent human trafficking through campaigns to raise awareness and educate the public about the dangers of trafficking. NAPTIP's Public Enlightenment Unit continued to conduct national

and local programming through radio and print media in all regions of the country to raise awareness about trafficking, including warning about the use of fraudulent recruitment for jobs abroad. The objective of these and several related programs was to sensitize vulnerable people, sharpen public awareness of trends and tricks traffickers used to lure victims, warn parents, and encourage community members to participate in efforts to prevent trafficking. In December 2011, NAPTIP and the Dutch national police agency signed a memorandum of understanding to use a "train-the-trainers" format to build the capacity of NAPTIP in combating trafficking. The government took no discernible steps to decrease the demand for forced labor and, in fact, cut its labor inspection force from 500 to 50. Additionally, labor inspectors at headquarters lacked any vehicles with which to monitor field conditions. In efforts to reduce participation in child sex tourism, the government arrested Nigerian nationals for child sex tourism in the Philippines during the reporting period. The government, with foreign donor support, provided anti-trafficking training to Nigerian troops prior to their deployment abroad on international peacekeeping missions.

NORWAY (Tier 1)

Norway is a destination and, to a lesser extent, a transit and source country for women and girls subjected to sex trafficking and for men and women subjected to forced labor in the domestic service and construction sectors. Children are subjected to forced begging and forced criminal activity, such as shoplifting and drug sales. Most trafficking victims identified in Norway originate in Nigeria, while others came from Eastern Europe (Lithuania, Romania, Hungary, and Bulgaria), Africa (Algeria, Ghana, Eritrea, Cameroon, Kenya, Somalia, and the Democratic Republic of Congo), Brazil, China, and the Philippines. These victims usually travel to Norway on Schengen visas issued by other European countries, and transit several countries, such as Italy, Spain, and Morocco. African trafficking offenders often coerce victims into prostitution through threats to family at home and threats of voodoo. Traffickers from Eastern Europe are typically members of small family mafias; offenders seduce young women in their home countries and convince them to come to Norway, where they are forced into prostitution. Men from the United Kingdom have been forced to work in construction in Norway. Some foreign *au pairs*, including those from the Philippines, were victims of trafficking in Norway.

The Government of Norway fully complies with the minimum standards for the elimination of trafficking. The Norwegian government has adopted a victim-centered approach to victim protection, offering generous and diverse victim services through specialized NGOs and local governments. Norwegian law obligates municipalities to offer trafficking victims shelter, regardless of residence status and the victim's willingness to testify in court. The government successfully concluded labor trafficking prosecutions involving atypical trafficking scenarios. Nevertheless, services to and identification of male victims of trafficking remain less developed than those for women. NGOs report that referrals to care by the police reduced this year.



Recommendations for Norway: Continue efforts to vigorously prosecute and convict both sex and labor trafficking offenders, and analyze why some criminal investigations into suspected human trafficking offenses are dropped or downgraded to pimping; investigate why few labor trafficking investigations result in prosecutions; consider options for the provision of longer-term victim assistance in non-emergency shelters; ensure that male and child trafficking victims also receive adequate protection and that all governmental anti-trafficking efforts are structured to address male as well as female victims of trafficking; determine why police referrals to NGOs dropped this year; offer assistance to trafficking victims who experience difficulties obtaining permanent residence permits due to identity papers; ensure that front-line responders understand and offer a "reflection period" to identified victims, during which victims can receive services and recover from their trauma; and fund a national anti-trafficking awareness campaign.

Prosecution

The Norwegian government sustained its law enforcement efforts during the reporting period. Norway prohibits all forms of trafficking in persons through Criminal Code Section 224, which prescribes a maximum penalty of 10 years' imprisonment – a penalty sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. The Coordination Unit for Victims of Trafficking – the police unit specializing in human trafficking offenses – was made permanent in 2011. Major cities, including Oslo and Bergen, also had specialized police officers trained to investigate trafficking offenses. Norwegian authorities initiated 32 sex trafficking investigations and 12 labor trafficking investigations in 2011, compared with 26 sex trafficking and 11 labor trafficking investigations initiated in 2010. The government prosecuted a total of at least seven alleged trafficking offenders – six for sex trafficking and one for labor trafficking – under Section 224, compared with 11 sex trafficking offenders and no labor trafficking offenders in 2010. At least seven trafficking offenders were convicted in 2011, compared with eight offenders convicted in 2010. In 2011, all of the convicted trafficking offenders received jail sentences. The highest sentences awarded were 4.5 years in prison, in a case in which two Lithuanian children had been forced to shoplift. In 2010, the highest sentence imposed was ten years' imprisonment for a sex trafficking offense involving children. NGOs report that the duration of a criminal trafficking trial from initial review to conviction is approximately three years.

Norwegian law enforcement investigated a few high profile labor trafficking cases during the reporting period, including the alleged forced labor of hospital workers from the Philippines and the alleged forced labor of British men in construction in Norway. The police coordination unit completed a study during the reporting period surveying possible victims of forced labor to update labor identification criteria. Norwegian

authorities collaborated with several European governments to investigate trafficking cases, including Estonia and Finland. The Norwegian government did not report the investigation, prosecution, or conviction of any government employees for complicity in trafficking in persons.

Protection

The Government of Norway sustained strong victim protection efforts during the reporting period. The Norwegian government provided protection to trafficking victims through government-funded NGOs, church associations, and municipalities. These NGOs offered both foreign and domestic victims a generous range of assistance, including shelter, legal aid, stipends for food, psychological care, medical assistance, fitness facilities, and Norwegian language classes. An NGO specializing in caring for trafficking victims who have received a reflection period offered vocational programs, education, and sponsored internships for victims who had completed a reflection period. Although some of the specialized NGOs primarily offered services to women, a few programs opened new facilities, including apartments, for men. By law, Norwegian municipalities were obligated to offer trafficking victims shelter, regardless of their immigration status. One of the main government-funded institutions for trafficking victim care received 128 contacts from trafficking victims in 2011, in contrast to 131 contacts in 2010. Nineteen of these initial contacts were men. Of these 128 initial contacts, 44 trafficking victims ultimately were housed by the victim care institution, including one man. The primary government-funded project received the equivalent of approximately \$420,000 in funding for trafficking victim care; this sum does not include the costs for majority of the aid given to victims by municipalities, including free medical care, nor the financial allocations to other trafficking NGO projects. NGOs report that some trafficking victims reside in shelters for long periods of time; 22 victims lived more than a year in trafficking shelters. In 2011, the Norwegian government reported providing services for 272 trafficking victims, including 223 women and 51 men, compared with 319 trafficking victims in 2010. NGOs observed that there was a need for more longer-term shelter options for the rehabilitation of trafficking victims no longer in trauma situations.

The government empowered and trained a diverse set of actors to proactively identify and refer victims of trafficking, including municipal authorities, police, international organizations, and NGOs. In 2011, however, NGOs reported that the number of persons in prostitution or sex trafficking victims referred by the police for care dropped dramatically. Although the majority of trafficking victims identified by the government were sex trafficking victims, the government and NGOs suspected that labor trafficking victims were more likely to escape their detection and identification as trafficking victims.

Victims were permitted to stay in Norway without conditions during a six-month reflection period, a time for them to receive immediate care and assistance while they consider whether to assist law enforcement with the prosecution of their case. Under new regulations adopted in 2010, the Norwegian government also offered a permanent residency permit for victims facing retribution or hardship in their countries of origin, on the condition that they give statements to the police outside of court. Any victim of trafficking, regardless of potential retribution or hardship at home, who made a formal complaint to the police, could remain in Norway for the duration of trial;

victims who testified in court were entitled to permanent residency. NGOs reported some difficulties in obtaining permanent residency for Nigerian trafficking victims who had testified in court, due to Norwegian government skepticism about the validity of the Nigerian identity documents. At least eight trafficking victims supported by the government-funded NGO testified in three separate trafficking trials in 2011. Only 17 out of the 44 victims cared for by the government-funded NGO project chose to report their situations to the police. According to the NGO, some of the victims chose to use the six-month reflection period, some feared reprisals of traffickers during trial, and others were advised by their attorneys not to report their trafficking case, either because of absence of information or because the victim was struggling with mental illness. NGOs did not report the detention or punishment of any identified trafficking victims.

Prevention

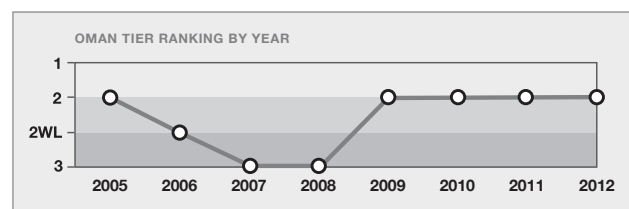
The Norwegian government sustained its trafficking prevention efforts during the reporting period. It framed many of its anti-trafficking prevention efforts in terms of preventing trafficking from the source countries. The Norwegian government continued to be a leading international anti-trafficking donor, significantly supporting victim care throughout the world, including in Nigeria, Kenya, Malawi, and Mozambique. The government allocated to the equivalent of approximately \$9 million to foreign anti-trafficking assistance. Norway named human trafficking as its priority during its 2010-2011 chairmanship of the Council of Baltic Sea States, leading other countries in high-level policy discussions on coordinated trafficking responses. The Norwegian government funded an anti-trafficking hotline that offered information to potential trafficking victims, government officials, and other NGOs. The government undertook steps to address the demand for commercial sex acts, including through investigating 211 cases involving the purchase of sexual services of an adult. Norwegian law enforcement authorities collaborated with United States and Italian investigators on potential child sex tourism cases in Europe. The Norwegian national criminal investigation service mapped the situation of Norwegian nationals travelling to child sex tourism destinations. The government did not, however, fund any broad-based national trafficking awareness campaigns targeting labor or sex trafficking. The head of the Norwegian National Advisory Group Against Organized, Illegal, Unreported and Unregulated Fishing took efforts to raise awareness about potential for forced labor on fishing vessels. The national coordinator enhanced transparency by publishing statistical reports on the government's anti-trafficking efforts. The government provided anti-trafficking training to Norwegian troops prior to their deployment abroad on international peacekeeping missions.

OMAN (Tier 2)

Oman is a destination and transit country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, who are subjected to conditions indicative of forced labor and, to a lesser extent, forced prostitution. Most migrants travel willingly and legally to Oman with the expectation of employment in domestic service or as low-skilled workers in the country's construction, agriculture, or service sectors. Some subsequently face conditions indicative of forced labor, such as the withholding

of passports and other restrictions on movement, nonpayment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Government sources note that runaway domestic workers are also susceptible to coercion into forced prostitution. Unscrupulous labor recruitment agencies and their sub-agents in migrants' original communities in South Asia, as well as labor brokers in the United Arab Emirates (UAE), Oman, and Iran, may deceive workers into accepting work that constitutes forced labor. Many of these agencies provide false contracts for employment either with fictitious employers or fictitious wages and charge workers high recruitment fees (often in an amount exceeding the equivalent of \$1,000) at usurious rates of interest, leaving workers vulnerable to trafficking. Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, and parts of South Asia who may be forced into commercial sexual exploitation, generally by nationals of their own countries. The majority of women identified as sex trafficking victims are from countries in East Africa, namely Ethiopia, Somalia, Kenya, Uganda, and Burundi. Male Pakistani laborers and others from India, Bangladesh, Sri Lanka, and East Asia transit Oman *en route* to the UAE; some of these migrant workers are exploited in situations of forced labor upon reaching their destination.

The Government of Oman does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to prosecute suspected sex trafficking offenders and sentence convicted sex traffickers to imprisonment; however, it failed to ensure that some trafficking victims were not punished for prostitution they that may have engaged in at the outset of their victimization by sex traffickers. The government failed to report any criminal prosecutions or punishment of labor trafficking offenders. The government continued to refer and assist victims of trafficking to a government-run shelter for trafficking victims. Nonetheless, Omani authorities continued to lack formal procedures to proactively identify trafficking victims among those detained for immigration violations. As a result, the government may not have adequately identified victims of forced labor or punished their traffickers. The government continued to provide anti-trafficking training to its law enforcement.



Recommendations for Oman: Continue to investigate and prosecute trafficking offenses and sentence convicted traffickers to imprisonment; make greater efforts to investigate and prosecute forced labor offenses, including those perpetrated by recruitment agents and employers; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked; institute formal procedures for identifying trafficking victims among all vulnerable populations, such as illegal immigrants; refer all suspected victims of trafficking, including victims of both forced labor and forced prostitution, to a shelter, regardless of whether there is a corresponding prosecution of an alleged offender; as a measure to prevent labor trafficking, enact and enforce

penalties for employers who withhold their employees' passports; increase and enforce legal protections for domestic workers, including coverage under the labor laws of Oman; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; and increase public awareness campaigns or other prevention programs to reduce the demand for forced labor and commercial sex acts.

Prosecution

The Government of Oman sustained modest anti-trafficking law enforcement efforts during the reporting period. Through its Royal Decree No. 126/2008, also known as the Law Combating Human Trafficking, issued in 2008, the Omani government prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment, in addition to financial penalties, for trafficking crimes. These punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. A legally-enforceable government circular prohibits employers from withholding migrant workers' passports, a practice known to contribute to forced labor. Although the circular does not specify penalties for noncompliance, courts frequently enforced this prohibition by requiring employers to return passports to their employees; the government did not report the number of such cases during the reporting period. Withholding of employees' passports remains widespread among employers in Oman, including government officials. The government failed to report on investigations and prosecutions of trafficking offenses in this reporting period that did not lead to convictions or acquittals. During the reporting period, the Government of Oman prosecuted and convicted twelve individuals for sex trafficking offenses, an increase over the number of convictions for sex trafficking reported last year. Each offender received a sentence of three to three-and-a-half years' imprisonment and a fine in an amount equivalent to \$13,000. Another individual was convicted of failing to report a crime of trafficking in persons and sentenced to three months in prison and a fine in an amount equivalent to \$50. Despite these convictions, the victims in these cases received six-month prison sentences for prostitution and were then deported. The government did not report any prosecutions or convictions of labor trafficking offenders. All Royal Oman Police officers receive training as cadets on human rights issues, including how to recognize trafficking in persons.

Protection

The government's efforts to identify and protect victims of trafficking remained weak. The Royal Oman Police continued to operate and fund a permanent shelter, which opened in January 2011, that can accommodate up to 50 men, women, and children who are victims of forced labor or sex trafficking. Victims in this shelter may not leave the premises unchaperoned, but they can readily access shelter employees to accompany them offsite. The shelter remains underutilized due to strict government entry requirements; most victims are cared for by shelters run by the embassies of their home countries. The Public Prosecution only refers trafficking victims to the government shelter if it determines the case against the alleged offender(s) will go to trial; it remains unclear where the victims are housed prior to this decision. During the reporting period, the Public Prosecution – the only entity who can refer victims to the shelter – referred 14 identified

victims of sex trafficking to the government care facility for assistance, a decrease from the 24 victims the government referred to its shelter last year. There were no reports of child victims or victims of labor trafficking referred to the shelter during this reporting period. The government continued to lack formal procedures to proactively identify victims of trafficking among all vulnerable groups, including migrants detained for immigration violations and women in prostitution. Due to a lack of comprehensive victim identification procedures, the Government of Oman failed to ensure that migrant workers subjected to forced labor or sex trafficking were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Government authorities report that victims can be identified through the government's 24-hour hotline, during the course of prosecution by trained prosecutors and police, or through random labor inspections of workplaces; however, government authorities have never reported the identification of a labor trafficking victim. The government encouraged suspected trafficking victims to assist in trafficking investigations and prosecutions, but it did not provide them with a standard legal alternative to removal to countries in which they may face retribution or hardship. Some victims, however, were permitted to stay in Oman on a case-by-case basis. Victims were not permitted to work while awaiting court proceedings.

Prevention

The government sustained modest efforts to prevent human trafficking during the reporting period. It continued to distribute brochures in numerous languages, highlighting the rights and services to which workers are legally entitled, to source country embassies and to new migrant laborers upon arrival in the country at airports, recruitment agencies, and in their places of work. In a move to prevent forced labor, the government amended provisions in the Omani labor law in October 2011 by issuing Royal Decree 113/2011, which requires employers to pay all wages by electronic deposit to the employee's local bank account; fines are prescribed for violations of this law, though the government did not report conducting investigations or imposing fines under this law during the reporting period. The government continued to operate an anti-trafficking hotline, but the government did not report how many calls the hotline received during the reporting period. The government also requires that all employers post labor law regulations in the languages of their workers in prominent locations at worksites. In addition, the government continued its public awareness campaign, which included the placement of at least one article or editorial about the labor law and trafficking issues in the press each month. There were no reported efforts by the government to reduce the demand for commercial sex acts in Oman.

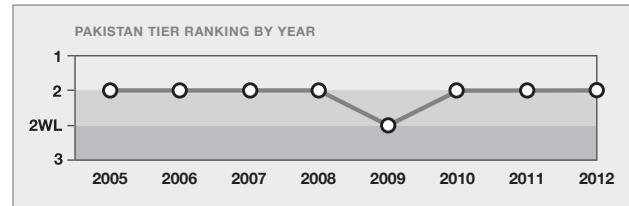
PAKISTAN (Tier 2)

Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. NGOs, international organizations, and the media describe an increase in trafficking during the past year, due to flooding and the country's deteriorating security situation. The country's largest human trafficking problem is bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Bonded labor is concentrated in the Sindh and

Punjab provinces in agriculture and brick-making, and to a lesser extent in the mining, carpet-making, glass bangle, and fishing industries. Bonded labor also exists in the fisheries, mining, and agricultural sectors of Balochistan and Khyber Pakhtunkhwa provinces. Estimates of bonded labor victims, including men, women, and children, vary widely. The Asian Development Bank estimates that 1.8 million people – one percent of Pakistan’s population – are bonded laborers, though many NGOs place the estimate much higher. In extreme scenarios, such as when bonded laborers attempt to seek legal redress, landowners have kidnapped them and their family members, holding laborers and their families in private jails. Boys and girls are also bought, sold, rented, or kidnapped to work in organized forced begging rings, domestic servitude, and prostitution. NGOs report increased public visibility and awareness of the issue of violence in child domestic servitude, including sexual abuse, torture, and death. Illegal labor agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. Children and adults with disabilities are forced to beg in Iran. Girls and women are also sold into forced marriages; in some cases their new “husbands” move them across Pakistan’s land borders and force them into prostitution in Iran or Afghanistan. Non-state militant groups kidnap children or coerce parents with fraudulent promises or threats into giving away children as young as nine to spy, fight, or die as suicide bombers in Pakistan and Afghanistan. The militants often sexually and physically abuse the children and use psychological coercion to convince the children that the acts the children commit are justified.

Many Pakistani women and men migrate voluntarily to the Gulf states, Iran, Turkey, South Africa, Uganda, Greece, and other European countries for low-skilled employment such as domestic work, driving, or construction work; once abroad, some become victims of labor trafficking. False job offers and high recruitment fees charged by illegal labor agents or sub-agents of licensed Pakistani overseas employment promoters increase Pakistani laborers’ vulnerabilities and some laborers abroad find themselves in involuntary servitude or debt bondage. Employers abroad use practices including restrictions on movement, nonpayment of wages, threats, and physical or sexual abuse. Moreover, traffickers use violence, psychological coercion, and isolation, often seizing travel and identification documents as a means to coerce Pakistani women and girls into prostitution. There are reports of child sex trafficking between Iran and Pakistan. Pakistan is a destination for men, women, and children from Afghanistan, Iran, and, to a lesser extent, Bangladesh, who are subjected to forced labor and prostitution. Religious minorities, often in the lowest socio-economic stratum, and Afghan refugees are particularly vulnerable to human trafficking.

The Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so despite the severe floods the country experienced in 2010 and 2011. The government incorporated information about the differences between trafficking and smuggling in its routine anti-trafficking training, but did not criminally convict any bonded labor offenders or officials who facilitated trafficking in persons. The lack of adequate governmental protection for trafficking victims continued.



Recommendations for Pakistan: Significantly increase law enforcement activities, including imposing adequate criminal punishments for labor and sex traffickers; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict public officials at all levels who participate in or facilitate human trafficking; develop a comprehensive criminal anti-trafficking law; pass or strengthen anti-trafficking laws and develop anti-trafficking action plans at the provincial level; consider establishing a federal-level agency with a mandate to combat internal trafficking to work in coordination with the Federal Investigation Agency (FIA); continue to raise awareness and increase enforcement of the provisions of the Bonded Labor System (Abolition) Act among law enforcement officers; continue to sensitize government officials to the differences between human trafficking and smuggling; improve methods for identifying victims of trafficking; strengthen provincial labor departments’ capacity to combat human trafficking, including bonded labor, through training and awareness-raising and by adopting provincial-level anti-trafficking action plans; undertake local-language awareness campaigns on human trafficking, targeted to parents who sell their children; and improve efforts to collect, analyze, and accurately report counter-trafficking data.

Prosecution

The Government of Pakistan made limited progress in responding to human trafficking offenses through law enforcement means over the last year. Due to severe floods in 2010 and 2011, government officials focused their attention primarily on disaster relief and recovery; as a result, the government’s ability to prosecute trafficking crimes and provide data continued to be hampered. Several sections in the Pakistan Penal Code criminalize some forms of human trafficking, such as slavery, selling a child for prostitution, and unlawful compulsory labor, prescribing punishments for these offenses that range from fines to life imprisonment. The Bonded Labor System (Abolition) Act (BLSA) prohibits bonded labor, with prescribed penalties ranging from two to five years’ imprisonment, a fine, or both. Pakistani officials have yet to secure a conviction under this law. Under the devolution process that started in 2010, federal laws apply to provinces until corresponding provincial laws are enacted. The Punjab provincial government enacted the Punjab Bonded Labor System (Abolition) (Amendment) Act in February 2012, but did not make any substantive improvement to the federal-level BLSA. Pakistan prohibits transnational trafficking in persons, as well as some non-trafficking offenses – such as people smuggling and fraudulent adoption – through the Prevention and Control of Human Trafficking Ordinance, 2002 (PACHTO), which prescribes penalties of seven to 14 years’ imprisonment. In 2011, the government passed the Anti-Women Practices Act, which, among other things, prohibits forced marriages in which women are used to settle debts. Offenders face sentences of between three and seven years’ imprisonment.

Prescribed penalties for the penal code and PACHTO offenses are sufficiently stringent and commensurate with those for other serious crimes, such as rape. The government did not report any trafficking convictions under the penal code. The government prosecuted at least 55 traffickers in 2011 compared with at least 68 traffickers in 2010 under the penal code: one for sex trafficking and 19 for labor trafficking, and 35 that were undifferentiated between sex and labor trafficking. Government officials sometimes conflated human smuggling and human trafficking, and the FIA's anti-trafficking units dealt with undocumented migration and smuggling, in addition to human trafficking. During 2011, the government reported that it convicted trafficking offenders under PACHTO. However, since PACHTO also prohibits non-trafficking offenses, and since some government officials conflate trafficking and smuggling, the actual number of convicted trafficking offenders is unknown. A regional anti-bonded labor unit in Mirpurkhas, Sindh, established in 2010, continued to operate, but did not result in prosecutions or convictions for bonded labor offenses.

Government employee' complicity in human trafficking remained a significant problem. Some feudal landlords are affiliated with political parties or are officials themselves and use their social, economic, and political influence to protect their involvement in bonded labor; a recent ILO report asserted that those who use bonded labor have been able to do so with impunity. Additionally, media and NGOs reported that some police received bribes from brothel owners, landowners, and factory owners who subjected Pakistanis to forced labor or forced prostitution, to ignore these human trafficking activities. There were media and NGO reports that some low-level officials in the FIA anti-trafficking unit, including police, did not register trafficking cases in exchange for bribes or out of concern for their personal safety. The government did not report prosecutions or convictions for officials complicit in human trafficking. The FIA continued to train officials on transnational trafficking issues at the FIA academy. In these trainings, the FIA incorporated teachings of the differences between smuggling and trafficking.

Protection

The Government of Pakistan made little progress in the protection of victims of human trafficking during the reporting period. Pakistani authorities continued to lack adequate procedures and resources for proactively identifying victims of trafficking among vulnerable persons with whom they come in contact, especially child laborers, women in prostitution, and agricultural and brick kiln workers. However, the FIA identified and referred some transnational victims to protective services. There were no credible data on the number of victims identified by the government. NGOs reported that trafficking victims were sometimes detained, fined, or jailed as a result of crimes committed in the course of their trafficking. Some victims were also detained in jails due to a shortage of appropriate shelters. Various government-run shelters are available to female trafficking victims, but there is no information as to how many such trafficking victims were assisted in shelters in 2011; furthermore, there were reports of abuse and lack of freedom of movement in the shelters. In partnership with NGOs, the government continued to provide some services to rehabilitate child laborers, some of whom may be victims of forced labor. The FIA reported that in partnership with NGOs, it provided some medical support, transportation, shelter, and limited legal services to victims of trafficking.

There was no information as to how many trafficking victims received this support.

The government did not provide information on whether it made progress in implementing its 2001 National Plan of Action for Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers. Under the government's devolution process, which started in 2010, all civil labor issues became the sole responsibility of the provinces, necessitating provincial-level action plans against bonded labor. There was no information on whether the Sindh provincial government continued to implement its project providing protection for freed bonded laborers, as noted in the 2011 TIP Report. There was no information on whether the government encouraged victims of trafficking to participate in investigations against their traffickers. The government did not report providing foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

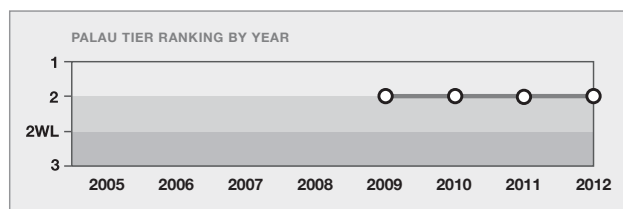
The Pakistani government made limited progress in its efforts to prevent human trafficking. FIA officials participated in NGO-supported anti-trafficking public awareness campaigns, and distributed NGO-published awareness materials. FIA officials also gave speeches at universities and did radio and television interviews. Many of the district vigilance committees to curb bonded labor, mandated by law, are either inactive or ineffectual. As a measure to establish the identity of local populations, the National Database and Registration Authority continued to register women in rural areas and internally-displaced people. In 2011, various governmental academies reportedly provided training for all Pakistani UN Peacekeeping Mission forces, including in combating human trafficking, prior to their deployment abroad for international peacekeeping missions. The government took measures to reduce the demand for commercial sex acts by prosecuting some clients of prostitution. Pakistan is not a party to the 2000 UN TIP Protocol.

PALAU (Tier 2)

Palau is a destination country for women subjected to sex trafficking and for women and men subjected to forced labor. Some men and women reportedly are recruited for legitimate work from their home countries through fraudulent representation of contracts and conditions of employment. Excessive hours without pay, threats of physical or financial harm, confiscation of travel documents, and the withholding of salary payments are used as tools of coercion to obtain and maintain their compelled service. Palau's foreign population, including workers and dependents, is estimated at 6,000 – nearly one-third of the county's population of 20,000 – with the majority hailing from the Philippines, China, and Bangladesh. Some men and women from the Philippines, China, and Bangladesh pay thousands of dollars in recruitment fees and willingly migrate to Palau for jobs in domestic service, agriculture, restaurants, or construction, although upon arrival are forced to work in conditions substantially different than what was presented in contracts or recruitment offers. Women from China and the Philippines migrate to Palau expecting to work as waitresses or clerks, but subsequently are forced into prostitution in karaoke bars and massage parlors. Recent reports indicate that some Indonesian men who voluntarily

migrate to Palau for work on fishing boats face fraudulent recruitment, altered working conditions, and the withholding of salaries. Noncitizens are officially excluded from the minimum wage law, and regulations make it extremely difficult for foreign workers to change employers once they arrive in Palau, consequently increasing their vulnerability to involuntary servitude and debt bondage.

The Government of Palau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government investigated several cases of forced labor and assisted victims in obtaining new employment and housing. However, it failed to provide any training for law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking.



Recommendations for Palau: Continue efforts to proactively investigate, prosecute, and punish trafficking offenders; continue publicly to highlight the issue and to recognize and condemn incidences of trafficking; increase resources devoted to address anti-trafficking efforts; prohibit the confiscation of identity documents of foreign workers; develop a national plan of action to combat human trafficking; continue to make vigorous efforts to combat corruption by officials involved in regulating the immigration and employment of foreign workers; monitor employment agents recruiting foreign men and women for work in Palau for compliance with existing labor laws to prevent their facilitation of trafficking; establish formal procedures for front-line officers to identify and refer trafficking victims to protective services; continue to develop and implement anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Palau demonstrated increased law enforcement efforts to address human trafficking during the year. Palau's Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking in persons and prescribes sufficiently stringent penalties for these offenses, ranging from 10 to 50 years' imprisonment and fines of up to \$500,000; these are commensurate with penalties prescribed for other serious crimes, such as rape. The government reported investigating four suspected trafficking cases, one of which remains ongoing and involves the forced labor of a Filipina domestic worker. Two other investigations were completed and determined not to be human trafficking. Investigation of the fourth case was not completed because the victims – three Indonesian fishermen subjected to exploitation on a fishing boat – returned to Indonesia before they could be further interviewed.

The government did not train law enforcement officers to proactively identify and assist victims or to identify victims among vulnerable populations, such as foreign workers or foreign women in prostitution. During the reporting period, the former director of the Bureau of Immigration was charged

with participating in a scheme to assist irregular migrants in avoiding standard immigration procedures, but the case was dropped due to insufficient evidence. The former chief of the Division of Labor, also charged in the scheme, was convicted and sentenced in July 2011 for violation of the code of ethics; he was placed under probation and ordered to pay a \$2,500 fine while his three-year sentence was suspended.

Protection

The Government of Palau made modest efforts to identify and protect victims of trafficking during the reporting period. With the help of the Department of Labor, victims in ongoing trafficking investigations – specifically the three Indonesian fishermen involved in one of the four reported investigations of suspected human trafficking – obtained new employment. The government sustained partnerships with local churches to offer shelter, food, and housing to potential trafficking victims; however, no victims were assisted through these partnerships during the year. While the government did not have a policy of identifying and referring trafficking victims to legal services, the Attorney General's Office has increased its efforts to encourage victims' participation in investigations and prosecutions by holding counseling sessions to address victims' trauma and reduce their possible fear of reprisals from traffickers.

Prevention

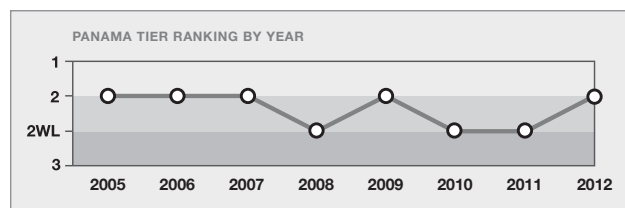
The Government of Palau sustained its efforts to prevent human trafficking during the reporting period. In January 2012, the government held an interagency meeting, titled "Universal Periodic Review – Human Rights," which focused on the government's efforts to address human trafficking, including heightening public awareness and undertaking investigations. During the reporting period, the government appointed an ombudsman dedicated to labor issues and trafficking in persons. It also forged an effective relationship with the Philippines embassy in which the embassy identified employers involved in labor abuses and tracked egregious or "repeat" offenders who had used illegal recruiters, repeatedly engaged in some form of labor or contract abuse, or refused to make an appropriate settlement. The Philippines Embassy regularly and formally notified the Palau government by diplomatic note when it added an employer to the blacklist. At least 11 Palauan citizens are currently blacklisted, including a serving senator and an owner of one of Palau's two newspapers. In addition, administrative as well as legal action is taken against employers suspected of labor abuses, including sanctions by the Bureau of Labor and Human Resources against the recruitment of new workers. A draft bill to prohibit restrictions on the movement of foreign workers was submitted to Palau's Congress for approval. The government did not provide any training for law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. The government made no discernible effort to address the demand for commercial sex acts or the demand for forced labor during the reporting period. Palau is not a party to the 2000 UN TIP Protocol.

PANAMA (Tier 2)

Panama is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced

labor. Although Panamanian women and girls reportedly have been subjected to sex trafficking in other countries in the Western Hemisphere, most Panamanian trafficking victims are exploited within the country. Most foreign trafficking victims found in Panama are adult women from Colombia and, to a lesser extent, from neighboring Central American countries and the Dominican Republic. Some victims migrate voluntarily to Panama to work, but are subsequently exploited in sex trafficking through the entertainment industry or in domestic servitude. During the year, authorities identified several East European women working in nightclubs as potential sex trafficking victims. NGOs report that some Panamanian children, mostly young girls, are subjected to domestic servitude. Some Chinese men and women have been smuggled into the country to work in grocery stores and laundries, apparently in situations of debt bondage.

The Government of Panama does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, authorities passed comprehensive anti-trafficking legislation, increased the number of sex trafficking investigations, and identified a significant number of potential trafficking victims. However, the government provided no funding for specialized victim services, did not report how many victims were assisted, and, for a second consecutive year, convicted no trafficking offenders.



Recommendations for Panama: Increase funding for specialized victim services, particularly for adult victims, possibly through funding a dedicated shelter; intensify law enforcement efforts to investigate and prosecute both labor and sex trafficking crimes and convict and sentence trafficking offenders, including complicit officials; strengthen government-provided training for police officers, immigration officials, social workers, and other government officials in anti-trafficking laws and victim identification and care; develop formal guidelines for identifying trafficking victims among vulnerable populations, particularly women in prostitution and migrant workers, in order to standardize victim identification efforts; increase funding and training on how to investigate trafficking cases for anti-trafficking police and prosecutors; and strengthen interagency coordination mechanisms.

Prosecution

The Government of Panama increased investigations of trafficking crimes and strengthened its legal framework during the reporting period, although it achieved no trafficking convictions during the year. In January 2012, authorities enacted a law prohibiting all forms of trafficking, with prescribed sentences ranging from six to 30 years' imprisonment, depending on the nature of the offense. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The new law also prohibits moving people for the purposes

of prostitution and illegal adoption, offenses that are not considered trafficking under the 2000 UN TIP Protocol. Previously, Panamanian law had not criminalized forced labor.

During the reporting period, authorities investigated nine sex-trafficking cases and initiated the prosecution of four accused trafficking offenders. However, authorities reported that no trafficking offenders were convicted during the year. During the previous reporting period, authorities initiated five prosecutions, but convicted no traffickers. Authorities maintained a small law enforcement unit to investigate sex trafficking and related offenses, but the unit remained understaffed. The organized crime prosecutorial unit continued to be responsible for trafficking cases and increased its staff from two to 12 prosecutors. The lack of systematic data collection for trafficking crimes remained an impediment. Authorities continued to prosecute six former immigration officials for their roles in a possible trafficking case. In addition, officials opened investigations against two senior immigration officials for complicity in trafficking-related offenses, but charges were subsequently dropped. In 2011, the government trained 80 government tourist officials on how to identify trafficking victims. Other Panamanian officials participated in training on how to investigate trafficking cases provided by international organizations and foreign governments in collaboration with Panamanian authorities.

Protection

Despite increased victim identification and the efforts of individual Panamanian officials to assist some victims during the year, specialized services for trafficking victims remained virtually nonexistent in the country. Authorities did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as detained undocumented migrants and people in prostitution. However, authorities investigating drug crimes collaborated with organized crime prosecutors when conducting raids on commercial sex sites in order to assist identification of trafficking victims. Officials reported identifying 80 potential trafficking victims, but did not report how many of these victims received services. While authorities reported referring some victims to NGOs and other institutions providing care services, it is unclear if they did so in a systematic fashion. Specialized services for trafficking victims remained inadequate, and authorities did not report funding NGOs to provide services or shelter. NGO and government shelters for child victims of abuse and violence could provide services to child trafficking victims, although there were no reports that they did so in practice in 2011. In the absence of shelters for adults, authorities noted that they could house adult victims in hotels on an *ad hoc* basis, although they did not report doing so in practice during the year, and some victims identified by authorities had to pay for their own lodging after being rescued.

Officials reported that victims identified by law enforcement officials received a psychological evaluation as well as medical, psychological, and legal services, although these services were not continuous. There were no long-term services available to trafficking victims. Panamanian authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, although officials reported difficulties in obtaining victim participation in investigations and did not report how many victims they assisted during the year. The new anti-trafficking law provided legal alternatives to the removal of foreign victims of trafficking to countries where

they might face hardship or retribution. However, authorities did not provide information on the number of victims, if any, who received such immigration relief during the reporting period. Law enforcement officials facilitated the voluntary repatriation of some foreign victims, paying out of their own pocket for travel expenses in at least one case. Trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. Due to the lack of victim identification guidelines, not all foreign victims may have been identified before their deportation.

Prevention

During the reporting period, the Government of Papua New Guinea, in partnership with an international organization, maintained efforts to prevent human trafficking through a campaign to raise awareness about the commercial sexual exploitation of children. The new law established an anti-trafficking committee, which met twice during the reporting period and began drafting a national anti-trafficking action plan. Child sex tourism is prohibited by law, and authorities partnered with an NGO and the tourism sector to raise awareness about this problem. However, there were no investigations, prosecutions, or convictions of child sex tourists reported during the year. The government did not undertake any other efforts to reduce the demand for commercial sex acts or initiatives to reduce the demand for forced labor.

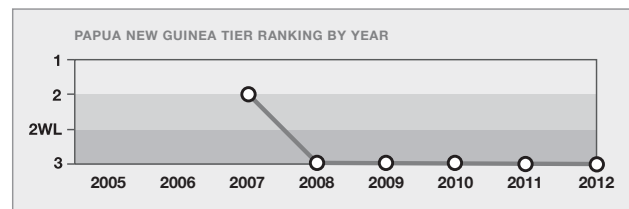
PAPUA NEW GUINEA (Tier 3)

Papua New Guinea is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Women and children are subjected to sex trafficking and domestic servitude and men are forced to labor in logging and mining camps. Children, especially young girls from tribal areas, are most vulnerable to commercial sexual exploitation; they are also subjected to forced labor by members of their immediate family or tribe. Families traditionally sell girls into forced marriages to settle debts, leaving them vulnerable to forced domestic service, and tribal leaders trade the exploitative labor and service of girls and women for guns and political advantage. Young girls sold into marriage are often forced into domestic service for the husband's extended family. In more urban areas, some children from poorer families are prostituted by their parents or sold to brothels. Migrant women and teenage girls from Malaysia, Thailand, China, and the Philippines are subjected to sex trafficking, and men from China are transported to the country for forced labor.

Asian crime rings, foreign logging companies, and foreign businesspeople arrange for some women to voluntarily enter Papua New Guinea with fraudulently issued tourist or business visas. Subsequent to their arrival, many of the women are turned over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites to exploit them in forced prostitution and domestic servitude. Foreign and local men are exploited for labor at commercial mines and logging camps, where some receive almost no pay and are compelled to continue working for the company indefinitely through debt bondage schemes. Employers exacerbate workers' indebtedness by paying substandard wages and charging artificially inflated prices at the company's store. In such circumstances, an employee's only option becomes to buy food

and other necessities on credit. Filipino men, brought into the country without proper documentation, may be exploited in the fishing industry. Government officials facilitate trafficking by accepting bribes to allow illegal migrants to enter the country or to ignore victims forced into prostitution or labor, by receiving female trafficking victims in return for political favors, and by providing female victims in return for votes.

The Government of Papua New Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Despite overall low awareness of trafficking among many government officials, the government acknowledged that human trafficking was a problem in the country and expressed its commitment to increasing law enforcement's capacity to address it. It did not, however, enact legislation to criminalize all forms of trafficking, investigate or prosecute suspected trafficking offenders under existing laws, or identify or assist any trafficking victims during the year.



Recommendations for Papua New Guinea: Enact legislation prohibiting and punishing all forms of trafficking; investigate, prosecute, and punish trafficking offenders, including officials who facilitate or directly benefit from trafficking; develop and institute a formal procedure to identify victims of trafficking among vulnerable groups, such as individuals in prostitution and foreign women arriving for work in Papua New Guinea; train law enforcement officers to proactively identify victims and refer them to protective services; ensure that victims of trafficking are not arrested, deported, or otherwise punished for acts committed as a direct result of being trafficked; work with NGOs and international organizations to increase protective services to victims of trafficking; increase collaboration with civil society, religious, and tribal leaders to raise awareness of and reduce demand for forced labor and commercial sex acts; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Papua New Guinea did not demonstrate significant progress in its anti-trafficking law enforcement efforts during the year. Authorities did not report investigating, arresting, or prosecuting any trafficking offenders. Papua New Guinea's laws do not prohibit all forms of trafficking. In October 2011, tentative action was taken on draft anti-trafficking legislation that has been with the Department of Justice and Attorney General (DJAG) for a number of years. The legislation, which would amend the country's criminal code to include a provision prohibiting human trafficking, was endorsed by the National Executive Council and subsequently forwarded to the Office of the First Legislative Counsel for final approval. The office issued a certificate of compliance, but the certified bill must be resubmitted to the National Executive Council before submission to parliament, and this did not occur during the reporting period. Papua New Guinea's existing criminal code contains provisions prohibiting some forms of human

trafficking, such as the trafficking of children for commercial sexual exploitation and slavery and the forced labor and slavery of adults. Its legal definition of forced labor, however, may exclude victims who initially agreed to a particular job, but were subsequently held through coercion. Penalties prescribed for the crime of child trafficking are up to life imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The criminal code prescribes various penalties under different definitions of forced prostitution of women. These offenses, including holding a woman in a brothel against her will, prescribe insufficiently stringent penalties of low fines or sentences of up to two years' imprisonment. Prescribed penalties of up to seven years' imprisonment for perpetrators who use fraud, violence, threats, abuse of authority, or drugs to procure a person for purpose of forced prostitution are sufficiently stringent. However, there is no indication that any of these statutes have been used to prosecute trafficking cases. Trafficking-related crimes in rural areas were referred to village courts, which administered customary law, rather than to criminal courts, and adjudicated cases resulted in restitution paid by the trafficking offender to the victim rather than criminal penalties assigned to the offender. Some victims of internal trafficking (or their parents) who received customary compensation payments from the offender were reluctant to notify police or bring additional criminal charges against traffickers.

Eight foreign individuals implicated in the production of child pornography, who may have also committed trafficking crimes, were placed in detention for immigration violations and an additional suspect was deported. The government took no action to criminally prosecute the alleged offenders or to protect suspected victims. The government did not train any police officers or front-line officials on trafficking during the year. During the year, the government cooperated with an international organization in the planning and implementation of anti-trafficking training provided to law enforcement officers and community members with the funding support of foreign donors. Wealthy businesspeople, politicians, and police officials who benefitted financially from the operation of commercial sex establishments were not prosecuted. Law enforcement agencies were underfunded, and most government offices remained weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage. The government did not investigate or prosecute any government officials for complicity in trafficking-related crimes during the year, including a senior police officer implicated in the child pornography case.

Protection

The Government of Papua New Guinea did not make any efforts to identify or assist victims of trafficking during the reporting period. The government did not proactively identify trafficking victims among vulnerable populations, nor did it refer victims to NGO service providers. It did not operate any victim care facilities for trafficking victims. Shelters run by NGOs may be available to trafficking victims, but none of these organizations reported identifying or assisting any victims of trafficking during the year. The government did not provide funding to any international organizations or NGOs to assist trafficking victims. Due to poor victim identification by authorities, potential victims who came to the attention of police may have been punished for crimes committed as a direct result of being trafficked. This was especially true for

victims of sex trafficking, who may have been prosecuted for violation of the country's prostitution laws. While laws are in place to protect sex trafficking victims from being penalized for unlawful acts they might have committed as a direct consequence of their being trafficked, there are no such provisions for victims of forced labor. Fifty Filipino men, brought illegally to Papua New Guinea as fisherman for a local government company, are currently stranded, facing arrest if they attempt to leave the country without proper documentation. No efforts have been made to determine whether these men were trafficking victims. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they may face hardship or retribution.

Prevention

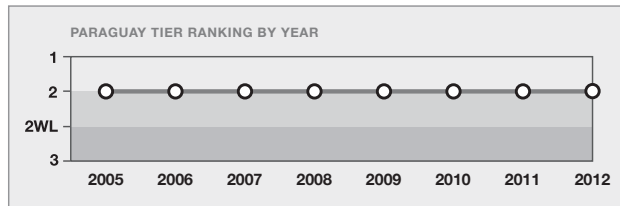
During the past year, the Government of Papua New Guinea initiated modest efforts to prevent human trafficking. The government did not conduct any public awareness campaigns on the dangers of human trafficking. From February through May 2011, the DJAG, in partnership with an international organization and with funding from a foreign donor, conducted research on human trafficking in four provinces. This research is expected to yield a report on the occurrence and nature of human trafficking and human smuggling in the country, with recommendations for future government actions to address these problems. The national human trafficking committee, chaired by the DJAG and including members from other government agencies as well as international organizations and NGOs, held only two of its four regularly-scheduled meetings during the reporting period. The committee did not report taking any additional actions during the year and attendance at its meetings remained poor. The government took no discernible actions to decrease the demand for forced labor or commercial sex acts, and it did not provide anti-trafficking training to Papua New Guinean troops prior to their deployment abroad on international peacekeeping missions. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

PARAGUAY (Tier 2)

Paraguay is a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor. To a more limited extent, Paraguay is a destination and transit country for men and women subjected to forced labor and forced prostitution. Paraguayan trafficking victims are found in Argentina, Chile, Bolivia, and Spain. During the year, a significant number of Paraguayan sex trafficking victims were identified in Argentina, while a group of 57 Paraguayans were exploited in forced labor in a vineyard in Chile. Officials identified new destinations for Paraguayan victims of sex trafficking, including South Korea, Japan, Mexico, and the United States. Authorities reported a pattern of Paraguayan women smuggling drugs through North Africa who are subsequently sent to Europe, reportedly to be exploited in forced prostitution. An NGO reported that transgender Paraguayan teenagers were exploited in sex trafficking in Italy, as well as within the country. Domestic servitude and sex trafficking of women and girls within the country remain a serious problem, with many victims recruited from rural areas, in particular for the department of Caazapa, and exploited in urban centers such as Asuncion, Ciudad del Este, and Encarnacion. Indigenous persons are particularly

at risk of being subjected to forced labor and sex trafficking. Street children remained vulnerable to human trafficking.

The Government of Paraguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased law enforcement efforts through record conviction numbers and maintained provision of victim services for sex trafficking victims during the year. However, the legal framework failed to adequately prohibit internal cases of forced labor or sex trafficking; specialized victim services remained limited outside of the capital; and authorities lacked a formal system to proactively identify trafficking victims.



Recommendations for Paraguay: Address deficiencies in anti-trafficking laws to prohibit forced labor and sex trafficking occurring within the country's borders; ensure access to comprehensive services and shelter for victims of sex and labor trafficking alike through increased funding for victim services; intensify efforts to investigate and prosecute trafficking offenses, including forced labor crimes and crimes involving official complicity, as well as efforts to convict and punish trafficking offenders; consider increasing resources for dedicated police and prosecutorial units; increase training for government officials, including law enforcement officials, judges, and social workers on how to identify and respond to trafficking cases; consider strengthening interagency efforts through passing a national plan; and strengthen efforts to raise public awareness about all forms of human trafficking, including internal trafficking.

Prosecution

The Paraguayan government's anti-trafficking law enforcement increased during the past year, as authorities convicted a significant number of traffickers. Paraguay's penal code does not sufficiently prohibit all forms of trafficking in persons. Articles 129(b) and (c) of the penal code, which came into force in July 2009, prohibit transnational sex and labor trafficking that involve the use of force, threats, deception, or trickery, prescribing penalties up to 12 years' imprisonment. All of these prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Although Paraguayan law does not specifically prohibit internal trafficking, prosecutors could draw on exploitation of prostitution, kidnapping, and servitude statutes, as well as other penal code provisions, to prosecute internal trafficking offenses. A draft comprehensive trafficking law was introduced to congress during the year.

The police maintained anti-trafficking units in Asuncion, Puerto Elisa, Colonel Oviedo, Encarnacion, and Ciudad del Este. The dedicated anti-trafficking unit in the attorney general's office had a total of two prosecutors and 10 assistants, and this unit worked across the country to investigate and prosecute human trafficking cases. Some civil society and government actors noted that the units had limited human and material

resources, and awareness of internal trafficking crimes was weak among many officials. In 2011, Paraguayan prosecutors reported investigating at least 146 possible trafficking cases, compared with 107 possible cases opened in 2010; most cases involved sex trafficking. Authorities initiated 30 new prosecutions and achieved nine convictions of trafficking offenders; six cases involved transnational sex trafficking and one involved transnational forced labor, while prosecutors used other statutes to convict two traffickers for internal sex trafficking. Sentences ranged from two to four years' imprisonment, and all convicted traffickers reportedly were serving jail sentences. This is a significant increase compared with the previous reporting period, when officials reported no convictions for trafficking crimes. Some government officials, including police, border guards, judges, and public registry employees, reportedly facilitated trafficking crimes, including by protecting brothels where minors were prostituted. One case against a police officer for involvement in sex trafficking remained pending. Paraguayan officials continued to cooperate with Argentine and Chilean counterparts on trafficking investigations.

Protection

The Government of Paraguay maintained efforts to protect female victims of sex trafficking during the reporting period, but victim assistance remained uneven outside of the capital. Authorities did not employ formal procedures for proactively identifying trafficking victims among vulnerable populations such as those in prostitution, domestic workers, or street children. Officials referred identified victims to services on an *ad hoc* basis. During the reporting period, prosecutors identified 145 trafficking victims, including 88 sex trafficking victims who were referred to care facilities. The coordinator of the anti-trafficking roundtable reported that 192 victims were identified during the year, while the Directorate of Expatriates reported assisting 314 victims abroad. The differing figures reflect the difficulties in collecting comprehensive and accurate victim data.

The government's Women's Secretariat (SMRP) ran one shelter in Asuncion for female trafficking victims; the shelter did not detain adult victims involuntarily, and during the year it assisted 38 victims. SMRP also continued to fund other assistance programs, including three drop-in centers for female victims of violence or trafficking. Most victim services, however, were funded at least in part by international donors and were provided by NGOs. During the year the government opened and staffed a second shelter dedicated for female trafficking victims in Ciudad del Este; however, it shut down after three months when a private donor supporting the shelter ceased paying rent. Twenty-five girls housed at the shelter were returned to their families, some of whom were complicit in their exploitation. A report published during the year highlighted the lack of specialized services, including shelters, available for child sex trafficking victims. The Paraguayan government did not offer shelter facilities for male victims.

Paraguayan authorities encouraged victims to participate in the investigation and prosecution of their traffickers, and some victims filed complaints to open investigations. Victims generally avoided the court system, however, due to social stigma, fear of retaliation, and the lengthy judicial process. Identified victims generally were not jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. The Government of Paraguay could offer

temporary or permanent residency status for foreign trafficking victims through its liberal immigration system, but did not report doing so in the past year.

Prevention

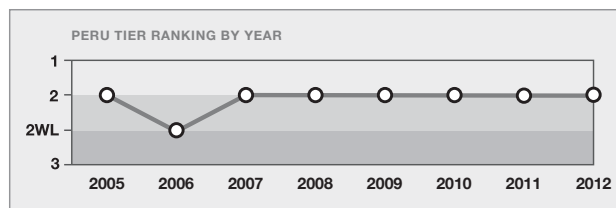
The Paraguayan government maintained prevention activities during the reporting period. Government agencies, civil society organizations, and foreign diplomatic missions participated in a government-run anti-trafficking roundtable, which met several times during the year, and whose four sub-committees each met 10 times during the year. The roundtable drafted a national anti-trafficking plan, which awaited the president's signature. No new awareness campaigns were initiated during the year, although the government continued to distribute "know your rights" pamphlets to educate Paraguayans seeking work abroad. The government reported no efforts to reduce demand for commercial sex acts or forced labor. Some government agencies issued public reports of their anti-trafficking efforts. Paraguay was not a known destination for child sex tourists, although foreign citizens from Brazil and Argentina are reported to engage in commercial sexual exploitation of children in the tri-border area. The government provided human rights training, which included a human trafficking component, to Paraguayan troops prior to their deployment abroad on international peacekeeping missions.

PERU (Tier 2)

Peru is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Peruvians are exploited in forced labor within the country, mainly in mining, logging, agriculture, brick making, and domestic service. Peruvian women and girls, and to a lesser extent boys, are recruited and coerced into prostitution in Peru's urban areas and mining centers, often through false employment offers or promises of education. The Madre de Dios province, as well as the cities of Cuzco and Lima, were identified as some of the main destinations for sex trafficking victims. Indigenous persons are particularly vulnerable to debt bondage. Forced child labor remains a problem, particularly in informal gold mines, among begging rings in urban areas, in domestic service, and in cocaine production and transportation. There are continued reports that the terrorist group *Sendero Luminoso*, or Shining Path, recruited children to serve as combatants and in the illicit narcotics trade. To a lesser extent, Peruvian women are found in forced prostitution in Ecuador and Argentina, and men and women are found in forced labor in Argentina, Chile, Ecuador, Brazil, and the United States, among other countries. Peru also is a destination country for some foreign female trafficking victims, particularly from Ecuador, and some Bolivian nationals in conditions of forced labor. Child sex tourism is present in areas such as Cuzco, Lima, and the Peruvian Amazon.

The Government of Peru does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government again failed to make sufficient efforts to address the high incidence of forced labor in the country and, given the magnitude of Peru's trafficking problem and the high number of cases identified, convictions and sentences remained low. Government funding for specialized victim services remained inadequate,

particularly in light of the significant number of victims, and law enforcement officials repeatedly conflated sex trafficking and prostitution. The government also failed to take action against government employees facilitating human trafficking. However, authorities maintained law enforcement efforts against sex trafficking offenders, achieved the country's first forced labor conviction, and enacted a national plan against trafficking that had been pending since 2006.



Recommendations for Peru: Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, especially for forced labor crimes; fund dedicated shelters and specialized services for all victims of trafficking, including adults, or fund NGOs with capacity to provide these services; initiate proactive investigations of forced labor crimes through enhanced partnerships between law enforcement officials, labor officials, and civil society organizations; create and implement formal victim identification and referral mechanisms; ensure that law enforcement officials conduct intelligence-based raids and employ effective victim screening during operations; offer enhanced anti-trafficking training for local prosecutors, judges, labor inspectors, social workers, and law enforcement personnel; hold corrupt officials who may facilitate trafficking activity accountable through criminal investigations and prosecutions; increase funding for resources and training for specialized anti-trafficking police and prosecutorial units; dedicate funding to implementation of the new national plan; improve data collection for trafficking crimes; and continue to strengthen local government efforts to combat trafficking and to raise public awareness on all forms of human trafficking.

Prosecution

The Government of Peru demonstrated mixed anti-trafficking law enforcement efforts over the last year. It continued to combat forced prostitution through law enforcement measures, though it again demonstrated weak efforts to investigate and prosecute forced labor offenses. Law 28950 of 2007 prohibits all forms of trafficking in persons, as well as people smuggling, prescribing penalties of eight to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, NGOs continued to report that some law enforcement investigators, prosecutors, and judges often opt to classify human trafficking cases as less serious criminal offenses and prescribe lower penalties. In 2011, police registered 199 potential trafficking cases; these cases involved sex trafficking, labor trafficking, and forced begging, and several cases were registered as both sex and labor trafficking. During 2011, prosecutors initiated prosecutions in 84 trafficking cases and secured four sex trafficking convictions and one forced labor conviction. In 2010, the government reported achieving 12 trafficking convictions, when in fact it achieved only six, highlighting the need for better data collection. Reported sentences for the five convicted offenders in 2011 ranged from four to eight years' imprisonment, in addition to fines;

the labor trafficking offender received a suspended sentence, while one sex trafficking offender was convicted *in absentia*. There continued to be very few prosecutions and convictions reported for forced labor offenses.

The government's dedicated anti-trafficking police division consisted of 50 officers and was based in the capital, with a smaller unit in Iquitos. The division's effectiveness, particularly outside the capital, was hampered by limited resources. Police maintained uneven use of an electronic case tracking system for human trafficking investigation; this system did not track prosecutions and convictions, was not utilized by officers in all parts of the country, and temporarily ceased functioning for two months due to lack of funding for Internet connection. Furthermore, an NGO noted that some police officers erroneously entered prostitution cases as human trafficking cases in the system, reflecting a wider pattern of law enforcement officials conflating prostitution and sex trafficking.

Corruption among low-level officials facilitated trafficking in certain instances, and individual police officers tolerated the operation of unlicensed brothels and commercial sexual exploitation of children. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. In partnership with civil society organizations and often with international organization and foreign government funding, the government provided training on human trafficking to police officers, prosecutors, diplomats, and other officials.

Protection

The Peruvian government provided minimal assistance to trafficking victims last year. Authorities did not develop or employ systematic procedures for identifying trafficking victims among vulnerable populations, such as people in prostitution or child laborers, and a prominent NGO questioned law enforcement's ability to distinguish between people in prostitution and sex trafficking victims. Labor inspections focused on the formal sector, and inspectors had not received training on forced labor. Law enforcement officials reported identifying 870 potential trafficking victims in 2011, including 700 adults and 170 children, a significant increase from the 191 identified in 2010. It appears, however, that these numbers included a significant number of adult women in prostitution who were not trafficking victims. In previous years, the majority of victims identified were children. The government had no formal process for referring trafficking victims to services. Authorities reported referring female child victims of sex trafficking to the network of 38 government-run children's homes for at-risk youth, including two shelters for teenage girl victims of sexual exploitation that were not specialized for trafficking victims. Adult female victims could receive services through the government's network of over 140 emergency centers, though these centers do not offer shelter services and none are specifically equipped or staffed to care for trafficking victims. The Peruvian national police maintained preventive centers for vulnerable minors where some child victims of trafficking were temporarily housed. In some cases, however, if other shelters are full, victims have been known to stay for months. NGOs and international organizations provided most services to victims without government funding, and services remained unavailable in many parts of the country, particularly for adults or forced labor victims.

Victim participation in the investigation or prosecution of traffickers remained limited, and Peruvian officials cited lack of funding for victim protection programs as one of the key challenges. Peruvian prosecutors reported providing 170 victims with legal, social, or psychological services, and an NGO study published during the year found that victims received inadequate protection and assistance during the legal process, noting that the identities of adult victims were made public in all cases analyzed. The government did not, however, penalize victims for unlawful acts committed as a direct result of being trafficked. Foreign trafficking victims were eligible for temporary and permanent residency status under Peruvian refugee law, though there were no reports of victims requesting or receiving this status during the year.

Prevention

The Government of Peru maintained anti-trafficking prevention efforts during the year. In October 2011, authorities enacted the national plan to combat trafficking. Government entities were directed to designate funds from their own budgets to implement the plan: while the Ministry of Interior reported dedicating funding for the operation of the interagency committee, most ministries did not have trafficking-designated funding to fulfill their responsibilities. The government's interagency committee, which also included civil society actors, continued to meet to coordinate anti-trafficking efforts and published an extensive annual report on government efforts over the past year. Although they conducted few public awareness efforts, authorities continued to partner with civil society organizations in awareness campaigns and events. The government continued to advertise its anti-trafficking hotline, which received 36 reports of trafficking in 2011; however, some NGOs noted that the hotline was of limited use, as it does not accept calls from cellular phones. Several regional governments maintained anti-trafficking working groups or worked on regional anti-trafficking plans during the year. Some areas of the country are known child sex tourism destinations, and Peruvian laws prohibit this crime. During the reporting period, Peruvian authorities trained tourist service providers on this issue, but reported no investigations, prosecutions, or convictions of child sex tourists in 2011. The government provided Peruvian peacekeepers with human rights training, including human trafficking awareness, prior to their deployment abroad on international peacekeeping missions. No efforts to reduce demand for commercial sex acts or forced labor were reported.

PHILIPPINES (Tier 2)

The Philippines is a source country and, to a much lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. A significant number of Filipino men and women who migrate abroad for work are subsequently subjected to conditions of involuntary servitude worldwide. Men, women, and children are subjected to conditions of forced labor in factories, at construction sites, on fishing vessels, on agricultural plantations, and as domestic workers in Asia and increasingly throughout the Middle East. A significant number of Filipino women working in domestic service in foreign countries also face rape, physical violence, and sexual abuse. Skilled Filipino migrant workers, such as engineers and nurses, are also subjected to conditions of forced labor abroad. Women were subjected to sex trafficking in

countries such as Malaysia, Singapore, Hong Kong, Republic of Korea, and Japan and in various Middle Eastern countries. For example, from January to March 2012, the government repatriated 514 Filipina domestic workers from Syria; over 90 percent were identified as trafficking victims who had suffered physical, psychological, and verbal abuse from employers in Syria.

Trafficking of men, women, and children within the country also remains a significant problem in the Philippines. People are trafficked from rural areas to urban centers including Manila, Cebu, the city of Angeles, and increasingly cities in Mindanao, as well as within other urban areas. Men are subjected to forced labor and debt bondage in the agriculture, fishing, and maritime industries. Women and children were trafficked within the country for forced labor as domestic workers and small-scale factory workers, for forced begging, and for exploitation in the commercial sex industry. Hundreds of victims are subjected to forced prostitution each day in well-known and highly visible business establishments that cater to both domestic and foreign demand for commercial sex acts. Filipino migrant workers, both domestically and abroad, who became trafficking victims were often subject to violence, threats, inhumane living conditions, nonpayment of salaries, and withholding of travel and identity documents.

Traffickers, in partnership with organized crime syndicates and corrupt law enforcement officers, regularly recruit family and friends from villages and urban neighborhoods, often masquerading as representatives of government-registered employment agencies. Fraudulent recruitment practices and the institutionalized practice of paying recruitment fees often leave workers vulnerable to forced labor, debt bondage, and commercial sexual exploitation. Reports that illicit recruiters increased their use of student, intern, and exchange program visas to circumvent the Philippines government and receiving countries' regulatory frameworks for foreign workers are not uncommon. Recruiters adopted new methods in attempts to avoid government-run victim detection units at airports and seaports. Traffickers utilized budget airlines, inter-island ferries and barges, buses, and even chartered flights to transport their victims domestically and internationally.

Child sex tourism remained a serious problem in the Philippines, with sex tourists coming from Northeast Asia, Australia, New Zealand, Europe, and North America to engage in the commercial sexual exploitation of children. Increasingly, Filipino children are coerced to perform sex acts for Internet broadcast to paying foreign viewers.

Children in conflict-afflicted areas faced increased vulnerability to trafficking. One NGO estimated that over 900,000 Filipinos, most of whom are based in Mindanao, lack identity documents; the lack of birth registrations or other official documentation is widely recognized as contributing to this population's vulnerability to trafficking. The Moro Islamic Liberation Front, a separatist group, and the New People's Army were identified by the United Nations as among the world's persistent perpetrators of violations against children in armed conflict, including forcing children into service. During the year, the UN reported on the Abu Sayyaf Group's continued targeting of children for conscription as both combatants and noncombatants.

The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking;

however, it is making significant efforts to do so. The government significantly increased funding of the Inter-Agency Council Against Trafficking (IACAT) from the equivalent of approximately \$230,000 in 2010 to the equivalent of \$1.5 million in 2011. The government continued to prosecute and convict trafficking offenders and implemented a new program to protect and rehabilitate victims. Additionally, authorities continued to make efforts to address trafficking-related corruption, filing criminal cases against 18 officials during the year. The government made notable efforts to prevent trafficking, including through training public officials, strengthening and expanding structures to screen for trafficking indicators before Filipino migrant workers' departure overseas, and negotiating bilateral agreements to protect its workers employed in foreign countries. The government did not, however, make progress on efforts to criminally prosecute labor recruitment companies involved in the trafficking of migrant workers abroad, and overall victim identification and protection efforts remained inadequate. Rampant corruption at all levels continues to enable traffickers and undermines efforts to combat trafficking.



Recommendations for the Philippines: Sustain the intensified effort to investigate, prosecute, and convict an increased number of both labor and sex trafficking offenders in the trafficking of Filipinos within the country and abroad; increase funding for anti-trafficking programs within IACAT member agencies; address the significant backlog of trafficking cases by developing mechanisms to track and monitor the status of cases filed with the Department of Justice (DOJ) and those under trial in the courts; conduct immediate and rigorous investigations of complaints of trafficking complicity by government officials and ensure accountability for leaders that fail to address trafficking-related corruption within their areas of jurisdiction; strengthen anti-trafficking training for police recruits, front-line officers, and police investigators; improve collaboration between victim service organizations and law enforcement authorities with regard to law enforcement operations; make efforts to expand the use of victim processing centers to additional localities to improve identification of adult victims and allow for victims to be processed and assisted in a safe environment after a rescue operation; increase victim shelter resources and expand the government shelter system to assist a greater number of trafficking victims, including male victims of both sex and labor trafficking; increase funding for the DOJ's program for the protection of witnesses and entry of trafficking victims into the program; increase efforts to identify trafficking victims in destination countries and to pursue criminal investigation and prosecution of their traffickers; and develop and implement programs aimed at reducing the demand for commercial sex acts.

Prosecution

The government continued to prosecute and convict sex and labor trafficking offenders at a rate similar to the previous year. The Philippines criminally prohibits both sex and labor

trafficking through its 2003 Anti-Trafficking in Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government convicted 29 trafficking offenders, compared with 28 traffickers convicted during the previous year. Two of the 29 traffickers were convicted of labor trafficking. Sentences for the convicted offenders ranged from one year to life imprisonment, with the majority of offenders sentenced to life imprisonment. The government reported that it concurrently pursued civil cases on behalf of victims, unless the victims opted to pursue such a case independently. Nevertheless, hundreds of victims continue to be trafficked each day in well-known, highly visible establishments, many of which have never been the target of anti-trafficking law enforcement action. Five of the 29 convictions were the results of cases filed and prosecuted by an NGO on behalf of victims, as the Philippines justice system allows private attorneys to prosecute cases under the direction and control of public prosecutors.

Although the DOJ continued to encourage courts' expedited processing of trafficking cases, inefficiencies in the judicial system continue to pose serious challenges to the successful prosecution of some trafficking cases. Philippine courts have over 680 pending or ongoing trafficking cases and an additional 129 cases remained pending at the DOJ. In 2011, the DOJ increased its number of designated trafficking prosecutors from 36 to 58 individuals in various national, regional, and airport task forces to work on anti-trafficking cases. In this task force model, prosecutors are assigned to assist law enforcement in building cases against suspected trafficking offenders, a notable difference from the normal practice in which prosecutors wait until an investigation is complete to review a case.

The government increased its efforts to provide anti-trafficking training to law enforcement officials: IACAT conducted 81 training sessions for 3,000 government and NGO stakeholders, police trained 2,105 officers, including nearly half of the officers working on women and children's desks, and NGOs and foreign donors provided additional training to law enforcement officers. Nevertheless, NGOs continue to report a lack of understanding of trafficking and the country's anti-trafficking legal framework among many judges, prosecutors, social service workers, and law enforcement officials – a significant impediment to successful prosecutions. Prosecutors continue to have difficulty distinguishing labor trafficking crimes from labor contract violations, which may be one reason more criminal forced labor cases are not filed.

Law enforcement officials' complicity in human trafficking remains a pervasive problem in the Philippines, and corruption at all levels of government enables traffickers to prosper. Officials in government units and agencies assigned to enforce laws against human trafficking reportedly permitted trafficking offenders to conduct illegal activities, allowed traffickers to escape during raids, extorted bribes, and accepted payments or sexual services from establishments known for trafficking women and children. Allegations continued that police officers at times conducted indiscriminate or fake raids on commercial sex establishments to extort bribes from managers, clients, and women in the sex industry, sometimes threatening women with imprisonment for solicitation.

During the last year, the government continued to take some steps to identify and prosecute officials complicit in trafficking

and it dismissed officials who may have facilitated trafficking for administrative violations, but no public officials were convicted for trafficking or trafficking-related corruption during the reporting period. The DOJ filed criminal cases against 18 officials for trafficking-related offenses, but none of the cases had been concluded as of the end of the reporting period. While the government began a partnership in 2009 with three NGOs to jointly prosecute corrupt officials, and several investigations have resulted in this partnership, no criminal cases have been filed under this program. Cases against six officials accused of trafficking-related corruption were dismissed during the year.

Protection

The government increased its efforts to protect trafficking victims during the year. In 2011, the government allocated the equivalent of approximately \$577,000 to the Department of Social Welfare and Development (DSWD) to fund the Recovery and Reintegration Program for Trafficked Persons, which it began implementing in June 2011. Over 1,000 victims received skills training, shelter, and legal assistance under this program, and almost half of those received financial assistance to seek employment or start their own businesses. The DSWD continued to operate 42 temporary shelters for victims of all types of abuse, and some victims continued to receive support through its residential and community-based services. The government referred victims to both government and private short- and long-term care facilities and provided a small amount of funding to NGOs to provide victim care, although the government did not provide reliable statistics for the total number of victims identified and assisted during the year. Government shelters did not detain victims against their will, although victims who chose to reside in shelters were not permitted to leave the premises unattended. Identification of adult trafficking victims remained inadequate, which left victims vulnerable to being charged, fined, and imprisoned for vagrancy. Three children reportedly were detained by the government's armed forces for alleged association with armed groups. No foreign trafficking victims were identified during the year. IACAT operated an anti-trafficking hotline; during the year, the line received 68 trafficking-related calls leading to the identification of 17 trafficking cases. The government encouraged victims to assist in the investigation and prosecution of their traffickers, but the government's serious lack of victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, caused many victims to decline or withdraw cooperation. The DOJ's witness protection program assisted 18 victims, including nine children, during the year. However, this program lacked funding, and inadequate witness protection and shelter remained a significant deficiency in the government's response to victims' need for protection and assistance. The DSWD conducted training for 552 government and non-governmental social workers on recovery and reintegration of victims, and IACAT, with support from an international organization, trained 3,000 police officers on trafficking victim identification. Most local social welfare officers, however, remain inadequately trained on how to properly assist rescued trafficking victims, particularly children and victims of labor trafficking.

In 2011, the government significantly increased its budget allocation to the Assistance-to-Nationals program, administered by the Department of Foreign Affairs (DFA), to the equivalent of \$9.86 million to assist Filipinos in situations

of distress overseas, including trafficking. The DSWD and the DFA coordinated with NGOs in other countries to provide temporary shelter, counseling, and medical assistance to 1,469 victims of trafficking and illegal recruitment abroad, largely in Malaysia, Lebanon, the United States, and Palau. From January to March 2012, the government repatriated and provided shelter to 514 trafficking victims evacuated from Syria. The government continued to operate multi-agency Filipino workers resource centers overseas to assist Filipino migrant workers in 21 countries with 20,000 or more Filipino workers.

Prevention

The government demonstrated increased efforts to prevent human trafficking during the reporting period. Senior government officials regularly spoke publicly about the importance of combating human trafficking, and the IACAT developed and disseminated a three-hour television show on trafficking awareness.

The Philippine Overseas Employment Agency (POEA) conducted 1,539 pre-deployment orientation seminars and 583 pre-employment seminars for over 100,000 prospective and outbound Filipino overseas workers. The POEA and the Department of Labor and Employment (DOLE) also conducted seminars on recruitment and trafficking in the country, attended by local prosecutors, law enforcement personnel, local government units, NGOs, recruitment agencies, and community members. The POEA distributed nearly 100,000 pieces of printed material about trafficking and illegal recruitment and the community education programs of the Commission on Filipinos Overseas (CFO) reached over 50,000 people. In 2011, POEA opened a community center to offer legal assistance to trafficking victims in partnership with civil society representatives and a labor assistance center to verify overseas workers' documents before departure; the latter identified 101 suspected victims and prevented them from departing for situations of suspected exploitation.

In 2011, the government significantly increased the IACAT Secretariat's full-time staff from eight to 37; it also employed 115 part-time staff members. In December 2011, the government launched its National Strategic Plan of Action against Trafficking in Persons 2011 – 2016. The government continued to operate its Overseas Passenger Assistance Center (OPAC) to screen passengers for signs of trafficking; in August 2011, it opened a second OPAC in a region in which the seaports are known to be a departure point for many trafficking victims. CFO assisted 40 adults working overseas in labor and employment cases during the year, five of whom were identified as trafficking victims and referred to the DFA. CFO conducted anti-trafficking training sessions for 201 government, NGO, and community stakeholders.

In October 2011, the government implemented a provision in its amended law on migrant workers and overseas Filipinos, banning deployment of Filipinos to 41 countries deemed to lack adequate legal protections for workers. The following month, however, this list was recalled for further review. At the close of the reporting year, the deployment ban remained suspended pending the issuance of a new POEA resolution. During the year, the government signed a new MOU with Jordan on the employment of Filipino domestic workers, and it reported ongoing negotiations for similar agreements with other noncompliant countries.

In January 2012, the Bureau of Immigration began implementing the "New Guidelines on Departure Formalities for International Bound Passengers in all Airports and Seaports" to screen for potential possible trafficking victims. This intensified effort to detect potential trafficking victims and "off-load" them for interviews – in essence blocking their travel from the Philippines – raised concerns that Filipinos' right to travel out of the country might be unduly restricted. The guidelines were enacted to systematize the process and ensure consistent norms were applied. From January – March 2012, 66 potential victims were identified through this process.

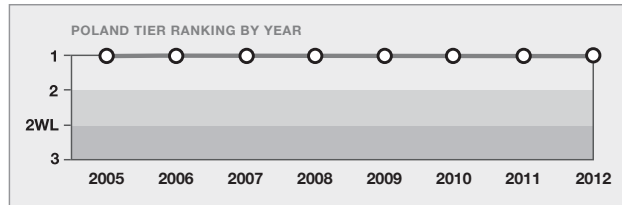
In 2011, the government canceled licenses of 153 recruitment companies for violations of overseas employment laws, closed two unlicensed staffing agencies, and convicted five individuals for illegal recruitment. As a result of 22 DOLE-led rescue operations, 125 children were rescued from the sex trade and six businesses accused of sex trafficking were permanently closed. Despite significant local demand in the country's thriving commercial sex industry, the government's efforts to reduce the demand for commercial sex acts in the Philippines were limited, as were the government's efforts to address the demand for forced labor. Although the government acknowledges the problem of child sex tourism, it did not prosecute or convict any foreign pedophiles, instead deporting suspects without pursuing criminal charges. The government provided training, including a module on human trafficking, to Philippine troops prior to their deployment abroad on international peacekeeping missions.

POLAND (Tier 1)

Poland is a source, transit, and destination country for men and women subjected to conditions of forced labor and for women and children subjected to sex trafficking. Men and women from Poland are subjected to conditions of forced labor in the United Kingdom, Belgium, Scandinavian countries, and the Netherlands. Women and children from Poland are subjected to sex trafficking within their country and also in Germany, Austria, the Netherlands, Italy, and Finland. Women and children from Ukraine, Bulgaria, Belarus, and Romania are trafficked for commercial sexual exploitation in Poland. In a more recently identified trend, women from Africa, including Djibouti, Democratic Republic of the Congo, and Cameroon, are subjected to forced prostitution in Poland. Roma persons are recruited from Romania for forced begging in Poland. Poles are brought to the United Kingdom by an organized crime group and subsequently coerced to commit crimes, such as benefits fraud. There have been cases of Polish men and women being fraudulently recruited to work or get married abroad and then forced or induced to traffic drugs by crime groups.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. The government sustained its funding of victim protection mechanisms in all areas of the country and it identified significantly more victims compared to the previous year, though it continued to face challenges in identifying victims of labor trafficking. The government increased efforts to ensure that foreign victims were repatriated in a safe and responsible way, and it developed plans to offer monetary assistance to certain foreign victims. In one case, the government continued to prosecute identified

victims of trafficking. A significant portion of convicted trafficking offenders were not sentenced to time in prison.



Recommendations for Poland: Fully implement the standard operating procedures for victim identification and adapt the referral mechanism to better identify victims of labor trafficking; ensure that all first-responders, including police, labor inspectors, and border guards, receive adequate training to identify and refer potential victims to care in accordance with standard operating procedures; ensure that border guards have a clear mandate to investigate potential trafficking cases; ensure that identified victims of trafficking are not penalized for acts committed as a direct result of being trafficked; take steps to ensure that the government's reflection period is offered to all victims, and that victims are not deported for initially refusing to be interviewed; take steps to ensure that a majority of trafficking offenders serve time in prison; continue to increase the shelter system's capacity to assist victims, including men and children; continue trafficking training for both prosecutors and judges; conduct additional awareness campaigns to reduce the demand for commercial sex acts; and incorporate the victim compensation process into criminal proceedings.

Prosecution

The Government of Poland improved its anti-trafficking law enforcement efforts in 2011. Poland defines and prohibits all forms of trafficking in persons through several articles of its criminal code, amended in 2010, including articles 115.22, 115.23, 189a, 203, and 204.3. Prescribed punishments under these statutes range from one to 15 years' imprisonment; these sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2011, the government transferred the Central Anti-Trafficking Unit of the Polish National Police to the Central Bureau of Investigation to facilitate coordination and supervision of trafficking cases in all 17 regional police anti-trafficking units. Although the prosecutor's office did not have a specialized anti-trafficking unit, an anti-trafficking consultant was assigned to advise prosecutors responsible for trafficking cases.

In 2011, Polish police conducted 37 new investigations involving 471 total human trafficking offenses, in contrast to 48 investigations involving 95 total offenses in 2010. According to data reported by the government, it prosecuted 17 suspected trafficking offenders and convicted 28 trafficking offenders, which compares to 77 prosecutions and 28 convictions under the former trafficking law in 2010. In collecting data, only sentences issued after appeals are considered final. In 2010, the most recent year for which post-appeal sentences were available, the government convicted 60 trafficking offenders who received sentences ranging from two months' to five to eight years' imprisonment. As in 2009, roughly half of convicted offenders received suspended sentences and about one in five convicted offenders received sentences of at least two years.

During 2011, the government did not report the investigation, prosecution, conviction, or sentencing of any public officials complicit in human trafficking. Polish authorities collaborated on human trafficking investigations with foreign counterparts, including those of Germany and the United Kingdom. The government opened an investigation of the alleged forced labor of two South Asian women working as domestic servants in the house of a diplomat from a Middle Eastern country, but the case was dropped due to a lack of evidence.

During the year, the government provided anti-trafficking investigative and prosecutorial training to judges, labor inspectors, border guards, and police. For example, the National School for Judges and Prosecutors organized a series of training sessions in multiple cities on legal and criminal aspects of human trafficking for 550 judges and prosecutors. The government continued administering a four-level training program on human trafficking for border guard officers; in 2011, approximately one-third of the 15,000 officers took the basic-level three-hour training. The national police continued implementation of an extensive 40-hour specialist training on human trafficking by organizing three editions of the training in police academies around the country; between 2009 and 2011, a total of 229 federal, provincial, and municipal police officers attended the training. In August and November, the National Labor Inspectorate conducted training for 83 labor inspectors, which focused on trafficking in persons.

Protection

The Government of Poland increased its anti-trafficking victim protection efforts in 2011, identifying significantly more victims. The police identified 304 victims of trafficking through investigations in 2011, a significant increase from the 85 victims identified in 2010. According to the national police Central Anti-Trafficking Unit, police officers and border guards were well trained in identifying potential sex trafficking victims, though they appeared to lack expertise in identifying forced labor victims. Additionally, the border guard forces' primary tasks, as defined in the law, did not include investigating human trafficking; therefore, border guards could only investigate human trafficking cases that involve other offenses, such as immigration violations or possession of false documents. Labor inspectors had the authority to verify the legality of foreign worker employment and to refer suspected trafficking cases to law enforcement for investigation. While there were no new reports of trafficking victims inappropriately detained or charged by authorities in 2011, the OSCE reported that a Polish court refused to recognize three Azerbaijani workers initially identified in 2010 as trafficking victims and prosecuted them as members of an organized crime group, despite evidence that the victims' salaries were withheld and their families were threatened. In 2011, the government sustained previous funding for victim assistance, allocating the equivalent of approximately \$250,000 for victim assistance. The government continued to fund the NGO-run National Intervention-Consultation Center for Victims of Trafficking to provide assistance to foreign and Polish victims of trafficking. The center provided assistance to 133 victims in 2011, down from 253 in 2010. The center hosted an anti-trafficking hotline, provided victims with comprehensive assistance resources, and offered a shelter for adult female trafficking victims. Government-funded NGOs provided medical and psychological care, legal assistance, protective services, food, clothing, and crisis intervention. The government designated and partially funded 19 other

crisis centers with capacity for 123 persons across the country as shelters for trafficking victims. There were no shelters designated specifically for male trafficking victims, although the government housed male victims of trafficking together with females in crisis centers, with supervision from anti-trafficking NGOs. Adult victims of trafficking were allowed to leave the shelters unchaperoned and at will. The Ministry of Labor and Social Policy organized and funded four training sessions for a total of 116 social workers on the trafficking situation in Poland, the anti-trafficking legal framework, models of assistance, and identification of victims. The national police and the border guard developed an updated version of the referral standard operating procedures that includes an identification tool for all types of trafficking, with particular emphasis on forced labor, which will be adopted once the revised law on foreigners is passed.

Foreign victims of trafficking, whether third country nationals or EU citizens, were entitled to receive the same social welfare benefits provided to Polish citizens, including crisis intervention assistance, shelter, food, clothing, and a living allowance. Under the Law on Aliens, the government offered foreign victims a three-month reflection period during which foreign victims can stay legally in Poland to deliberate whether to cooperate with the criminal process. In 2011, two foreign trafficking victims accepted the reflection period, up from none in 2010, yet both decided not to testify; international organizations raised concerns that foreign victims who declined to participate in law enforcement investigations were not classified as trafficking victims or offered the reflection period and attendant services. In October 2011, the government signed an agreement with IOM to ensure that assistance is provided to foreign trafficking victims which is not dependent on cooperation with law enforcement. The agreement also provides for a risk-assessment for each victim to confirm that the person will be safe upon return to the home country. The government's witness protection program provided victims with shelter, food, clothing, transportation, and medical and psychological care; in 2011, the government enrolled 25 victims in the program, 20 of whom cooperated with law enforcement, compared to 34 victims in 2010, all of whom cooperated with law enforcement. The government encouraged victims to participate in criminal proceedings, including through the use of videoconference technology to secure testimony from victims no longer in Poland. Victims may file civil suits against traffickers; however, the UN Special Rapporteur expressed concern that prosecutors do not adequately incorporate compensation or restitution options into criminal proceedings.

Prevention

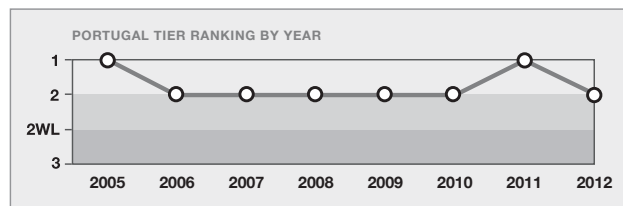
The government sustained its strong anti-trafficking prevention efforts during the reporting period. The Ministry of Interior pursued partnerships with NGOs to educate schoolchildren on trafficking, providing leaflets and workshops for 493 teachers from five regions to discuss human trafficking with their students. The Ministry of Labor and Social Policy provided guidance to potential Polish emigrants on the dangers of human trafficking through a guidebook that was distributed through job centers and the Internet. The government also established a hotline and equipped operators with a handbook. The Ministry of Labor continued to operate a website with a chat room where experts answered questions and gave advice on how to determine the legitimacy of job offers. Experts also advised prospective job seekers on available legal assistance

in the case of labor exploitation or breach of contract. Border guard officers continued to distribute leaflets in English, Russian, Bulgarian, Vietnamese, and Romanian to inform potential victims of trafficking about how to find assistance in Poland. The government organized its anti-trafficking activities through its inter-ministerial anti-trafficking team, which in June 2011 approved the fifth National Action Plan for Combating and Preventing Human Trafficking for 2011-2012. While the government did not have an independent national rapporteur on trafficking, the Ministry of the Interior will publish a comprehensive governmental report on trafficking that will cover the years 2009-2011 in 2012, and according to the new national action plan will publish a report annually thereafter. In September, the Szczecin provincial police hosted a training workshop for police officers from Poland, Belarus, and Ukraine to improve cooperation between the three countries in combating human trafficking and better treatment of victims. In November, the Ministry of the Interior hosted an international seminar for EU member states, EU neighbor countries, international organizations, and NGOs on best practices in combating and preventing human trafficking. The government did not conduct a specific campaign to reduce the demand for commercial sex acts targeted at potential clients of prostitution, nor did it organize any programs to reduce any participation of Polish nationals in child sex tourism.

PORTUGAL (Tier 2)

Portugal is a destination, transit, and source country for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims found in Portugal originate in Brazil, Eastern Europe, and Africa. According to the government, an increasing number of underage Portuguese girls are subjected to forced prostitution within the country. Men from Eastern European countries and Brazil are subjected to forced labor in agriculture, construction, hotels, and restaurants. Portuguese men and women are subjected to forced labor or forced prostitution after migrating to other destinations in Europe. Children from Eastern Europe, including Roma, are subjected to forced begging, sometimes by their families. Over half of the trafficking victims certified by the government in 2011 were male.

The Government of Portugal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government took important steps to improve its capacity to proactively identify trafficking victims and conducted multiple anti-trafficking awareness programs. However it did not provide evidence that the majority of convicted trafficking offenders received prison sentences or were held accountable during the reporting period. In 2010, the government reported at least three convictions under its anti-trafficking law for the trafficking offense of pimping children. Preliminary reports indicate that the government achieved at least seven convictions for sex trafficking. The government includes data on non-coercive activities in statistics on its anti-trafficking prosecution efforts. As a result, the number of convictions reported by the government significantly outnumbers the number of identified victims, making law enforcement data collection efforts difficult to assess. Relative to other countries in the region, the Portuguese government reported a low number of certified trafficking victims.



Recommendations for Portugal: Improve the integrity of law enforcement data to reflect clearly those offenses that constitute human trafficking as defined by the 2000 UN TIP Protocol; provide data that proves Portugal vigorously prosecutes and convicts trafficking offenders, sentencing them to punishment that reflects the gravity of their crimes; consider the use of a case-based approach to document forced prostitution and forced labor cases and other trafficking-specific law enforcement efforts; consider raising the mandatory minimum sentence under Article 160 to ensure that convicted traffickers are held accountable and do not receive suspended sentences; continue to improve outreach to locate more potential trafficking victims in Portugal and explore more holistic, victim-centered methods of identification; develop specialized assistance and shelter for trafficked children and men; expand shelter capacity to provide comprehensive assistance to victims throughout Portugal; involve NGOs in efforts to stabilize potential victims in a post-raid environment and ensure trafficking victims are referred for care and assistance that allows them sufficient time to recover from their trafficking experiences; ensure adequate funding for NGOs providing critical assistance to victims; and undertake a comprehensive national awareness program to educate government officials, front-line responders, and the public about all forms of trafficking in Portugal.

Prosecution

Because the law defines “trafficking in persons” in an overly-broad fashion to include lesser crimes and the courts suspend sentences of five years or less, it is difficult to assess the extent to which the Government of Portugal prosecuted, convicted, and sentenced trafficking offenders during the reporting period. Portugal prohibits both forced labor and forced prostitution through Article 160 of its penal code, which prescribes penalties of three to 12 years’ imprisonment – penalties sufficiently stringent and commensurate with those for other serious crimes, such as rape. However, Article 160 includes an overly broad definition of trafficking that encompasses exploitative, non-coerced activity, resulting in government trafficking data that likely includes charges under pimping and pandering statutes as well as low-level labor violations. In 2010, the most recent year for which compiled data was available, the government reportedly initiated 28 new investigations and prosecuted 138 new cases under Article 160 which may have included human trafficking. The government reported that 97 of these cases resulted in convictions, but could only confirm that three of these were human trafficking cases under the “pimping children” provision (of Article 160) and that all three convictions resulted in a prison sentence. Although the government did not provide specific sentencing data for these convictions, under Portugal’s penal code, courts are not allowed to impose physical incarceration as punishment when a sentence involves less than five years’ imprisonment. Accordingly, the three persons convicted of pimping children likely were sentenced to more than five years’ imprisonment.

Reports indicate that the government may have also convicted at least seven sex trafficking offenders, but this could not be confirmed. By comparison, in 2009, the Portuguese government reported that it prosecuted 179 defendants who had been indicated under Article 160 and confirmed that eight of those 179 suspects were convicted of crimes that involved coerced prostitution of adults and sex trafficking of children, seven of whom were sentenced to an average of 12 years’ imprisonment.

Because of the paucity of data provided for the reporting period, it is presumed that the government did not vigorously prosecute, convict, or sentence trafficking-specific offenders during the year. The government advised that the closed nature of the judicial system and strict privacy laws made it difficult to provide accurate and reliable statistics about government efforts to prosecute crimes that explicitly involve coerced prostitution and forced labor.

Pursuant to a memorandum of understanding signed in January 2012 between the government’s Observatory on Trafficking in Human Beings (OSTH) and Portugal’s justice sector, the OSTH is attempting to improve the quality of the data it receives on traffickers arrested by law enforcement officials and to better monitor the progress of accused traffickers through the criminal justice system.

The government reported it continued its investigation of 12 suspected traffickers stemming from the February 2011 Operation Roadblock, through which 30 sex trafficking victims were discovered. Because of the closed nature of its judicial system, the government could not confirm whether the 12 suspects were undergoing prosecution. Consistent with Portuguese legal practice, the government did not provide evidence that it had provided the victims in the case with care in conjunction with the government’s continuing investigation. During the reporting year, the parliament passed a law criminalizing the use of the labor of trafficking and smuggling victims. The new law makes it easier to prosecute employers who cooperate with labor traffickers and provides criminal penalties of up to 10 years in prison for such offenses. During the reporting period, Portugal established additional specialized training programs to improve law enforcement efforts in the field of anti-trafficking. For example, in October 2011, during the European Day against Trafficking in Human Beings, government officials, including the secretary of state for parliamentary affairs and equality, held a special anti-trafficking training event in the city of Coimbra. The government also convened an anti-trafficking colloquium for law enforcement agencies responsible for anti-trafficking efforts. The government reported that there were no prosecutions or convictions of officials for trafficking-related complicity in 2011.

Protection

The Government of Portugal took some steps to improve its capacity to identify trafficking victims during the reporting period. In July 2011, the government began disseminating a “trafficking indicator card” to assist law enforcement officials in detecting trafficking victims. The government reported that it continued to employ standardized procedures for identifying trafficking victims. It certified 23 official trafficking victims in 2011 out of 71 potential victims flagged by its database, compared to 22 officially certified victims out of 86 potential victims in 2010, an increase of one. However,

half of these victims were identified through referrals from Spanish counterparts rather than by Portuguese authorities. Under the government's identification system, law enforcement agencies and NGOs are required to submit form reports of suspected victims to a central government observatory; this form is then reviewed by the judicial police or the national coordinator to verify a victim's status. The government does not officially finalize victim status. A victim's status may change if, during the course of an investigation, it is established that the status was determined incorrectly. In an effort to be transparent, the government adjusted the number of certified victims in 2010 from 21 to 16, but did not specify the reasons for the reduction. Nevertheless, the government offered all potential and identified victims assistance early in the process, regardless of an ultimate determination of certification of the victim's status.

The government continued to subsidize an NGO shelter and provided the equivalent of \$136,560 towards the operation of the shelter. Authorities referred four victims to the shelter for care in 2011, the same number they referred in 2010. The government did not provide information on the level of assistance provided to the other nineteen certified victims in 2011 or the other 48 potential trafficking victims identified by the government's database. A total of 11 trafficking victims stayed at the shelter during the reporting period. Victims were permitted to leave the shelter after undergoing a security assessment by shelter staff. Local experts noted that the shelter was the only designated shelter for trafficking victims. The government did not provide evidence that it provided any financial assistance to other NGOs assisting victims in Portugal or information on whether other NGOs assisted any trafficking victims in 2011. The government reportedly encouraged victims to participate in the investigation and prosecution of trafficking offenders, but did not provide further details on the extent of their cooperation. The government reported that all identified victims are permitted a 30- to 60-day reflection period to decide whether they wished to participate in a criminal investigation. The government provided foreign victims of trafficking with short-term legal alternatives to their removal from the country. Victims who cooperate with law enforcement authorities are eligible for a one-year residency permit, which can be renewed. Trafficking victims can be eligible to obtain permanent residency in Portugal under Article 109 of Immigration Law No. 23 of July 4, 2007 and Decree-Law 368 of November 5, 2007. The number of residence permits granted by the government declined in 2011; three such permits were granted to trafficking victims in 2011, compared to 10 permits in 2010. The government reported that police made proactive efforts to identify sex trafficking victims within the legal prostitution sector. However, it is not known what happened to those victims who were not so identified.

Prevention

The Government of Portugal made appreciable efforts to improve its prevention of trafficking during the year. It produced and sponsored public service announcements raising awareness about human trafficking on a major television network. The government also provided pamphlets and posters about human trafficking to its embassies around the world. Portugal's Commission for Citizenship and Gender Equality was charged with coordinating the government's anti-trafficking efforts. During the reporting period, the OSH launched a Facebook page to promote public awareness of human trafficking and sponsored an exhibition on human

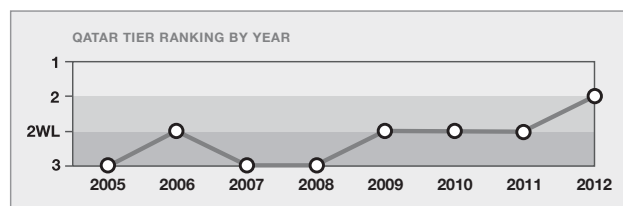
trafficking that is currently making its way through major Portuguese municipalities in conjunction with conferences aimed at the local population and students. Portugal has an action plan to combat trafficking that is valid through 2013. During the reporting period, the government maintained a website about its anti-trafficking efforts. The government produced a monitoring report of its anti-trafficking efforts in September. The government's existing hotline for immigrants is not specifically designed for trafficking victims. Local experts believed the cost of using the hotline and various numbers associated with it contributed to lack of use by potential trafficking victims. The government did not report any efforts to reduce the demand for commercial sex acts. The government did not report any efforts to reduce participation in international child sex tourism by Portuguese nationals. During the reporting year, the minister of interior announced a proposal to develop a pilot project to establish a system for tracking trafficking cases in the European Union in cooperation with other EU countries. The government provided anti-trafficking awareness training to troops before their deployment abroad on international peacekeeping missions. Portugal continued its bilateral cooperation with Brazil by developing an anti-trafficking campaign for potential trafficking victims in Brazil. The government continued to take a leading role in assisting other Lusophone countries, including Cape Verde, Sao Tome and Principe, Guinea-Bissau, and Brazil, in implementing the UN-promoted anti-trafficking campaign "You're not for sale."

QATAR (Tier 2)

Qatar is a destination country for men and women subjected to forced labor and, to a lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan, and China voluntarily migrate to Qatar as low-skilled laborers and domestic servants, but some subsequently face conditions of involuntary servitude. These conditions include threats of serious physical or financial harm; withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports, travel documents, and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; threats of filing false charges against the worker; and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Qatar are different from those they agreed to in their home countries; businesses and individuals in Qatar reportedly promised migrants employment opportunities that never materialized. Many migrant workers arriving for work in Qatar have paid exorbitant fees to recruiters in their home countries – a practice that makes workers highly vulnerable to forced labor once in Qatar. In limited cases, Qatar is also a destination for women who migrate for legitimate purposes and subsequently become involved in prostitution, but the extent to which these women are subjected to forced prostitution is unknown. Some of these victims may be runaway domestic workers who have fallen prey to forced prostitution by individuals who exploit their illegal status.

The Government of Qatar does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. The government

demonstrated evidence of increasing efforts to address human trafficking over the year, particularly through the passage of an anti-trafficking law that prohibits all forms of trafficking and prescribes sufficiently stringent penalties, as well as improved identification of trafficking victims. Furthermore, in late 2010, the Qatari government launched its "National Plan for Combating Human Trafficking for 2010-2015," which the government continues to implement with a budgetary commitment the equivalent to \$6,487,195 in 2011. The Qatari government also improved its protection measures to proactively identify victims of trafficking through implementation of a national referral mechanism. Nonetheless, the government has yet to demonstrate increased action to investigate, prosecute, and punish trafficking offenders for forced labor and forced prostitution.



Recommendations for Qatar: Implement the new anti-trafficking legislation by increasing efforts to investigate, prosecute, convict, and punish trafficking offenses under the law; collect, disaggregate, analyze, and disseminate counter-trafficking law enforcement data; institute and consistently apply formal procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution; enforce the sponsorship law's criminalization of passport-withholding and mandate employees receive residence cards within one week as a means of preventing trafficking abuses; abolish or significantly amend provisions of Qatar's sponsorship law to prevent the forced labor of migrant workers or implement other provisions that make up for the law's shortcomings; and continue implementation of the "National Plan for Combating Human Trafficking for 2010-2015."

Prosecution

The Government of Qatar made significant efforts to combat its human trafficking problem over the year. In October 2011, the government approved a comprehensive anti-trafficking law, Law No. 15, which prohibits all forms of trafficking and prescribes penalties of no more than seven years' imprisonment and up to the equivalent of \$82,000 in fines, with prescribed penalties of no more than 15 years' imprisonment under aggravating circumstances. These penalties are sufficiently stringent and commensurate with other serious crimes, such as kidnapping. Despite the passage of the new anti-trafficking law in 2011 and existing laws that could be used to punish trafficking offenders, the government did not report any clear efforts to investigate, prosecute, or punish trafficking offenses during the reporting period. Qatar also prohibits employers' withholding of workers' passports under the 2009 Sponsorship Law, though the law was not rigorously enforced during the reporting period. According to Qatar University's Social and Economic Survey Research Institute, a June 2011 study found that 91 percent of expatriate workers surrendered their passports to employers. During the reporting period, the Qatar Foundation to Combat Human Trafficking (QFCHT) – Qatar's national coordinating body for anti-trafficking

activities – along with the Ministries of Interior and Justice, conducted a variety of anti-trafficking trainings targeting law enforcement personnel. The government did not report any investigations, prosecutions, convictions, or sentences of government personnel for complicity in trafficking offenses.

Protection

The Qatari government made progress in protecting victims of trafficking during the reporting period. Government personnel introduced systematic procedures to proactively identify victims of trafficking among vulnerable populations, such as foreign workers. The government acknowledged the existence of a labor trafficking problem in the country, yet some officials do not equate involuntary labor exploitation with human trafficking. Under provisions of Qatar's sponsorship law, sponsors have the unilateral power to cancel workers' residency permits, deny workers' ability to change employers, report a worker as a runaway to police authorities, and deny workers permission to leave the country. As a result, sponsors may restrict workers' movements and workers may be afraid to report abuses or claim their rights, which contribute to their forced labor situation. In addition, domestic servants are particularly vulnerable to trafficking since they are isolated inside homes and are not covered under the provisions of the labor law. Victims of trafficking were often punished for unlawful acts they committed as a direct result of being trafficked; specifically, Qatari authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations and running away from their employers or sponsors, though Ministry of Interior officials interviewed all those sent to the deportation center and are required to determine whether the workers were victims of trafficking and offer them protection. Victims occasionally languished in detention centers for up to six months when their employers failed to return their passports, failed to purchase them a plane ticket to their country of origin, or filed false charges of theft against them; the costs of legal representation under these circumstances are borne by the worker, but are often waived due to inability to pay.

During the reporting period, the QFCHT, in coordination with the Ministry of Public Health, conducted a workshop for medical staff and social workers on identifying human trafficking victims among the patients they serve. The QFCHT also distributed a manual to law enforcement, immigration authorities, and social service providers on how to proactively identify victims of trafficking. Additionally, in 2011, the government established a national victim referral system to coordinate victim identification and referral efforts between government authorities and non-government organizations; however, it is unclear how effective this newly-established system was at the end of the reporting period. The government's trafficking shelter, operated by the QFCHT, reported assisting 451 migrant workers and 33 victims of trafficking in 2011; government officials, including police, public prosecutors, and other government ministry officials, referred 51 of these cases to the QFCHT. Unlike previous years, trafficking victims were able to access the shelter even if their employers had filed charges against them. Victims have the right to leave the shelter without supervision. While migrant workers identified as trafficking victims could receive legal assistance from shelter authorities, some employers and sponsors threatened victims in an attempt to keep them from seeking legal redress. The 500,000 foreign workers in domestic service in Qatar remained unprotected by Qatari labor law, and therefore faced

difficulties seeking legal redress for abuses through civil court action. Civil suits could only be filed for a sponsor's failure to meet his/her financial obligations to the domestic worker; in practice, civil suits were rare, but have increased in number. The Qatari government sometimes offered temporary relief from deportation to enable identified victims to testify as witnesses against their employers, though it did not offer most foreign trafficking victims legal alternatives to their removal to countries where they may face retribution or hardship.

Prevention

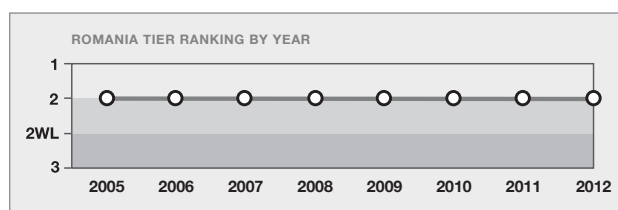
Qatar made limited progress in preventing trafficking in persons during the reporting period. The government did not reform Qatar's migrant worker sponsorship law, which contributes to conditions of forced labor in the country by allowing sponsors to restrict workers' movements. The government reported that it routinely inspected and monitored recruitment companies and actively sought to punish companies that were found making fraudulent offers or imposing exorbitant fees in selling visas. In October 2011, the government reported convicting and fining a sponsor the equivalent of \$220,000 on multiple counts of visa-selling, which is prohibited under Qatari immigration law with punishment up to three years' imprisonment or fines equivalent to \$13,736 per violation. The government did not, however, systematically investigate companies to prevent passport withholding, exacerbating migrants' vulnerability to trafficking; employers often made their employees sign waivers allowing them to hold passports. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated that this sometimes does not happen; this restricts migrant workers' mobility and impedes their ability to access health care or lodge complaints at the labor department. In an effort to reduce the demand for commercial sex acts and prevent child sex tourism of Qataris traveling abroad, the government publicly called for adherence with Islamic principles in an effort to reduce the demand for commercial sex acts.

ROMANIA (Tier 2)

Romania is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Romanians represent a significant source of trafficking victims in Europe. Romanian men, women, and children are subjected to forced labor in agriculture, domestic service, hotels, and manufacturing, as well as forced begging and theft in European countries, including Spain, Italy, the Czech Republic, Denmark, Greece, Germany, Cyprus, France, Norway, Lithuania, the United Kingdom, Poland, Slovenia, Switzerland, and Austria. Men, women, and children from Romania are victims of forced prostitution in European countries, including Germany, France, Cyprus, Spain, Hungary, Malta, Switzerland, Sweden, Greece, Finland, and Belgium. Children likely represent at least one-third of Romanian trafficking victims. Traffickers recruiting and exploiting Romanian citizens were overwhelmingly Romanian themselves, typically seeking victims from the same ethnic group or within their own families. Frequently, traffickers first exploited victims within Romania before transporting them abroad for forced prostitution or labor. The Romanian government reported increasing sophistication amongst Romanian criminal groups, including the transportation of victims to different countries in Europe in order to test law

enforcement weaknesses in each. Romania is a destination country for a small number of foreign trafficking victims, including sex trafficking victims from Moldova and labor trafficking victims from Bangladesh and Serbia. Romanian girls and boys, particularly those whose parents work abroad, are vulnerable to sex trafficking throughout Romania. Romanian children without proper identification documents are especially vulnerable to trafficking.

The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made strong prosecution efforts during the reporting period: the number of anti-trafficking prosecutions pursued was amongst the highest in Europe, and built on partnerships with governments in destination countries to increase accountability for trafficking offenders. The government also conducted creative anti-trafficking prevention efforts to sensitize the population to trafficking in persons. Nevertheless, services available to trafficking victims were very weak. For a third consecutive year, the government provided no funding to anti-trafficking NGOs, imperiling civil society victim protection. The care offered by the government was often minimal, failing to provide specialized attention to meet victims' needs and reduce their chances of re-victimization. NGOs objected that government-run shelters were overly restrictive on autonomy. The poor state of victim care in Romania put the vulnerable population at high risk for re-trafficking.



Recommendations for Romania: Restore government funding for trafficking victim assistance programs, including grants for NGOs providing service to victims; improve the quality of victim services, ensuring that psychological care, rehabilitation, and other victim assistance provides substantive care; construct a trafficking specific shelter for repatriated victims in Bucharest; remove non-security related restrictions on victims' movement while housed in government-funded shelters; encourage male trafficking victims to use assistance to prevent further exploitation; adopt stronger measures for the long-term rehabilitation of child victims who are vulnerable to re-trafficking; ensure that reintegration and rehabilitation of child victims addresses any parental involvement in the original trafficking of the child; improve the reporting of data on trafficking crimes prosecuted under Law No. 678/2001 and other relevant laws by disaggregating sex and labor trafficking offenses; explore ways to improve asset confiscation and victim compensation; vigorously investigate and prosecute acts of trafficking-related complicity allegedly committed by government officials, and punish officials convicted of such crimes with prison sentences; consider specialized training for labor inspectors in identifying trafficking cases; demonstrate efforts to investigate and punish acts of labor trafficking and efforts to assist victims of labor trafficking; ensure protection of trafficking victims during trial by making sustainable plans and funding for victims' appearances in pretrial hearings and travel to trial; reduce delays in trials; improve efforts to identify potential victims among vulnerable populations, such as

undocumented migrants, foreign workers, Roma, and children involved in begging or prostitution; consider offering foreign trafficking victims the right to work during the duration of their temporary residence permits; and continue to provide victim sensitivity training for judges.

Prosecution

The Romanian government improved its law enforcement efforts during the reporting period, conducting a high number of prosecutions and establishing close working relationships with law enforcement authorities in destination countries. Romania prohibits all forms of trafficking in persons through Law No. 678/2001, which prescribes penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. In 2011, Romanian authorities investigated 897 human trafficking cases, in contrast to 717 cases investigated in 2010. The government prosecuted 480 and convicted 276 trafficking offenders in 2011, compared with 407 offenders prosecuted and 203 convicted in 2010. The government lacks statistics distinguishing sex from labor trafficking, though it indicated that at least 77 of the investigations involved forced child labor and 396 cases involved sex trafficking. The government reported that approximately two thirds of convicted trafficking offenders – 192 out of 276 – were sentenced to time in prison, receiving terms ranging between one and 15 years. Romanian law enforcement authorities included specialized anti-trafficking investigators and prosecutors in the organized crime section. NGOs praised these specialist agencies for sensitive treatment of trafficking victims. The government gave specialized training to investigators in anti-trafficking law enforcement techniques and proper treatment of trafficking victims. During the year, Romanian officials pursued joint trafficking investigations in partnership with counterparts in many European countries, including Belgium, France, and Germany. Romanian authorities reported a particularly close working relationship with prosecution counterparts in Belgium. The rate of prosecutions and convictions of trafficking offenses was very high for a European source country; Romanian law enforcement officials successfully collaborated with governments in destination countries to ensure that offenders from entire criminal networks were prosecuted. The government reported investigating two government employees for potential human trafficking crimes, but did not otherwise report prosecuting, convicting, or sentencing government employees for trafficking-related complicity.

Protection

The Government of Romania demonstrated weak efforts to protect and assist victims of trafficking during the reporting period. For a third consecutive year, the government failed to provide funding to NGOs providing victim protection services. The continued lack of funding has led several trafficking-specialized NGOs to shut down and cease providing services to victims. Although some services are available through the government, this trend has threatened a real loss of anti-trafficking expertise and quality victim care in Romania. Several trafficking shelters closed; other NGOs had to severely restrict their provision of services to victims. Nevertheless, the government's victim identification rate remained high. The government reported the identification of 1,043 victims in 2011, compared with 1,154 victims identified in 2010. Of those identified, 417 were referred to public institutions for victim assistance; in 2010, 451 victims of trafficking received

government-funded services. One hundred and twenty-three trafficking victims received government-funded shelter in 2011, of which 36 were housed in trafficking-specific shelters and 87 were housed in shelters for domestic violence or homeless shelters. NGOs reported that government shelters restricted trafficking victims' autonomy and freedom of movement. The government did not provide access to trafficking shelters for adult male victims of trafficking, though nine men were housed in non-trafficking shelters. Other trafficking victims received medical help, financial assistance, vocational assistance, or psychological help. NGOs questioned the quality of these services; at times, psychological assistance consisted of a single visit to a counselor, rather than meaningful care. Similarly, rehabilitation of child victims highly vulnerable to re-trafficking sometimes consisted of only one or two visits by social workers. The government continued to operate its national identification and referral mechanism, which provided formal procedures for referrals between law enforcement and other institutions. Labor inspectors were reportedly not well trained to identify trafficking victims.

Romanian trafficking victims participated in criminal prosecutions at a high rate; in 2011, 882 victims participated as an injured party in a trial, while 123 victims testified. While the law provides for witness protection during a trial, NGOs noted that pretrial witness protection was sometimes ineffective, as victims were required to travel to the courthouse unescorted. NGOs did not report the punishment of any trafficking victims for unlawful acts compelled as a result of their trafficking experiences. Foreign victims were permitted a 90-day reflection period to remain in the country. One victim applied for and was granted a reflection period and a temporary residence permit to remain in the country until completion of law enforcement investigations and prosecutions. Third-country national victims of trafficking granted residence permits are not permitted to work in Romania during the time of their residence permit.

Prevention

The Government of Romania continued to improve its anti-trafficking prevention efforts during the reporting period, employing creative methods to ensure anti-trafficking messages reached vulnerable populations. The government coordinated its anti-trafficking efforts through a section of the Ministry of Interior; its activities included overseeing prevention and protection efforts and publishing a quarterly report on Romania's anti-trafficking efforts. The Romanian government's anti-trafficking reporting was of high quality and contributed to an environment of transparency in anti-trafficking efforts. The government conducted four national campaigns and twenty-five local or regional campaigns encouraging both potential trafficking victims and the general public to discuss trafficking in persons. These campaigns included a partnership with a music band integrating anti-trafficking messages into concerts reaching a total of more than 1,000 spectators, television broadcasts, and messages displayed in public transportation. These campaigns were designed to address the specific form of exploitation most common in the targeted area and were implemented in coordination between many different governmental entities and NGOs. The government also conducted anti-trafficking outreach to secondary schools and universities. The Romanian government strengthened its partnerships with other EU member states to address trafficking in persons, including establishing a bilateral working group with Switzerland on trafficking in persons. The government did not report specific efforts to reduce the

demand for commercial sex acts. The government did not report specific efforts to address child sex tourism, although some prevention campaigns did address child sex trafficking.

RUSSIA (Tier 2 Watch List)

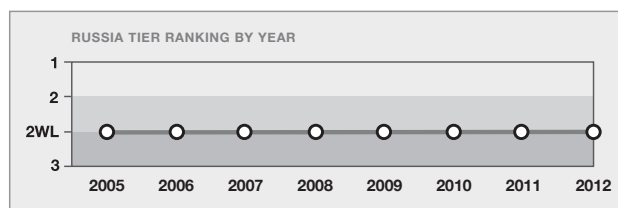
Russia is a source, transit, and destination country for men, women, and children who are subjected to forced labor and sex trafficking. The Migration Research Center estimates that one million people in Russia are exposed to “exploitative” labor conditions that are characteristic of trafficking cases, such as withholding of documents, nonpayment for services, physical abuse, or extremely poor living conditions. People from Russia and many other countries, including Commonwealth of Independent States (CIS) and Asian countries, are subjected to conditions of forced labor in Russia. There were new forced labor allegations involving Vietnamese citizens as perpetrators and victims in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, agriculture, repair shop, and domestic services industries. In the past, there have been reports that forced begging also occurs in Russia. While the major construction sites associated with the APEC Summit and Sochi Olympics were closed to public access and the evidence is only anecdotal, reports indicate generally harsh conditions and signs of forced labor, such as allegations of withholding of travel documents and non-payment of wages. North Korean citizens imported under government-to-government arrangements with the Government of North Korea for work in the logging industry in Russia’s Far East reportedly are subjected to conditions of forced labor. There were also reports of Russian citizens facing conditions of forced labor abroad.

Reports of Russian women and children subjected to sex trafficking in Russia and abroad continued in 2011. Russian citizens were reported to be victims of sex trafficking in many countries, including those in Northeast Asia, Europe, Central Asia, and the Middle East. There were also reports of citizens from European and African countries in forced prostitution in Russia. According to Russian officials, child sex tourism was a problem in Russia. There have been reports that child sex tourism among Russians abroad exists.

The Government of Russia does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous years; therefore, Russia is placed on Tier 2 Watch List for a ninth consecutive year. Russia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

Victim protections in Russia during the reporting year remained very weak. In addition, the government again made no discernible efforts to fund a national awareness campaign. In recognition of these shortcomings, however, in December 2010, President Medvedev signed the CIS Program to Combat Human Trafficking for 2011-2013, which outlines commitments to form a national anti-trafficking structure and fund NGOs to provide victim protections. The Ministry of Health and Social Development formed an interagency coordinating committee in December 2010 to address

human trafficking, and included anti-trafficking NGOs in the committee and its working groups. When implemented, these efforts have the potential to achieve significant progress in combating human trafficking.



Recommendations for Russia: Develop formal, national procedures to guide law enforcement and other government officials, including labor inspectors and health officials, in identification of trafficking victims and referral of victims to service providers; allocate funding to state bodies and anti-trafficking NGOs to provide specialized trafficking victim assistance and rehabilitative care; increase efforts to identify and assist both sex and labor trafficking victims; implement a formal policy to ensure identified victims of trafficking are not punished or detained in deportation centers for acts committed as a direct result of being trafficked; ensure that victims have access to legal alternatives to deportation to countries in which they face hardship or retribution; increase the number of investigations, prosecutions, and convictions for trafficking offenses and investigate and criminally punish government officials complicit in trafficking; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; increase efforts to raise public awareness of both sex and labor trafficking; and take steps to investigate allegations and prevent the use of forced labor in construction projects, including those associated with the 2014 Winter Olympics in Sochi, as well as North Korean-operated labor camps.

Prosecution

The Government of the Russian Federation demonstrated law enforcement efforts during the reporting period. Article 127 of the Russian criminal code prohibits both sex trafficking and forced labor. Other criminal statutes were also used to prosecute trafficking offenders, such as articles 240 and 241 for involvement in or organizing prostitution. Article 127 prescribes punishments of up to five years’ imprisonment for trafficking crimes. These penalties are commensurate with punishments prescribed for other serious crimes, such as rape. The Ministry of Internal Affairs (MVD) reported 46 sex trafficking investigations and at least 17 sex trafficking prosecutions in the first 10 months of 2011. According to media reports, there were at least two labor trafficking prosecutions in 2011. According to the Judicial Department of the Russian Supreme Court, in 2011, a total of 32 people were convicted of “trade in people” under Article 127.1 (the article typically used for sex trafficking crimes), and 11 were convicted of “use of slave labor” under Article 127.2. These data compare with 118 total human trafficking investigations, 62 prosecutions, and 42 convictions for human trafficking in 2010. Officials indicated that the 2009 closure of an IOM trafficking shelter in Moscow and a massive re-organization of the MVD have adversely affected authorities’ ability to conduct trafficking investigations. Russian authorities emphasize that they often charge sex trafficking cases under Article 241 (organization of prostitution) as the elements of that crime are often easier

to prove, although there is no public information on how many such cases involved forced as opposed to voluntary prostitution. There were media reports indicating that police in Primorskiy Kray and Khabarovskiy Kray conducted raids on labor trafficking establishments in early 2012. During the reporting period, sentences given by Russian courts to 19 of the convicted sex trafficking offenders ranged from four to 19 years' imprisonment. Details concerning the sentences of the 11 individuals convicted of use of slave labor were not made public. At least three labor trafficking cases remained pending completion of investigation or trial. These data are compared with 42 trafficking offenders convicted in 2010. Sentences in 2010 for the reported trafficking convictions ranged from several months to 12 years' imprisonment.

The government did not report specific progress on any of the alleged cases of official complicity in human trafficking from the 2008, 2009, 2010, and 2011 TIP Reports. During the reporting period, however, authorities convicted a local police chief of sex trafficking and handed down a suspended sentence of four years. Airport police in Vladivostok reportedly detained a police officer on suspicion of complicity in a sex trafficking situation in March 2012. The North Korean government continued to export workers for bilateral contracts with Russia and other foreign governments. Despite media allegations of slave-like conditions in North Korean-operated timber camps in Russia, the Russian government has not reported any investigations into this situation.

The Ministry of Internal Affairs, the lead law enforcement agency in the majority of trafficking cases, conducted regular training during the reporting period designed to guide officers in handling trafficking cases. According to the government, the General Procuracy, the Russian Academy for Justice, the Russian Academy of Advocacy, the MVD, and the Federal Security Service provided periodic training as well.

Protection

The Russian government demonstrated minimal progress in efforts to protect and assist trafficking victims during the reporting period. The government did not develop or employ a formal system to guide officials in proactive identification of trafficking victims or referral of victims to available services, and there continued to be no available official statistics on the number of trafficking victims identified or assisted by the government or NGOs. The government did not report publicly any funding or programs for specific assistance to trafficking victims, and the government did not verify how many trafficking victims benefitted from funding or programs intended for other, general purposes, such as witness protection, child protection, or government crisis centers, which were unlikely to accept victims who were not registered in the district in which the center is located. Services for victims outside of their region of registration or residence area would normally be limited to emergency care in hospitals. A small trafficking shelter in the City of Khabarovsk closed during 2011 for lack of funding. A trafficking shelter in Vladivostok that received some local government funding helped one victim during the reporting period.

The government reported that it encouraged victims to participate in anti-trafficking investigations by offering trafficking victims that cooperate with officials witness protection provisions on a case-by-case basis. There were no formal legal alternatives to deportation for foreign victims.

Russia did not demonstrate a systematic approach to ensure that trafficking victims were not punished for crimes committed as a direct result of their trafficking experience. According to authorities, most foreign victims were neither deported nor supported as witnesses in a prosecution; they were often released to make their own way home or to stay in Russia to look for work.

Prevention

Russia's national government demonstrated very limited efforts to prevent trafficking over the reporting period. So far, there have been no nationwide campaigns to raise awareness of human trafficking in Russia or efforts to develop public awareness of possible forced labor in advance of the 2014 Winter Olympics in Sochi. Several high-level officials spoke out against human trafficking during the reporting period, including then prime minister now President Putin, who called for toughening penalties against those "who organize flows of illegal immigrants, hire people without work permits and use them as slaves." The national human rights ombudsman, as well as the Minister of Health, also spoke out strongly against human trafficking during the reporting period.

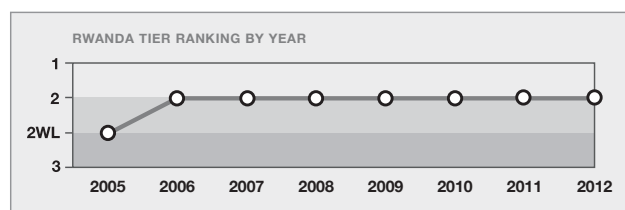
The government did not have a body to monitor its anti-trafficking activities and make periodic assessments measuring its performance. The government did not take specific steps to reduce the demand for commercial sex acts, nor did it report any specific measures to ensure that its military personnel, when deployed abroad as part of a peacekeeping or other similar mission, did not engage in or facilitate human trafficking. Russia issued arrest warrants and requested extradition to Russia of a Russian citizen convicted of sexually abusing many young girls in Cambodia.

RWANDA (Tier 2)

Rwanda is a source and, to a lesser extent, transit and destination country for women and children subjected to forced labor and sex trafficking. Rwandan girls and, to a lesser extent, boys are exploited in domestic servitude within the country; some of these children experience nonpayment of wages or physical or sexual abuse within their employer's household. Older females offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. In limited cases, trafficking is facilitated by women who supply other women or girls to clients or by loosely-organized prostitution networks, some operating in secondary schools and universities. Brothel owners reportedly supply girls in prostitution to clients staying at hotels. Children in Rwanda-based refugee camps are victims of trafficking to Uganda and Kenya at the hands of other refugees. Rwandan women and children also are recruited and transported to Kenya, Uganda, Democratic Republic of the Congo (DRC), Tanzania, Burundi, Zambia, South Africa, Europe, China, and the United States, where they are subjected to forced agricultural and industrial labor, domestic servitude, and prostitution. Small numbers of women and children from neighboring countries and Somalia are victimized in prostitution and forced labor after being lured to Rwanda. A limited number of foreign nationals are moved through Rwanda to be exploited in third countries.

The Government of Rwanda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting

period, the government referred sex trafficking victims to protective services, continued its provision of short-term care and rehabilitative services to child ex-combatants, trained more police officers as gender-based violence specialists, and created a special court to hear cases involving international crimes, including human trafficking. Rwanda remains the only African country in which the government is undertaking virtually all activities related to the demobilization and reintegration of former child soldiers, some of whom are trafficking victims. The government prosecuted at least two trafficking offenders under its child kidnapping law, but failed to convict any trafficking offenders. The police continued to hold some trafficking victims in detention without connection to a charge. While the government continued to make women's and children's rights a high priority, it did not provide the resources to adequately investigate suspected labor violations.



Recommendations for Rwanda: Enact draft legislation that would create an easily understandable legal regime with clear definitions of human trafficking and enforce it once it becomes law; enforce the anti-trafficking provisions in the 2009 labor law through increased investigations and prosecutions of trafficking offenders; increase the number of labor inspectors and resources available to them; utilize judicial police specifically trained on gender-based violence to supplement the national police's anti-trafficking unit and government's labor inspectors; establish a system to assist foreign trafficking victims with relief from deportation; ensure central government funds sent to districts for labor inspection programs are allocated to such programs; and build capacity to screen for trafficking victims at child transit centers through increased collaboration between the police and the Ministry of Gender and Family Promotion or NGOs.

Prosecution

The government demonstrated some improvements in its anti-trafficking law enforcement efforts during the reporting period, as it prosecuted trafficking offenders and trained additional police officers in trafficking-related topics. It failed, however, to convict any traffickers. Article 28 of the Law on Prevention and Punishment of Gender-Based Violence (Law No. 59/2008) outlaws, but does not define, sex trafficking and prescribes sufficiently stringent punishments of 15 to 20 years' imprisonment, penalties that are commensurate with those prescribed for other serious offenses, such as rape. Article 8 of the Law Regulating Labor in Rwanda (13/2009) prohibits forced labor and Article 167 prescribes sufficiently stringent punishments of three to five years' imprisonment; Article 72 prohibits subjecting children to slavery, child trafficking, debt bondage, forced labor, armed conflict, and child prostitution and Article 168 prescribes punishment of six months to 20 years' imprisonment for these offenses. In May 2010, the government completed the draft revisions to the penal code that contain articles defining and prohibiting all forms of human trafficking, which will address the police's and prosecutors' common complaint regarding the current

difficulty in prosecuting and punishing someone suspected of trafficking offenses under the current legal code; the entire draft code remained under consideration at the end of the reporting period. In February 2012, the government created a special court for international crimes, which will hear human trafficking cases after the government approves the revised penal code. The special court will allow foreign judges to rule on proceedings, thereby encouraging other governments to extradite suspects to Rwanda by giving them equity in the case.

The Rwandan National Police (RNP) registered seven cases of human trafficking in 2011, though it did not provide information on the outcome of these cases. The RNP's four-person anti-trafficking unit assisted in the investigations of these cases. The National Public Prosecution Authority (NPPA) maintained two specially-designated prosecutors to coordinate all cases related to human trafficking. It investigated one case of slavery and 16 cases of child kidnapping in 2011; among those, 10 child kidnapping cases were pending before the courts at the end of 2011, with seven cases remaining under investigation. The NPPA reported that at least two of the kidnapping cases were child trafficking. In January 2012, several Congolese refugee children from the Nyabiheke refugee camp in Gatsibo District alleged that another refugee lured them to Uganda through enticements of jobs, only to be exploited in brothels; however, the government did not prosecute the case and Rwandan authorities reportedly did not sufficiently investigate these allegations. Neither the NPPA nor the RNP provided information regarding cases pending at the close of the previous reporting period. Labor inspectors issued warnings and levied fines against those illegally employing children, but the government reported only one investigation of slavery and did not report investigating or prosecuting any additional cases of forced labor during the year. Each of Rwanda's 75 police stations maintained a gender desk staffed by at least one judicial police officer. In late 2011, the RNP began training 150 new judicial police officers as gender-based violence (GBV) specialists, which will triple the number of anti-GBV officers who specialize in fighting the worst forms of child labor, as well as identifying and assisting victims of trafficking. An average of six judicial police officers specializing in serious crimes serve in each of Rwanda's police stations, and all such officers had undergone training on identifying and assisting victims of trafficking and investigating and prosecuting human trafficking cases.

Protection

The government continued to offer an unparalleled level of care for former child combatants, but it provided inconsistent protective services to victims of sex or labor trafficking. The Rwandan Demobilization and Reintegration Commission (RDRC) – with funding from the World Bank, UNICEF, and the Governments of Germany, Japan, the Netherlands, and Sweden – continued operation of a center for child ex-combatants in Muhazi, which provided three months of care, including psycho-social counseling, to children returned from the DRC by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The center provided services to 52 children in 2011, an increase from 47 in 2010. The RDRC worked with local authorities and an NGO to locate the children's families, and social workers sensitized families to their acceptance of the child's return. By the end of 2011, RDRC staff had reunited 21 children with relatives, with 28 still residing at the center as of October 2011. In 2011, the government provided an unknown

amount of funding to support eight private or NGO-run child rehabilitation centers that afforded over 200 street children – some of whom were trafficking victims – with shelter, basic needs, and rehabilitative services.

During the year, police identified and referred an unknown number of sex and labor trafficking victims to the Isange Center, a one-stop holistic facility within the Kaciryu police hospital in Kigali that provided medical exams, counseling, short-term shelter, and police, medical, and legal assistance to victims of gender-based violence, including child domestic workers and children in prostitution. In a notable improvement over the previous year, social workers received all individuals arriving at the center and followed a set of questions to identify potential cases of trafficking. The social workers' initial determinations guided the treatment provided by the holistic center. During the reporting period, the RNP began outfitting its three other police hospitals with similar centers. Judicial police officers encouraged victims to participate in the investigation and prosecution of trafficking crimes and interviewed victims at the Isange Center, or elsewhere if they were not referred to the center; these initial statements could stand as testimony if victims did not wish to appear in court. The standardized checklist used by police when working with victims required securing medical, social, and counseling services; the presence of a victim's advocate during investigations; and referrals of victims to NGOs, religious entities, or community groups for further assistance. The police headquarters in Kigali continued operating a hotline for reporting GBV crimes and received several calls reporting cases of human trafficking in 2011.

The government operated three transit centers for screening and referring street children, some of whom were victims of domestic servitude or prostitution, to longer-term care facilities. The Ministry of Gender and Family Promotion screened some of the children and young adults detained in these centers and consistently followed standard procedures for referring victims to rehabilitation centers, child care institutions, or other facilities, such as the Iwawa Rehabilitation and Vocational Development Center, or for returning them to their families. The RNP, however, often discharged young people from the transit centers or transported them to remote districts with instructions not to return to Kigali, without screening for vulnerability to trafficking. The police also held some child victims of trafficking in detention at the transit centers, sometimes for weeks or months without being charged with a crime or interviewed in conjunction with an investigation. Due to inadequate screening, victims of trafficking could face time in prison or the Nyagatare Rehabilitation Center for unlawful acts committed as a result of being trafficked, although no cases were reported in 2011. The RNP distributed IOM handbooks on identifying and assisting victims of trafficking to judicial police officers, community police committees, and others, but procedures varied for proactive identification of victims of trafficking among high-risk groups, including women in prostitution. Beyond providing a stay of one month, the government did not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

Prevention

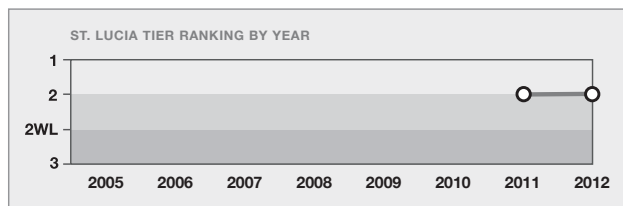
The government maintained its anti-trafficking prevention efforts during the reporting period, but there continues to be a lack of understanding among the government and Rwandan society of the full scope of the country's human trafficking

problem. Rwandan authorities have long recognized the problem of cross-border human trafficking, and in 2011 the government acknowledged for the first time the problem of internal sex trafficking and forced labor, specifically the widespread trafficking and abuse of child domestic servants. The Ministry of Public Service and Labor (MIFOTRA) raised public awareness of the worst forms of child labor through radio shows, television announcements, and skits. Police and immigration officials maintained strict border control measures as part of a strategy to prevent transnational child trafficking, although the government declined to provide statistics of how many children it prevented from leaving the country under suspicious circumstances. During the reporting period, local observers reported a decrease in the use of child labor in agriculture, resulting from vigorous police enforcement of a recent law mandating children attend 12 years of basic education. MIFOTRA's labor inspectors held monthly sensitization activities and quarterly trainings for employers and local authorities on child labor regulations. However, these 30 district labor inspectors were not numerous enough to fulfill their monitoring mandate, and the government did not provide them with adequate resources, including transport, to identify and prevent the use of exploitative child labor effectively. MIFOTRA continued to train all labor inspectors twice per year on how to identify and handle cases of child labor, including trafficking in persons. MIFOTRA made cash transfers to each district for the purpose of funding labor inspectors and combating child labor, but according to the ILO and other observers, district officials routinely reprogrammed those funds for other priorities. Every new immigration official received training on passenger profiling, document verification, and other regulations, including the identification of victims of trafficking. The government introduced new border control procedure manuals for the airports and land borders, as well as specific written instructions guiding border officers in effective border control, such as identifying all forms of cross-border crimes, to include human trafficking. The government trained Rwandan troops on gender sensitivity and sexual exploitation prior to their deployment to UN peacekeeping missions abroad.

ST. LUCIA (Tier 2)

St. Lucia is a destination country for persons subjected to forced prostitution and forced labor. Legal and illegal immigrants from Haiti, Jamaica, the Dominican Republic, Guyana, and South Asia reportedly are the groups most vulnerable to human trafficking. Sex trafficking victims are likely found among foreign women in prostitution. According to the police and NGOs, the most likely traffickers in the country are pimps, strip club operators, and brothel owners; in the past, there were allegations that some underground strip clubs were fronts for prostitution and reportedly were owned or protected by complicit former police officers. There are indications that children are coerced to engage in commercial sex in St. Lucia.

The Government of St. Lucia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period the government did not make progress in prosecuting trafficking offenders, although it helped rescue at least one apparent forced labor victim during the reporting period. While many officials expressed strong political will to address human trafficking, government employees' trafficking complicity also remained a problem.



Recommendations for St. Lucia: Provide adequate funding for and standard operating procedures to implement the new Counter-Trafficking Act 2010, ensuring that both local and international trafficking victims are protected; vigorously prosecute, convict, and punish perpetrators of forced labor and sex trafficking, including officials complicit in human trafficking; continue identifying and assisting victims of forced labor and forced prostitution; work with IOM to provide safe repatriation procedures for foreign victims who would like to return home; and continue with plans to establish an inter-ministerial task force and empower law enforcement and victim protection officials to participate.

Prosecution

The Government of St. Lucia did not make progress in addressing human trafficking through law enforcement means during the reporting period. The government prohibits all forms of trafficking through the Counter-Trafficking Act 2010, which prescribes punishment of five to 10 years' imprisonment with fines. These penalties are sufficiently stringent and are commensurate with other serious crimes, such as rape. The government did not report any investigations, prosecutions, convictions, or sentences of trafficking offenders or public officials complicit in human trafficking under this new law or other statutes in 2011, nor in 2010. Authorities acknowledged that the complicity of some law enforcement officials was a problem. The government did not offer formal training for police, immigration authorities, health workers, or child protection officials in identifying human trafficking. There were no standard operating procedures in place to guide law enforcement authorities in how to handle trafficking cases.

Protection

The government made modest efforts to protect victims of human trafficking during the reporting period, despite resource and capacity restraints. The government funded an NGO that rescued and provided assistance to at least one foreign adult victim of forced labor during the reporting period, and the NGO worked with the diplomatic mission of the victim's home country to repatriate her. However, the government did not have formal procedures to guide law enforcement, health, and other officials in how to identify trafficking victims and refer them to available protection and assistance services. The government also ran a system of informal shelters where victims, including male children, could find shelter from their exploiters. A government-funded NGO ran a day-use shelter for girls, although there was no 24-hour residential shelter currently in the country for girls. Magistrates were forced to choose between prison or a mental institution in which to place girls needing protection. The government encouraged victims to participate in the prosecution of trafficking offenders through strong victim protection provisions in the Counter-Trafficking Act 2010. The act has explicit provisions to protect foreign victims from deportation and from prosecution for

crimes committed as a direct result of being in a trafficking situation.

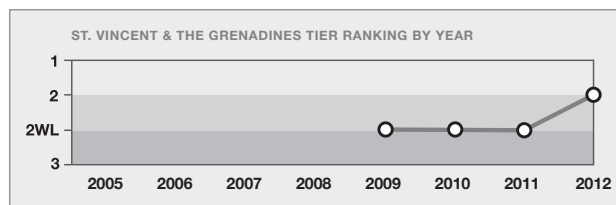
Prevention

The government made some efforts to prevent human trafficking during the reporting period. While there was no national campaign to raise awareness about forced labor and forced prostitution, officials distributed IOM human trafficking awareness brochures at anti-violence outreach activities. Through a television appearance, the minister of National Security expressed political will to address trafficking and announced intentions to set up an inter-ministerial task force. The government's director of Gender Affairs raised awareness of human trafficking through radio and visits to schools and public health facilities during the reporting period. The government did not have a campaign to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism in St. Lucia or involving its nationals. St. Lucia is not a party to the 2000 UN TIP Protocol.

ST. VINCENT AND THE GRENADINES (Tier 2)

St. Vincent and the Grenadines is a source, transit, and destination country for some men, women, and children subjected to forced labor and sex trafficking. According to NGOs and officials, discussing human trafficking matters openly is a social taboo in the country. Nevertheless, a consensus has developed between government officials and NGOs that a population of persons at high risk of trafficking exists, notably men, women, and children working in agriculture, including marijuana fields, and in prostitution. In the past, Vincentian officials have raised concerns regarding foreign women in prostitution transiting through the country without possession of their passports.

The Government of St. Vincent and the Grenadines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made substantial progress during the reporting period by enacting legislation that prohibits all forms of trafficking and provides strong victim protection measures. In addition, the government established a ministerial-level anti-trafficking task force and created an anti-trafficking police unit. This positive momentum and new structures should allow the government to make continued progress and identify and assist potential victims of trafficking in the coming year.



Recommendations for St. Vincent and the Grenadines:

Investigate and prosecute possible offenses of sex or labor trafficking; implement formal screening policies to guide officials in how to identify and assist suspected victims of forced prostitution and forced labor; identify and assist

suspected trafficking victims and refer them to appropriate services; enact a policy to ensure that trafficking victims are not punished for crimes committed as a direct result of being in a forced labor or forced prostitution situation; and educate the public about forced prostitution and forced labor by conducting a high-profile public awareness campaign.

Prosecution

The Government of St. Vincent and the Grenadines made progress in its anti-trafficking law enforcement efforts over the last year. In September 2011, the House of Assembly unanimously passed the Prevention of Trafficking in Persons Bill of 2011, which prohibits forced prostitution and forced labor, including bonded labor, and prescribes punishments of up to 20 years' imprisonment with fines. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. The law includes strong victim protection measures, provisions for victim restitution, and states that consent or past sexual behavior is irrelevant. The government, however, reported no forced labor or forced prostitution investigations, prosecutions, or convictions during the reporting period. In an effort to strengthen its capabilities to address human trafficking, the government in early 2012 established a special unit within the Royal St. Vincent and the Grenadines Police Force to focus specifically on human trafficking, sexual offences, and domestic violence. There were no reports of trafficking-related official complicity during the reporting period. The government provided in-kind assistance to trafficking-specific IOM-led training for officials from the police force, the Immigration Department, the Social Welfare Department, the Ministry of Foreign Affairs, the Director of Public Prosecution's Office, the Port Authority, the Attorney General's chambers, and local NGOs.

Protection

The Vincentian government made progress in establishing victim protection policies. The government did not have formal procedures in place to guide authorities in how to identify possible victims of human trafficking, and the government did not proactively identify any suspected victims of human trafficking during the reporting period. The Ministry of National Mobilization and Social Development developed guidelines during the reporting period on the referral of victims to appropriate shelter. The government did not fund any trafficking-specific assistance programs, but the government provided some funding and building space to local NGOs whose shelter, counseling, and other services for crime victims would also be available to trafficking victims. There were no reports of trafficking victims assisting law enforcement, but under its new anti-trafficking law, the government offered incentives to encourage their assistance in the investigation and prosecution of human trafficking offenders. Prior to the enactment of the September 2011 law, the government did not offer legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution, though the new law now provides for such immigration relief. The government did not have a formal policy in place to protect victims from punishment for crimes committed as a direct result of being in a trafficking situation. There were no reports that victims were inappropriately punished during the reporting period.

Prevention

The government made some efforts to prevent trafficking in St. Vincent and the Grenadines during the last year. The government continued to implement its national action plan to combat human trafficking. The government did not conduct anti-trafficking information or education campaigns during the reporting period; however, some officials raised awareness of human trafficking through public speaking engagements. In a positive development, one senator raised awareness that the new law could be used to protect local children from persons pushing them into prostitution or transactional sex. The government has not identified a problem with child sex tourists. The government reported no efforts to reduce the demand for commercial sex acts. St. Vincent and the Grenadines is not a party to the 2000 UN TIP Protocol.

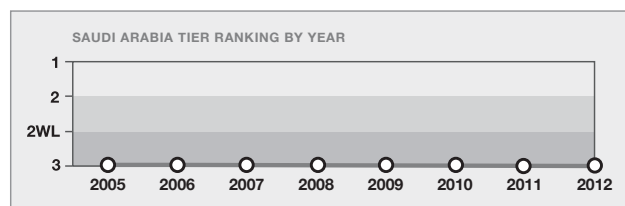
SAUDI ARABIA (Tier 3)

Saudi Arabia is a destination country for men and women subjected to forced labor and to a lesser extent, forced prostitution. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, and many other countries voluntarily travel to Saudi Arabia as domestic servants or other low-skilled laborers, but some subsequently face conditions indicative of involuntary servitude, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement such as the withholding of passports or confinement to the workplace. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract. Other migrant workers never see a contract at all, leaving them especially vulnerable to forced labor, including debt bondage. Due to Saudi Arabia's requirement that foreign workers receive permission from their employer to get an "exit visa" before they are able to leave the country, migrant workers report that they are forced to work for months or years beyond their contract term because their employer will not grant them an exit permit.

Women, primarily from Asian and African countries, are believed to be forced into prostitution in Saudi Arabia. Some female domestic workers are reportedly kidnapped and forced into prostitution after running away from abusive employers. Yemeni, Nigerian, Pakistani, Afghan, Chadian, and Sudanese children are subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. A Saudi study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit prostitution. Some Saudi men used legally contracted "temporary marriages" in countries such as Egypt, India, Mauritania, Yemen, and Indonesia as a means by which to sexually exploit young girls and women overseas.

The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government continued, in a limited fashion, to prosecute and convict trafficking offenders under the 2009 anti-trafficking law. The government made modest efforts to improve its response to the vast human trafficking problem in Saudi Arabia by

training government officials on victim identification and prevention, and worked to improve victim protection services. However, the government's policy of allowing Saudi citizens and residents to sponsor migrant workers and restrict their freedoms, including exit from the country, continued to preclude significant progress in dealing with human trafficking. The Saudi government did not reform its migrant laborer sponsorship system, though it discussed possible alternatives during the year that would provide protections for foreign workers and increase government oversight. Domestic workers – the population most vulnerable to forced labor – remained excluded from general labor law protections, and employers continued to regularly withhold workers' passports as a means of keeping them in forced labor, despite this practice being prohibited by a 2000 Council of Ministers' decision.



Recommendations for Saudi Arabia: Reform the sponsorship system and enforce existing laws to discourage employers from withholding workers' passports and restricting workers' movements, including arbitrarily denying permission for exit visas, as a means of preventing trafficking abuses; significantly increase efforts to prosecute, punish, and stringently sentence traffickers, including abusive employers and those culpable of trafficking for commercial sexual exploitation, under the 2009 anti-trafficking law; institute a formal victim identification mechanism to distinguish trafficking victims among the thousands of workers deported each year for immigration violations and other crimes; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as running away from abusive employers; ensure trafficking victims are able to pursue criminal cases against their employers in practice; continue to improve victim protection at government-run shelters by transforming them into open shelters where victims are not locked in; ensure that all victims of trafficking can seek assistance; enforce labor laws and expand full labor protections to domestic workers; and continue and expand judicial training and public awareness campaigns on recognizing cases of human trafficking.

Prosecution

The Government of Saudi Arabia made limited law enforcement efforts against human trafficking during the reporting period. The 2009 "Suppression of the Trafficking in Persons Act," promulgated by Royal Decree number M/40, defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years and fines of up to the equivalent of \$266,667 for violations. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with special needs. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Since the law includes some concepts unrelated to human trafficking, the government must disaggregate law enforcement activity under this law to indicate which prosecutions and convictions are

for trafficking. Although the 2009 anti-trafficking law does not address withholding passports and exit visas as a means of obtaining or maintaining a person's forced labor or service, Council of Ministers Decision 166 of 2000 prohibits the practice of withholding workers' passports as a separate, lesser offense. The Council of Ministers' statement accompanying the 2009 anti-trafficking law secures the right of victims to remain in Saudi Arabia during the investigation and court proceedings, incentivizing their assistance in prosecutions.

The government reported that it prosecuted 11 cases of human trafficking, though the government did not report the details of these cases, and it is unclear if these cases occurred during the reporting period. During the reporting period, the government achieved only one conviction under its anti-trafficking law; details of that case were not provided. There were no prosecutions or convictions of cases involving forced begging. The government did not report efforts to enforce the Council of Ministers' decision prohibiting the confiscation of foreign workers' passports; this practice continued to be widespread. During this reporting period, the government reported efforts to track and collect data on trafficking-related investigations, arrests, prosecutions, and convictions, yet the government failed to provide comprehensive law enforcement data. The government also did not report any investigations, arrests, prosecutions, or sentences of government officials for trafficking-related complicity. However, according to media and NGO sources abroad during the reporting period, an Indonesian domestic worker alleged that a Saudi diplomat working in Germany – her employer – had subjected her to forced labor and abuse. The victim alleged that she worked 18-hour days with no holidays, never received wages for her work, did not have access to her passport, and was physically and mentally abused. During the reporting period, the government's inter-ministerial permanent committee to combat trafficking provided training sessions for law enforcement and judicial personnel and completed three "train-the-trainer" courses for investigators and police officers on trafficking indicators.

Protection

Saudi Arabia made limited, although inconsistent, progress in protecting victims, but its overall efforts remained inadequate during the reporting period. The government's annual budget for calendar year 2012 includes the equivalent of \$1 million for the permanent committee to combat trafficking; however, procedures were not fully implemented to systematically identify victims of trafficking among vulnerable populations, and government officials still lack the necessary training on prevention, identification, and prosecution of trafficking cases. As a result, many victims of trafficking are likely punished for acts committed as a result of being trafficked. Under Saudi law, foreign workers may be detained or deported for running away from their employers. Council of Ministers Decision 244 authorizes the permanent committee to combat trafficking to exempt trafficking victims from these punishments, yet victims are often detained or deported without being identified. Women arrested for prostitution offenses face prosecution and, if convicted, imprisonment or corporal punishment, even if they are victims of trafficking; there are no legal protections or policy guidelines that shield victims from prosecution. Moreover, at least 25 Indonesian domestic workers remained in judicial proceedings and could be sentenced to death. Some workers have already been sentenced to death and await execution for various crimes, including those committed

against their Saudi employers after some of the accused were reportedly subjected to conditions of forced labor.

The 2009 anti-trafficking law affords victims an explanation of their legal rights in a language they understand, physical and psychological care, shelter, security, and the ability to stay in Saudi Arabia to testify in court proceedings. The Saudi media reported that foreign workers successfully sought help from government authorities after their sponsors failed to pay their wages or prohibited them from leaving the country. In one such case, a Saudi sponsor paid an Indonesian domestic worker the equivalent of \$15,200 in back wages after Riyadh police intervened. In another case, the Hail provincial governor assisted an Indian shepherd to recover more than the equivalent of \$22,500 in unpaid wages from his Saudi sponsor and facilitated the foreign worker's repatriation to India. Despite these positive steps, during the reporting period, many victims still sought refuge at their embassies, and source countries reported handling thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year. No shelter or services are available to victims of sex trafficking or male victims of trafficking. The government operated a center for female runaway domestic workers in Riyadh, some of whom were likely subjected to physical or sexual abuse by their employers. The Ministry of Social Affairs Anti-Begging Department also operated shelters for child beggars in various cities in the country. In previous years, victims of physical and psychological abuse at these centers reported that they were unlikely to receive assistance, and some reported long waiting periods before the conclusion of their cases. Women were not free to leave and experienced restrictions on communication with family or consular contacts. In smaller cities in Saudi Arabia with poor access to the government shelter, victims of trafficking were kept in jails until their cases were resolved; however, during this reporting period, some trafficking victims in smaller cities were reportedly transported to shelters in larger cities. During the reporting period, the government reported providing services and assistance to 1,000 Southeast Asian workers who had been held in conditions of forced labor, including receiving no wages for work and inadequate housing without food. The permanent committee facilitated some of these workers' requests for repatriation and provided shelter for those who chose to stay until the dispute was resolved in hopes that their full salaries would be paid.

Victims who have run away from their employers, overstayed their visas, or otherwise violated the legal terms of their visas were frequently jailed without being identified as victims. Some Saudi employers prevented foreign workers from leaving the country by refusing to permit them to receive exit visas, which resulted in workers working beyond their contract terms against their will, languishing in detention centers indefinitely, or paying money to their employers or immigration officials to let them leave. In previous reporting periods, some police officers assisted victims by referring them to government shelters. Other police officials, however, returned foreign workers to their employers, pressured them to drop cases, or persuaded victims to take monetary compensation in lieu of filing criminal charges against their employers. Some employers file false counter-claims against foreign workers for theft, witchcraft, and adultery in retaliation for workers' claims of abuse; as a result, in many cases, the workers rather than the employers were punished, which discouraged workers from reporting abuse. Few migrants successfully pursued criminal

cases against abusive employers due to lengthy delays in the immigration and justice system.

Prevention

The government made some progress in preventing human trafficking during the reporting period, but systemic problems resulting from the sponsorship system regulations remained largely unaddressed. However, the government discussed possible alternatives to the sponsorship system that would provide protections for foreign workers and increase government oversight. In July 2011, the government issued regulations mandating the formation of new "unified recruitment companies" which provide that only specified companies will be able to have visas issued for new expatriate workers and that the companies will be held responsible for the well-being of laborers, including domestic workers for whom they obtain visas, and incur penalties and restrictions on importing labor if workers are abused. At least two unified recruitment companies have been fully licensed and another 13 have been granted preliminary licenses. The Ministry of Labor plans for at least two companies to operate in each of the country's 13 provinces. The companies must begin operations within the next year or risk losing their licenses. These regulations do not prescribe criminal penalties for abuse of foreign workers and do not provide increased protections for foreign trafficking victims. The government also failed in the regulations to address the widespread practice of employers withholding workers' passports and residency permits and the use of exit permits to control workers' movements. Domestic workers remain excluded from general labor law protections.

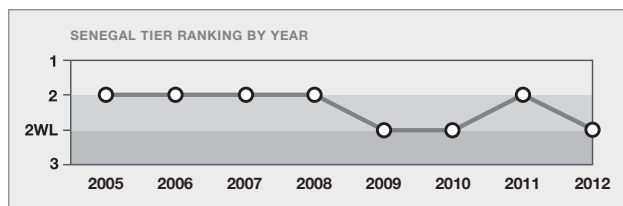
To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook distributed to all migrant workers entering the country in Arabic, English, and some source country languages; these guidebooks also contain a telephone number for workers to report abuse. Additionally, Saudi police maintained a 24-hour emergency anti-trafficking hotline with operators who speak Arabic and English. The government reportedly broadcast 250 programs and public service announcements on human trafficking issues, including treatment of foreign workers, on television and radio during the reporting period. The government took actions to reduce the demand for prostitution, as *Sharia* law prohibitions against prostitution are strictly enforced in Saudi Arabia. The Saudi government did not report efforts to reduce the demand for child sex tourism by Saudi nationals abroad.

SENEGAL (Tier 2 Watch List)

Senegal is a source, transit, and destination country for children and women who are subjected to forced labor, forced begging, and sex trafficking. NGOs estimate that more than 50,000 children, most of whom are *talibes* – students attending *daaras* (Koranic schools) run by teachers known as *marabouts* – are forced to beg and that in Dakar alone there are 8,000 *talibes* begging in the streets. Senegalese boys and girls are also subjected to domestic servitude, forced labor in gold mines, and exploitation in the sex trade. Trafficking within the country is more prevalent than transnational trafficking, although boys from The Gambia, Mali, Guinea-Bissau, and Guinea have been identified in forced begging and forced labor in artisanal gold mines in Senegal. Senegalese women and girls are transported to neighboring countries, Europe,

and the Middle East for domestic servitude. NGO observers believe most women and girls exploited in prostitution, however, remain in Senegal. Women and girls from other West African countries, particularly Liberia, Ghana, Guinea, Guinea-Bissau, Sierra Leone, and Nigeria, may be subjected to domestic servitude and commercial sexual exploitation in Senegal, including for sex tourism.

The Government of Senegal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these modest efforts, the government did not demonstrate evidence of overall increasing efforts to address human trafficking, particularly to prosecute and punish trafficking offenders and protect trafficking victims. Therefore, Senegal is placed on Tier 2 Watch List. During the reporting period, the government made some efforts to expand its capacity to combat trafficking, including training 96 judges and law enforcement officials on treatment and processing of child trafficking victims within the Senegalese system. The government also continued to fund the Ginndi Center, which provides child abuse victims with shelter, food, education, and medical and psychological care. The government did not compile data on the number of trafficking cases investigated and prosecuted, and it did not appear that the government prosecuted or convicted any trafficking cases during the reporting period. Furthermore, the government did not formally identify a single trafficking victim in 2011, although a government-funded shelter assisted, as during the previous reporting period, child trafficking victims. The apparent lack of prosecutions and convictions of trafficking offenders and identification of trafficking victims stands in contrast to the previous reporting period, during which the government prosecuted 10 cases of trafficking, secured nine convictions, and identified as many as 795 victims. During the reporting period, however, the government took initial steps to track its identification of and assistance to trafficking victims through the development of a database. In 2010, local observers believed the government was making positive strides in combating trafficking, given the conviction of nine *marabouts* for forcing children to beg. However, following these convictions, Koranic teacher associations lobbied the government to cease prosecuting *marabouts*, and the government succumbed to political pressure. In 2011, the former president publicly denounced the prosecution of *marabouts* in Cabinet meetings. Over the reporting period, the prevalence of human trafficking in Senegal rapidly increased. According to several organizations, the number of children begging in the streets of Dakar is higher than at any other point in Senegal's history. Women were increasingly identified in forced prostitution in the southeast gold mining region of Kedougou, but police did not investigate any such cases.



Recommendations for Senegal: Prosecute, convict, and punish trafficking offenders for subjecting victims to involuntary servitude; train police and magistrates to recognize indicators of trafficking and investigate trafficking crimes under the country's anti-trafficking law; begin proactive victim

identification programs, including screening vulnerable populations, such as women in prostitution and children begging in the streets; expand government-funded shelters or partner with international organizations to establish wider sheltering options for trafficking victims; appoint an agency to lead the government's anti-trafficking efforts and clarify the specific roles of the Ministry of Family and the Ministry of Justice in those efforts; develop appropriate referral pathways for victim care; expand labor investigations in the informal sector of the economy; and allocate funding to the National Task Force for the implementation of the National Action Plan to Combat Trafficking.

Prosecution

The Government of Senegal's anti-trafficking law enforcement efforts worsened during the reporting period. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims prohibits all forms of trafficking and prescribes penalties of five to 10 years' imprisonment for violations, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2011, the government charged three defendants for trafficking in conjunction with charges for other crimes. However, the charges were eventually dropped at trial. These numbers constitute a substantial decline from the previous reporting period, during which the government secured 10 prosecutions and nine convictions in 2010. The government does not maintain or publish statistics relating to human trafficking investigations. During the reporting period, there were no prosecutions based solely on the 2005 anti-trafficking law. Instead, when the law is enforced, it is always in conjunction with other charges, such as child abuse. Many law enforcement and judicial personnel remained unaware of the anti-trafficking law's existence and may have used other statutes to investigate and prosecute trafficking cases. This lack of awareness continued to hinder efforts to collect data on human trafficking prosecutions.

During the reporting period, police in Kaolack reportedly arrested two Koranic teachers for allegedly brutally beating students who they had forced to beg for money in the street. While local observers had hoped prosecutors would bring trafficking and labor law charges against the teachers, court officials charged the teachers with child abuse and did not view the case as involving child trafficking or treat the children as trafficking victims. The Office for the Protection of the Rights of Children in the Ministry of Family conducted training for 96 judges and law enforcement officials on the treatment and processing of child trafficking victims within the Senegalese system. There were no investigations of government officials' involvement in human trafficking, but corruption is known to be pervasive throughout the government, notably in law enforcement.

Protection

The Government of Senegal made minimal efforts to identify trafficking victims and provide them with protective services during the last year. While the government identified 596 trafficking victims in the previous reporting year, it did not formally identify any victims over the last year. Referral to victim care services was undocumented. The government did not provide protective services to victims except at one shelter for child victims, the Ginndi Center. The government appropriated the equivalent of approximately \$150,000 to the

center to provide child victims of abuse with shelter, food, education, medical and psychological care, family mediation and reconciliation services, and vocational training. During the year, the Ginndi Center's child protection hotline received 6,231 calls concerning children in distress or requesting information; an unknown but reportedly significant number of these calls concerned cases of human trafficking. When the Ginndi Center does return children to their families, 40 percent are subsequently found begging on the streets. The government did not report repatriating any Senegalese nationals who had been victims of trafficking in other countries, nor did it provide temporary or permanent residency status to foreign victims of human trafficking. The government did not encourage victims to participate in the investigation or prosecution of their traffickers.

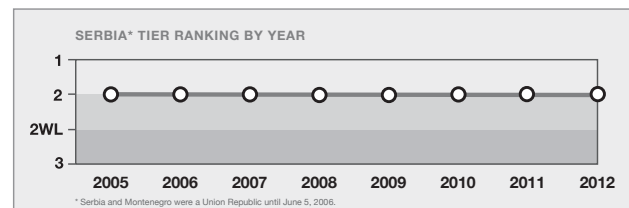
Prevention

The Government of Senegal made limited efforts to prevent human trafficking during the reporting period. The National Task Force for the Struggle against Trafficking/Mistreatment Especially of Women and Children was inactive and, despite being created to implement the 2008 National Action Plan on Trafficking, took no action to implement the plan in 2011. Recognizing the high demand for religious education among Senegalese parents and the potential this creates for exploitation of *talibes* by abusive *marabouts*, the Ministries of Family and Education worked jointly to open 20 modern *daaras* in which children receive both standard, formal education and Koranic education. These *daaras* are free from forced begging. The Ministry of Family ran an educational campaign, The Project for the Struggle against Trafficking, and conducted presentations and disseminated literature educating religious leaders that Islam does not sanction forced begging. The government did not launch educational campaigns on any other type of human trafficking. The government did not take steps to reduce the demand for commercial sex acts or forced labor in Senegal. It did not provide specific anti-trafficking training to Senegalese troops before their deployment abroad on international peacekeeping missions, although troops did receive training in general human rights, gender violence, and international rule of law.

SERBIA (Tier 2)

Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude. Serbian women and girls are subjected to sex trafficking, and Serbian men and boys are vulnerable to forced labor within the country. Serbian citizens are subjected to forced labor in other countries, and foreign victims are subjected to sex trafficking and forced labor in Serbia. Foreign victims of trafficking found in Serbia originate primarily from other countries in Europe. During the past year, foreign trafficking victims in Serbia originated from Montenegro, Bosnia, Ukraine, Moldova, Albania, Turkey, Slovenia, Russia, and Austria. Children throughout the country, including ethnic Roma, continue to be exploited in the commercial sex trade, subjected to involuntary servitude while in forced marriage, or forced to engage in street begging. Country experts reported an increased detection of labor trafficking victims in the country in 2011.

The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Serbian government vigorously prosecuted traffickers, increased its conviction rate for trafficking offenders, and carried out innovative anti-trafficking prevention activities in 2011. Furthermore, it took critical steps to transform and institutionalize its response to victim protection in 2011 by continuing its integration of victim protection for all trafficking victims, including males and children, into the existing nationwide social protection system. In late 2011, the government provided a new building and secured state financing to establish a stand-alone national agency charged with the immediate care of foreign and domestic trafficking victims. NGOs continued to rely mostly on foreign donors to provide psychosocial and reintegration assistance to trafficking victims during the year. Notably, the Serbian government identified a significant number of trafficking victims relative to the rest of Balkan region in 2011 and improved its detection of forced labor. However, the government must continue to strive for more effective and systematic identification efforts to detect trafficking victims. Social workers, a key group of front-line responders, need further training in order to develop the capacity to identify and provide specialized psychosocial care to victims.



Recommendations for Serbia: Ensure that NGOs with a history of providing victim care in Serbia are included and integrated in the system of direct victim care, in order to ensure effective care and reintegration assistance; continue to take steps to ensure that social workers and other front-line responders are integrated into victim identification efforts and ensure that potential trafficking victims, including victims of forced labor, are proactively identified throughout Serbia; ensure availability of specialized accommodations for victims; implement pending legal reforms to ensure victims receive institutionalized support during judicial proceedings and sex trafficking victims are not prosecuted for prostitution offenses; take steps to ensure trafficking victims are not jailed or punished for crimes committed as a direct result of their trafficking; vigorously prosecute, convict, and punish sex and labor trafficking offenders including any officials complicit in trafficking; ensure sustained state budget funding for comprehensive assistance, including appropriate support for NGOs providing longer-term care and rehabilitation assistance to victims; take steps to establish formal partnerships between the government's central victim protection agency, NGOs, other social welfare centers, and front-line responders to continually improve outreach and victim care; encourage adoption at the local level of the interagency task force model, where appropriate, to establish a multi-disciplinary approach to handling trafficking cases; and consider the establishment of a full-time position for a national anti-trafficking coordinator.

Prosecution

The Government of Serbia sustained vigorous anti-trafficking law enforcement efforts in 2011. The criminal code for Serbia

prohibits both sex trafficking and non-sexual exploitation through Article 388; however, this criminal code does not specifically distinguish between commercial sexual exploitation and forced labor. Penalties prescribed under Article 388 range from three to 15 years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Article 390 of the criminal code prescribes penalties for "slavery or a relationship similar to slavery" with penalties of one to 10 years' imprisonment. In 2011, the government reported prosecuting 36 criminal cases (27 for sex trafficking and nine for labor trafficking) involving 68 suspected trafficking offenders in 2011, compared with its prosecution of 47 criminal cases involving 99 suspected trafficking offenders in 2010. Courts convicted 47 trafficking offenders in 2011, convicting 42 under Article 388 and five under Article 390; this is an increase from a total of 36 trafficking offenders convicted in 2010. The government reported that sentences for convicted trafficking offenders in 2011 ranged from six months to ten years' imprisonment. According to Serbian law, those sentenced to less than five years' imprisonment could be released from detention during their appeals of convictions. Overall, only 15 out of 47 convicted traffickers were serving jail time in 2011. The Ministry of Justice adopted a protocol on treatment of victims in March 2012 to improve and institutionalize the government's treatment of victims and witnesses during judicial proceedings. Some local government officials have initiated an interagency "task force" approach to encourage a coordinated, victim-centered approach to addressing trafficking cases. There were no reports of any allegations against, or investigations, prosecutions, or convictions of any officials complicit in trafficking during the reporting period. The government's refusal to cooperate directly with the Government of the Republic of Kosovo continued to hamper Serbia's efforts to investigate and prosecute some transnational trafficking.

Protection

The Government of Serbia took innovative steps to institutionalize protection and assistance to trafficking victims during the reporting period. NGOs continued to provide specialized and rehabilitative services to victims, but received only limited funding from the government to provide this critical assistance to victims in 2011. The government agency for victim protection in Belgrade identified 88 trafficking victims in 2011; this compares to 89 victims identified in 2010. The agency referred 39 victims who requested assistance to NGO assistance providers while government authorities provided other services to victims. NGOs provided comprehensive psychosocial services and reintegration assistance to trafficking victims during the year; these NGOs continued to rely mostly on foreign donors to provide this critical care. In 2011 the government worked towards establishing a more systematic, comprehensive response to victim protection; in November 2011, the government provided a facility for its new victim protection agency and urgent care center by innovatively using permanently seized criminal assets to acquire the building. The government relied on international donors to help finance the center's first year of operations. During the reporting period, the agency received the equivalent of \$46,811 from the City of Belgrade government for victim protection services. In March 2012, the Government of Serbia provided funding in the amount equivalent to \$54,651 to the agency, which was mandated to grant formal victim status and provide protection to victims. In practice, specific support continued to

be provided by NGOs. The agency remained understaffed in 2011 during the transition period as the government continued to implement its social welfare legislation. Country experts report that the government has yet to establish the capacity to provide specialized psychosocial care required by victims of trafficking, especially children.

The government drafted a protocol on treatment of victims in June 2011, and formally adopted it in March 2012 after an extended consultation period, in an effort to improve and institutionalize the government's treatment of victims and witnesses during judicial proceedings. Country experts, however, noted concern that some judges demonstrated a lack of understanding of trafficking and reported victims' secondary victimization during court proceedings. According to an NGO that monitored trials, victims may still be subjected to intimidation from their traffickers in court. Although the courts may employ victim-sensitive approaches by allowing video testimony or prepared statements, these protection measures were rarely used in practice. NGOs continued to report that authorities failed to recognize some victims of trafficking, occasionally resulting in victims being detained, jailed, otherwise penalized, or even prosecuted for unlawful acts committed as a direct result of their being trafficked. A 2011 report on labor trafficking, based on cases in previous years, found some labor trafficking victims were jailed based on their illegal residence in Serbia.

Prevention

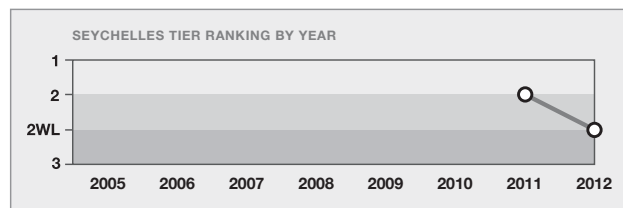
The government significantly improved its trafficking prevention efforts during the reporting period. As a central part of Serbia's 2011 national awareness-raising campaign entitled "Better Prevent than Cure," the government co-financed and widely disseminated "Sestre" (Sisters), an award winning film on trafficking, to target potential youth victims throughout Serbia and the region. During Serbia's annual anti-trafficking month in October 2011, numerous officials took part in public events and radio and TV shows to raise awareness about human trafficking. The Ministry of Interior official charged with coordinating Serbia's anti-trafficking efforts continued to maintain an anti-trafficking website and social media site, and publicized Serbia's anti-trafficking hotline; however, this national coordinator was not funded as a full-time position. The Ministry of Interior also devoted its October 2011 bulletin to activities of police, and regional and NGO counterparts, in anti-trafficking prevention. The government coordinated with international stakeholders to develop a new anti-trafficking strategy and action plan, but did not issue a new national anti-trafficking action plan after the expiration of its current plan in 2011. The government did not report any efforts to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism.

SEYCHELLES (Tier 2 Watch List)

Seychelles is a source and destination country for Seychellois children and foreign women subjected to sex trafficking. Seychellois girls and, to a lesser extent, boys are induced into prostitution – particularly on the main island of Mahe – by peers, family members, and pimps for exploitation in nightclubs, bars, guest houses, hotels, brothels, private homes, and on the street. Young drug addicts are also vulnerable to being

forced into prostitution. Foreign tourists, sailors, and migrant workers (particularly those in the fishing and construction sectors) contribute to the demand for commercial sex acts in Seychelles. In July 2011, Hungarian authorities apprehended three suspected traffickers who allegedly procured women for prostitution in Middle Eastern countries and Seychelles. One Seychellois trafficking victim was identified in the United Kingdom in early 2011. Foreign migrant workers – mainly employed in the construction and commercial fishing sectors – comprise 24 percent of Seychelles's formal sector labor force. Some Indian migrant workers reportedly have experienced poor conditions, including underpayment of wages and substandard housing. The demand for services provided by foreign domestic workers and in-home caregivers – including Filipinas, Malagasy, Indians, and Kenyans – reportedly is increasing in Seychelles; 39 such workers migrated to Seychelles in 2010.

The Government of Seychelles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made initial efforts to take law enforcement action against trafficking offenders and continued a program to raise awareness of the dangers of prostitution among the youth population. Despite these efforts, it prosecuted and convicted children exploited in brothel-based prostitution rather than identifying them as trafficking victims and did not remove them from the premises upon which they had been exploited. It made no efforts to rectify contradictions in its existing laws relating to the sex trafficking crimes of child prostitution and forced prostitution of adults. As a result, Seychelles is placed on Tier 2 Watch List. In late 2011, the government entered into discussion with UNODC regarding the creation of a national anti-trafficking policy and comprehensive legislation, which, if enacted, would greatly enhance its ability to combat human trafficking.



Recommendations for Seychelles: Expand ongoing efforts to educate government officials and the general public about the nature of human trafficking; more frequently utilize existing legislation to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; draft comprehensive anti-trafficking legislation that clearly defines trafficking offenses and prescribes sufficiently stringent punishments; increase prescribed penalties for forced labor offenses in Section 251 of the Penal Code Act; amend the Penal Code to harmonize the duplicative and contradictory sections addressing sexual offenses crimes – particularly those related to the exploitation of children in prostitution – to ensure the prohibition of and sufficiently stringent punishment for the prostitution of all persons under 18 years of age and the forced prostitution of adults; employ the existing district task force structure to increase the identification and referral of victims to protective services, particularly to safe shelter and counseling; formalize the role of the newly formed anti-trafficking committee to facilitate communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; institute a standardized

contract governing the employment of domestic workers within private homes; and launch a campaign to educate foreign tourists and migrants entering the country about the illegality of purchasing sexual services in Seychelles and the punishment available under local laws.

Prosecution

The government made limited efforts to address trafficking crimes through law enforcement action during the reporting period. While the government demonstrated progress by achieving convictions of three sex trafficking offenders in 2011, it also criminally prosecuted and convicted two children in the same case rather than identifying and treating them as sex trafficking victims. Seychelles law does not specifically prohibit human trafficking, although existing penal and labor code statutes prohibit slavery, forced labor, pimping, and brothel keeping, under which traffickers could be prosecuted. Section 251 of the Penal Code Act prohibits and prescribes a punishment of three years' imprisonment for forced labor, penalties which are not sufficiently stringent. Section 249 of the penal code outlaws slavery and prescribes sufficiently stringent penalties of 10 years' imprisonment. Sections 155, 156, and 138 of the penal code outlaw brothel-keeping, pimping, and procuring women or girls to engage in prostitution within Seychelles or abroad, prescribing punishments of three years', five years', and two years' imprisonment, respectively. None of these penalties are commensurate with those prescribed for other serious crimes, such as rape. Enforcement of laws relating to the prostitution of children is hampered by unclear and conflicting statutes that fail to define clearly the ages of consent and legal majority, creating confusion between the traditionally understood age of consent of age 15 and the legal age of majority of age 18.

Police, social welfare, and labor officials did not initiate any investigations of suspected cases of child prostitution, forced prostitution of adults, or forced labor during the reporting period, and indicated that they had not received any such complaints, although one NGO said that it had reported suspected incidences of child prostitution to the police during the year. In 2011, the court prosecuted a case involving five individuals accused of operating a brothel in Bel Air; all five defendants, including three adults and two girls who were ages 16 and 17 at the time of arrest, pled guilty in March 2012 and were awaiting sentencing at the close of the reporting period. The government does not use provisions contained in the penal code or the Employment Act of 1990 to criminally punish violations of workers' rights, but disputes arising from allegations of such violations are reportedly settled through mediation at the Employment Tribunal without formal prosecution; information regarding cases handled by this tribunal was not available. The government did not provide law enforcement training for its officials in how to recognize, investigate, or prosecute instances of trafficking. It did not report taking law enforcement action against any public officials complicit in human trafficking, but there were no reported cases of such complicity during the year.

Protection

The government made limited efforts to identify trafficking victims or provide them with protective services during the year. The government neither identified nor provided protective services to the two aforementioned child sex trafficking victims, but instead prosecuted them for crimes committed

as a result of being trafficked; the victims continued to reside in the brothel at the close of the reporting period due to lack of shelter facilities and the refusal of their families to receive them back. The Department of Social Development's (DSD) 25 district task forces on social ills – comprised of social workers, police, community nurses, youth workers, school counselors, NGOs, religious organizations, and other civil society groups – are charged with responding to specific situations of concern in each locality; while some of these task forces reportedly identified cases of children in prostitution during the reporting period, the DSD did not provide information regarding the numbers of sex trafficking victims identified or the protective services, if any, afforded to such children. Social workers and police are not believed to have conducted home visits or provided counseling to the families of children in prostitution. In 2011, the government provided an unknown amount of funding to NGOs that afforded limited services to a small number of victims of child prostitution. Seychelles does not have a formal referral process to systematically transfer trafficking victims to service providers for care. NGOs reported that police detained prostituted children in cells overnight without providing social or medical services, but typically released them the following morning without charge.

Prevention

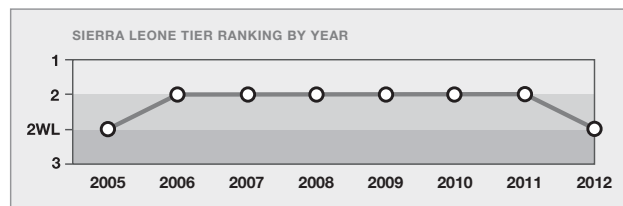
Awareness of human trafficking remained low within the country, but rose in 2011 as a result of the government's nascent public awareness raising efforts. In November 2011, the government established a national anti-trafficking committee comprised of representatives from the police, Ministry of Social Development, the Attorney General's Office, Ministry of Foreign Affairs, and the Ministry for Home Affairs' Immigration Division to serve as a coordinating body for collaboration and communication on trafficking matters. In December 2011, representatives of six government ministries participated in a two-day UNODC-led workshop on incorporating the 2000 UN TIP Protocol into national legislation and developing a national policy framework on human trafficking; the government has yet to finalize the recommendations resulting from this workshop. The government made some efforts to continue implementation of its "Plan of Action to Tackle Social Ills (2009 – 2010)," which aims to address the country's drug and sex trades and, according to the DSD, remains binding though technically expired. For example, in July 2011, the government and a foreign embassy co-hosted an awareness raising event on the exploitation of children in prostitution attended by 120 government officials, representing nearly 1.5 percent of Seychelles's civil service. In the same month, the police conducted a one-day workshop for 15 teenagers from various educational institutions to raise awareness of the dangers of prostitution and drug use. During the reporting period, the DSD also conducted three public talks for 114 high school and Polytechnic students identified by school counselors as youth at high risk for exploitation, which addressed, in part, the dangers of engaging in prostitution. The Employment Department of the Ministry of Education, Employment, and Human Resources attested to the contracts of foreign workers migrating to Seychelles and the Immigration Division approved applications for work permits. These entities jointly maintained an automated system to monitor the immigration and employment status of migrants working within the country. The activities of the Committee for Employment of Non-Seychellois, which guided the government's policies on the recruitment of foreign workers to meet the local demand for labor, were suspended in November 2011 pending a review

of the government's labor migration policies. The Ministry of Employment's Expatriate Employment Section maintained data on migrant workers and visited workplaces together with the Labour Monitoring and Compliance Section; these entities have never identified a case of forced labor. The Ministry of Education, Employment and Human Resources reportedly intervenes when workers complain about their employment conditions to ensure that workers' rights are respected. In some cases, governmental authorities had no option but to communicate with workers through interpreters provided by the employers; recognizing this situation as problematic in gaining workers' trust, the government instituted a new requirement in 2011 that any foreign workers migrating to Seychelles be able to speak English. The government took no law enforcement action against foreign nationals suspected of purchasing sexual services in Seychelles.

SIERRA LEONE (Tier 2 Watch List)

Sierra Leone is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims originate largely from rural provinces within the country, and are recruited to urban and mining centers for the purposes of exploitation in prostitution, domestic servitude, and forced service or labor in artisanal diamond and granite mining, petty trading, portering, rock-breaking, street crime, and begging. Trafficking victims may also be found in the fishing and agriculture sectors or are subjected to sex trafficking or forced labor through customary practices such as forced and arranged marriages. Sierra Leoneans voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where they are subsequently subjected to forced labor and forced prostitution. Sierra Leone may also be a destination country for children trafficked from Nigeria, and possibly from The Gambia, Cote d'Ivoire, and Guinea, for forced begging, forced labor, and exploitation in prostitution.

The Government of Sierra Leone does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate progress in addressing human trafficking over the previous year; therefore, Sierra Leone is placed on Tier 2 Watch List. Awareness of existing anti-trafficking laws remained weak, courts convicted no trafficking offenders, and fewer suspects were charged with trafficking crimes compared with the previous year. While the government acknowledged that trafficking is a problem in the country, it did not make efforts to identify trafficking victims, to allocate adequate financial or human resources to provide protective services to victims, or to educate the population about the dangers of trafficking. The national trafficking in persons task force re-submitted a budget request in late 2011, but as with past years, the funding had not been approved by the end of the reporting period.



Recommendations for Sierra Leone: Increase penalties prescribed under law for sex trafficking offenses; increase efforts to prosecute, convict, and punish trafficking offenders using the 2005 Anti-Trafficking in Persons Act; finalize the draft national action plan; in collaboration with civil society organizations, train police and prosecutors to identify, investigate, and prosecute trafficking cases; ensure that draft anti-trafficking legislation provides a clear definition of trafficking and does not conflate it with the separate crime of migrant smuggling, and enact such legislation; include funding for anti-trafficking activities in the national budget and begin allocating funds accordingly through the appropriate government structures, such as the national trafficking in persons task force; train law enforcement officers and social workers to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, unaccompanied minors, or undocumented migrants, and provide them with protective services; increase partnership with NGOs and support their efforts either financially or through in-kind donations; improve efforts to collect data on anti-trafficking law enforcement efforts and victim assistance; in collaboration with civil society organizations, increase efforts to raise public awareness about the dangers of trafficking; and ratify the 2000 UN TIP Protocol.

Prosecution

The Government of Sierra Leone's anti-trafficking law enforcement efforts decreased in 2011. The Anti-Trafficking in Persons Act of 2005 prohibits all forms of human trafficking and prescribes a maximum penalty of 10 years' imprisonment or a fine of the equivalent of approximately \$4,650 for both sex and labor trafficking offenses. These penalties are sufficiently stringent, but not commensurate with penalties for other serious crimes, such as rape. During the reporting period, prosecutions were initiated against four alleged trafficking offenders and none were convicted, compared with 18 suspected trafficking offenders prosecuted and six convicted during the previous reporting period. The cases that were prosecuted involved: the attempted sale of a 65-year-old male; the attempted sale of a 16-year-old girl; the commercial sexual exploitation of a 10-year-old girl and a 13-year-old girl. In addition, in January 2012, the court remanded a suspected trafficker for attempting to traffic a young man. The draft anti-trafficking legislation submitted to the cabinet for review in November 2010 has not yet been passed by the legislature or enacted into law. Members of the task force reported the bill would establish a national anti-trafficking agency and guarantee government funding for its activities, increase prescribed penalties for trafficking offenses, and require the provision of protective services for victims. The government did not provide information about the status of 17 investigations pending at the close of the previous reporting period. The government did not provide specialized training to its officials on investigating or prosecuting human trafficking offenses; however, the Sierra Leone police continued

to use manuals produced by an NGO to train new recruits to identify trafficking victims. The government did not report any investigations or prosecutions of public officials complicit in human trafficking; however, the Sierra Leonean Ambassador to Belgium is currently under investigation by the Belgian police for allegedly trafficking three Sierra Leonean citizens to Belgium for domestic servitude.

Protection

During the year, the Sierra Leonean government demonstrated limited efforts to protect child trafficking victims, the most significant population of trafficking victims in the country. In 2011, the government identified four foreign trafficking victims – from Nigeria, Liberia, Cote d'Ivoire, and The Gambia – but failed to identify any Sierra Leonean victims. Despite growing concern over the number of street children who remain vulnerable to trafficking, the Government of Sierra Leone did not undertake proactive measures to identify victims among this or other vulnerable populations. The government relied on NGOs and international organizations to identify and provide services for trafficking victims; NGOs identified 91 victims in 2011. Identified victims were referred to the national task force and local NGOs on the task force referred an unknown number of child victims to NGO-run orphanages, reformatory schools, or schools for street children, as no dedicated facility for trafficking victims existed. Victims were not encouraged to participate in the investigation of cases, and police cited victims' failure to appear in court as a common reason for the dismissal of cases. There were no reports that victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as offenders.

Prevention

The government displayed limited progress in preventing trafficking during the reporting period. The inter-ministerial national trafficking in persons task force, comprised of representatives from government ministries, NGOs, international organizations, and diplomatic missions, met bi-monthly during the year and completed drafting an updated national action plan for 2011-2013. The government took no discernible efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide Sierra Leonean troops anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though such training was provided by a foreign donor. Sierra Leone is not a party to the 2000 UN TIP Protocol.

SINGAPORE (Tier 2)

Singapore is a destination country for men, women, and girls from China, India, the Philippines, Indonesia, Sri Lanka, Bangladesh, Thailand, Vietnam, and elsewhere in Southeast Asia, subjected to sex trafficking and forced labor. Some women are recruited through offers of legitimate employment and deceived about the nature or conditions of the prospective work. Others enter Singapore with the intention of engaging in prostitution but upon arrival are subjected to forced prostitution under the threat of serious harm, including financial harm. Child sex trafficking occurred in Singapore. During the reporting period, one such case received substantial

media attention; military officers and government officials allegedly were among the dozens of “clients” involved.

There are over 1.1 million foreign workers in Singapore, comprising more than one-third of Singapore’s total labor force. The majority of these are unskilled and semi-skilled workers employed in construction, domestic service, and the hospitality and service industries. Many foreign workers in Singapore assume debts to recruitment agencies in both Singapore and their home countries associated with their employment, making the workers vulnerable to forced labor. Foreign workers also reported confiscation of their passports, restrictions on their movements, illegal withholding of their pay, threats of forced repatriation without pay, or physical or sexual abuse – all indicators of potential trafficking. Men are subjected to forced labor on long-haul fishing boats that dock in Southeast Asian ports, including Singapore. Workers reported severe abuse by fishing boat captains, the inability to disembark from their vessels, the inability to terminate their contracts, and the nonpayment of wages.

Some employers in Singapore rely on repatriation companies to seize, confine, and escort – including through the use of assaults, threats, and coercion – foreign workers to the airport to prevent them from complaining of abuses to authorities. A 2010 report produced by NGOs found that, on average, Indian, Bangladeshi, and Chinese migrant workers in Singapore, paid fees to employment agencies that constitute at least 10 months of their potential earnings; such debt makes migrants vulnerable to forced labor, including debt bondage. The government amended the Employment Agencies Act to limit agency fees in Singapore to one month of wages per year of contract. Exorbitant fees are sometimes the result of multiple layers of sub-contracting to smaller agencies and individual recruiters in source countries, commissions paid to Singaporean agencies, and sometimes, kickbacks to Singaporean employers. To hide illegal fees, some agencies and employers mask them as payments from the worker for personal loans or as other payments, making it difficult for workers to understand how their wages were calculated and leaving them vulnerable to debt bondage. Foreign workers have credible fears of losing their work visas and being deported, since employers have the ability to repatriate workers at anytime during their contracts. Additionally, low-skilled workers are prohibited or severely restricted from seeking alternative employment, on transferring employers and Singaporean employers can submit complaints about worker behavior to have future employment bans placed on them.

The Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In February 2012, the Singapore Interagency Task Force released for public comment its National Plan of Action, which was crafted after an extensive consultative process with local NGOs involved in anti-trafficking issues and the protection of migrant workers and an open comment period seeking broader input from foreign governments and other international stakeholders. The government strengthened its anti-trafficking prevention and public awareness efforts among foreign workers and fishermen. During the year, the government continued to prosecute and convict sex trafficking offenders, but it failed to impose adequate penalties; convicted offenders received punishments of fines or up to nine months’ imprisonment. The government developed and implemented guidelines for identifying labor trafficking cases, and identified 124 alleged victims of forced

labor during the year, although the government did not report providing all these victims with services. These investigative efforts did not result in any prosecutions or convictions of labor trafficking offenders during the reporting period. Singaporean men reportedly have been a source of demand for child sex tourism in Southeast Asia.



Recommendations for Singapore: Make effective use of the new national plan of action, particularly by strengthening investigations, prosecutions, and sentencing of both sex and labor trafficking offenders, identifying possible trafficking victims among migrant laborers and persons in prostitution, and dedicating exclusive resources to addressing the country’s human trafficking problem through greater assistance to trafficking victims; draft and enact legislative revisions to bring Singapore’s legal code into tighter conformity with international anti-trafficking standards; prosecute employers and employment agencies who unlawfully confiscate workers’ passports as a means of holding them in a state of involuntary servitude, or who use other means to extract forced labor; increase efforts to investigate and prosecute repatriation companies that forcefully and illegally restrain and repatriate migrant workers who would otherwise complain about forced labor conditions; make greater efforts to support victims assisting in the investigation process in obtaining employment; extend the government’s legal aid scheme to cover foreign trafficking victims to ensure that all employees have equal access to judicial redress; continue public awareness campaigns to inform citizens and residents of the penalties for involvement in trafficking for sexual exploitation or forced labor; and consider acceding to the 2000 UN TIP Protocol.

Prosecution

The Government of Singapore demonstrated limited law enforcement efforts to combat trafficking in persons during the year. Singaporean law criminalizes some forms of trafficking through its Penal Code and Women’s Charter. Singaporean law does not prohibit the forced prostitution of men, although there is no evidence of this occurring in Singapore. Article 140 of the Women’s Charter does not prohibit non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process, and Article 141 only prohibits the movement of women and girls for trafficking, and does not define the term “trafficking.” Penalties prescribed for sex trafficking offenses in the Women’s Charter include a maximum of five years’ imprisonment, which is sufficiently stringent, but not commensurate with other serious crimes, such as rape. During the year, the government reported convicting four sex trafficking offenders, compared with six such convictions during the previous year, but it did not prosecute or convict any labor trafficking offenders. The government did not demonstrate increased efforts to apply stringent penalties to convicted offenders; traffickers were given low penalties ranging from fines to nine months’ imprisonment. An additional three cases confirmed to constitute sex trafficking were identified but not prosecuted, and 18 cases remained

pending at the close of the year. Singaporean authorities exhibited greater efforts to proactively identify sex trafficking cases during the year; the government reported identifying 54 percent of suspected sex trafficking and related cases during vice operations during the year.

While the Ministry of Manpower (MOM) maintained responsibility for investigating all labor abuses, the police were responsible for investigating any criminal offenses under the Penal Code's forced labor statute. In August 2011, the Attorney-General's Chambers (AGC) developed a special unit with 15 prosecutors to coordinate the investigation and prosecution of vice-related cases, including trafficking. A foreign embassy, concerned about the treatment of its nationals on fishing vessels that dock in Singapore, continued its engagement on behalf of the fisherman with the government of Singapore. In its National Self-assessment Report on Trafficking in Persons 2011, the Singapore Inter-Agency Taskforce stated its position on jurisdictional issues as follows: Singapore does not have jurisdiction over foreign fishermen working in off-shore waters on non-Singapore flags. The government did not report any prosecutions or convictions of suspected human trafficking on fishing vessels during the year.

Some Singaporean employment agencies reportedly advise employers to confiscate the passports of their foreign employees – a practice that is well-documented in facilitating forced labor. Although the MOM conducted proactive operations to inspect repatriation companies and employment agencies – and identified passport withholding, an indicator of human trafficking in at least 20 of these cases – it did not refer any leads to the police for investigation or prosecution of possible trafficking.

While the Employment Agencies Act prohibited Singaporean employment agencies from charging job seekers more than one month's salary per year, for a maximum of two years, many agencies continued to charge migrant workers thousands of dollars in recruitment fees, making them vulnerable to forced labor. The government continued to facilitate anti-trafficking training opportunities for its police force, prosecutors, and other government officials. Although officials continued to face challenges in identifying labor trafficking cases and did not identify any confirmed labor trafficking cases in 2011, the MOM and the government's anti-trafficking task force developed and institutionalized a set of labor trafficking indicators based on international standards. During the year, the government began implementing a series of new standard operating procedures (SOPs) for the identification and prosecution of trafficking cases; officials from the MOM, AGC, and the police were trained to identify labor trafficking cases using a newly developed indicator card and discussion of labor trafficking scenarios.

Protection

The government demonstrated progress in identifying and protecting trafficking victims during the year. The government reported that it provided funding to 24 "children's homes" and dormitories that could be used to house child trafficking victims and four shelters serving adults; however, it did not operate any trafficking-specific shelters. The government reported allocating the equivalent of \$1.6 million to shelter and social services for crime victims during the year but did not dedicate exclusive resources to protecting trafficking victims. The government reported 182 victims – 58 for sex

trafficking and 124 for forced labor – identified during trafficking-related law enforcement actions. The government reported providing assistance to 29 sex trafficking victims and 68 labor trafficking victims; those whose cases did not result in a prosecution were repatriated within two to four weeks. One NGO reported identifying approximately 25 sex trafficking victims and 21 victims of forced labor, and one foreign embassy reported assisting 27 women forced into prostitution and 16 men exploited in the fishing industry. The government reported identifying six Singaporean victims during the year. Authorities introduced new tools for identifying victims of forced labor including an indicator card and a document outlining labor trafficking scenarios. The resulting unprecedented identification of 124 suspected labor trafficking victims was notable. Authorities continued to utilize sex trafficking indicator cards to identify victims during vice operations. According to NGOs and foreign embassies, inadequate victim identification resulted in the possibility that trafficking victims were among the approximately 5,200 individuals arrested for prostitution violations during the year. Such individuals may have been subjected to penalties for immigration violations and/or for soliciting.

Domestic workers in Singapore, the vast majority of whom are foreigners, are excluded from the Employment Act, including protections such as mandatory rest days, limits on hours of work, and other rights. The lack of a mandatory day off provided under Singaporean law to domestic workers continued to restrict their opportunities to seek help when faced with abuses, including forced labor conditions. In February 2012, the government took steps to address this when it announced plans to require employers to grant domestic workers a weekly rest day; this policy is slated to come into effect in January 2013. The government did not provide incentives such as legal aid for the pursuit of civil suits, for foreign victims to participate voluntarily in investigations, and prosecutions of trafficking offenses. Victims were not permitted to leave Singapore before the start of court proceedings, and lengthy investigations and prosecutions – often six to 12 months – posed a disincentive to victims to participate. The government reported that some victims received Special Passes, which allowed them to stay legally in Singapore for a temporary period. The MOM reported that 34 suspected labor trafficking victims who assisted the government as prosecution witnesses received authorization to work temporarily in Singapore. There are reports that victims of trafficking often do not wish to file official complaints to Singaporean authorities. When cases were being investigated or prosecuted, the government generally held the victims' passports and declined their requests for repatriation because they were considered material witnesses. Foreign workers, including fishermen, face significant difficulties when attempting to seek redress for their problems, such as unpaid wages and wage deductions, which contribute to their vulnerability to trafficking. The MOM provides case workers to assist some foreign workers who encounter problems in these areas.

Prevention

The government increased its efforts to prevent trafficking in persons during the year. In March 2012, the Inter-Agency Task Force on Human Trafficking launched the country's first National Plan of Action to coordinate the government's anti-trafficking activities. The plan, which sets forth goals in the areas of prosecution, protection, prevention and partnership, was the result of consultations with civil society organizations,

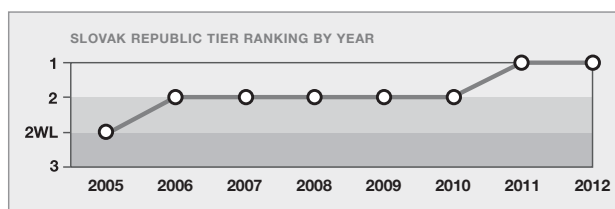
foreign governments, and the public. Also in March 2012, the government published its first annual self-assessment, documenting its efforts to combat trafficking during the year, and including recommendations for future actions. The government increased efforts to educate the public through television and print media campaigns about the dangers of trafficking. The government installed posters in a fishing port providing information for exploited workers to contact the government for assistance. During the year, the task force produced a newsletter and brochure for work permit holders, which provides a checklist for workers about situations in which they should approach the MOM for assistance. During the year, the MOM conducted inspections of four repatriation companies and responded to 36 complaints of foreign workers who allegedly had their passports confiscated by employers or labor brokers; 20 employment agencies confirmed to be withholding passports – an indicator of human trafficking – were issued warnings and received merit points, but the cases were not referred to police for criminal investigation. Police and MOM inspectors reported receiving 446 cases of labor violations that could have contributed to labor trafficking, although the government could not substantiate any labor trafficking cases in 2011. Authorities continued compulsory courses on employment rights and responsibilities for all incoming foreign domestic workers and their employers, and during the year the government instituted pre-departure briefings for 829 workers in three labor-source countries. The government provided foreign workers with written materials explaining their rights in their native languages and providing contact information for reporting complaints to labor authorities, and warned employers that it is an offense to confiscate any of these materials. In 2011, the MOM conducted 3,015 labor inspections to observe working conditions in commercial worksites, but it is not known whether such inspections led to the identification of any suspected trafficking victims. The government identified 1,355 employment agencies assessed to be “dubious,” and prevented 1,180 workers from entering the country to work under potentially false pretenses, but it is not known what, if any, actions the government took to sanction these operations. The government reported issuing educational posters to repatriation companies to educate foreign workers on their rights. The government reported investigating 67 trafficking-related labor cases and 13 prostitution cases, classified as “substantiated cases with some trafficking in persons elements;” the majority of the labor cases were dismissed with a stern warning, a compounded fine, or no action. Two individuals in these cases were convicted of trafficking-related labor violations and were sentenced to probation or received warnings, and 12 cases remain under investigation. The government did not make efforts to reduce the demand for commercial sex acts in Singapore’s commercial sex industry. Although Singaporean law provides for extraterritorial jurisdiction over Singaporean citizens and permanent residents who sexually exploit children in other countries, the government has never investigated, prosecuted, or convicted a national or permanent resident for child sex tourism. There were no reports of Singaporeans engaging in child sex tourism during 2011. Singapore is not party to the 2000 UN TIP Protocol.

SLOVAK REPUBLIC (Tier 1)

The Slovak Republic (or Slovakia) is a source, transit, and destination country for men, women, and children subjected

to sex trafficking and forced labor. Slovak men and women are subjected to forced labor in the agriculture and construction in Western Europe, primarily the United Kingdom. Slovak children are subjected to forced criminal behavior in the United Kingdom. Slovak women are subjected to sex trafficking in the Netherlands, Slovenia, Denmark, Germany, and other areas of Europe. Ukrainian and Romanian men and women are allegedly forced to work in the Slovak Republic. Victims are reportedly transported through the Slovak Republic from the former Soviet Union and forced into prostitution within the country and throughout Europe. Roma children, women, and men are subjected to forced begging in Switzerland and other countries in Western Europe. Roma from socially segregated rural settlements were disproportionately vulnerable to human trafficking, as they were underemployed, undereducated and lack of access to quality education due in part from segregation specialized schools, and subjected to discrimination by law enforcement personnel. Traffickers, particularly prominent individuals in Roma communities, found victims through family and village networks, preying on individuals with large debts owed to usurers or individuals with disabilities.

The Government of the Slovak Republic fully complies with the minimum standards for the elimination of trafficking. Improvements, however, are needed. The government collaborated closely with NGOs to offer comprehensive care to trafficking victims through the National Program to Combat Trafficking in Persons. The government successfully convicted a former mayor who had been complicit in the sex trafficking of Slovak women, sentencing the mayor to four-and-a-half years’ imprisonment. The government also launched a successful campaign to raise awareness of labor trafficking. Nevertheless, government efforts to make victim identification by police more proactive remained weak. Despite indications of labor trafficking in Slovakia, police again failed to identify any foreign victims in the country. Sentencing for trafficking offenders decreased; of nine convicted offenders, only three received non-suspended prison sentences. Finally, the government does not have any legal provisions that would allow authorities not to prosecute trafficking victims for crimes they committed as a result of their trafficking. NGOs did not report any cases of trafficking victims having been prosecuted for such crimes.



Recommendations for the Slovak Republic: Greatly increase efforts to identify trafficking victims proactively; increase efforts to identify trafficking victims in Roma communities, including through greater outreach by law enforcement personnel; identify children under age 18 who are engaged in prostitution as trafficking victims; increase proactive victim identification at labor sites, including agriculture and construction; improve the functioning of the Expert Group by ensuring that government agencies are accountable for their roles in fulfilling the government’s anti-trafficking plan; strengthen procedures for identification, referral, and care of child trafficking victims; adopt legal provisions that would permit authorities not to prosecute

trafficking victims for offenses compelled as a result of their trafficking; provide socially inclusive social work support to highly vulnerable communities to reduce the incidence of trafficking; continue training and capacity building for investigators, prosecutors, and judges, to ensure that trafficking crimes are vigorously investigated and prosecuted and offenders are convicted and punished with time in prison; ensure that all judicial trainings and law enforcement training programs address labor trafficking; adopt procedures to permit authorities to prosecute trafficking in cases where the victim has not filed a complaint or withdraws a complaint; ensure the provision of adequate specialized shelter for male victims of trafficking; and conduct a demand-reduction awareness campaign to educate Slovaks and persons visiting the country about the potential links between prostitution, exploitation, and trafficking.

Prosecution

The Government of Slovakia displayed mixed efforts to investigate and prosecute human trafficking offenses during the reporting period. Nevertheless, sentences imposed on convicted trafficking offenders weakened during the year. The Slovak Republic prohibits all forms of trafficking through Sections 179, 180, and 181 of its criminal code, which prescribe penalties of between four years' and life imprisonment for violations. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. In 2010, Slovak officials investigated approximately 19 cases of trafficking in persons, including at least one labor trafficking case. In 2010, Slovak authorities investigated approximately 15 cases of trafficking in persons. The high-profile case cited in the 2011 TIP Report involving approximately 340 forced laborers from Ukraine and Romania remained pending, and the four alleged traffickers involved in the case were held in prison awaiting prosecution. Slovak authorities initiated the prosecution of one trafficking offender, in contrast to five trafficking offenders prosecuted in 2010. Nine trafficking offenders were convicted in 2011, an increase from six trafficking offenders in 2010. Nevertheless, short sentences given to convicted offenders remained a weakness of the Slovak courts; only three out of the nine offenders convicted in 2011 received prison sentences that were not suspended. The longest such sentence was four-and-a-half years' imprisonment, which was imposed on a mayor for complicity in the sex trafficking of two Slovak females. One offender was sentenced to one year in jail, and one offender was sentenced to one year and 10 months in prison. The remaining six offenders received suspended sentences. In 2010, three out of the six trafficking offenders were sentenced to time in jail. Police statistics reveal that the procurement of children was not always charged as a trafficking offense. Nevertheless, Slovak police collaborated with law enforcement officials in the United Kingdom to investigate a labor trafficking case in which Slovak individuals from socially disadvantaged communities were promised well-paid work cleaning vegetables, but instead were delivered to employers who paid them poorly for 16-hour workdays under duress. The Slovak police operation targeting the labor recruiters in the case reportedly involved approximately 100 officers.

Slovak law enforcement agencies have assigned authority for combating trafficking to the Division on Trafficking in Human Beings of the Office for Combating Organized Crime. The specialist division had 17 trained staff members. The government trained border officials on human trafficking,

although a report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) concluded that the border guards did not subsequently take proactive measures to identify victims. The Slovak Judicial Academy continued to incorporate trafficking in persons in its curriculum of basic prosecutorial and judicial training programs. The government reported that it regularly provided training to police officers, social workers, and labor inspectors.

Protection

The Slovak government displayed mixed protection efforts during the reporting period. While it sustained close partnerships with NGOs to care for trafficking victims, proactive victim identification in Slovakia remained weak. Government care for trafficking victims was organized through the National Program of Support and Protection of Victims in Trafficking in Human Beings. The program employed a relatively low evidentiary threshold for recognizing persons as trafficking victims. Any governmental agency or nonprofit organization was empowered to identify trafficking victims. The program offered victims emergency care for up to 90 days, financial stipends, psychological assistance, health care, and interpretation. Although Slovak authorities in departments specializing in the care of children underwent training in the identification of child victims of trafficking, there were no special procedures for the referral of child trafficking victims for care. The GRETA report concluded that the care of unaccompanied minors in Slovakia needed improvement. Unaccompanied minors went missing from a children's facility, and there were suspicions that traffickers may have been involved. Nonprofit organizations, funded through the Ministry of Interior, offered specialized shelter and care for trafficking victims. The government funded assistance for 31 victims of trafficking in 2011 and for 29 victims in 2010. Seventeen of the victims assisted in 2011 were women, 13 were men, and one was a child. The victims were approximately evenly divided between sex and labor trafficking. In 2011, the Slovak government allocated the equivalent of approximately \$220,500 to NGOs for anti-trafficking activities, a decrease from the equivalent of \$298,000 in 2010. Only the equivalent of \$120,000 of the allocated funds had been disbursed by the end of the year. Three NGOs provided specialized shelter for trafficking victims, who were allowed to leave the shelters unchaperoned and at will. The shelters were designed for the care of women. NGOs in practice found shelter and care for male trafficking victims.

Slovak law enforcement authorities have made weak efforts to proactively identify trafficking victims in the country. Police have not proactively identified any foreign victims of trafficking, despite indications of forced labor and sex trafficking in the country. Although the government encouraged victims to participate in trafficking investigations, NGOs reported that victims risked secondary victimization during the investigative process, when victims were interviewed multiple times. NGOs also reported that the National Referral Mechanism needed to be further formalized, although repatriated victims in practice were referred to care. The government offers foreign victims, upon their identification, renewable 90-day legal status in Slovakia to receive assistance and shelter and to consider whether to assist law enforcement.

The national coordinator has authority to recommend permanent residence to victims of trafficking who would face hardship or retribution if returned to their country of origin.

However, no such residence permits have been issued. There were no reports that the government penalized victims for unlawful acts committed as a direct result of being trafficked during the year, although the law allows the prosecution of trafficking victims.

Prevention

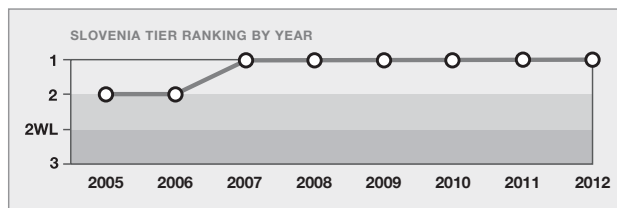
The government sustained its activities to prevent trafficking, target labor trafficking, and continue outreach to Roma communities vulnerable to trafficking in persons. The government continued to fund an anti-trafficking hotline operated by IOM. In Fall 2011, the Ministry of Interior collaborated with IOM to conduct an awareness campaign targeting forced labor, including television advertisements, flyers, and special reports. The hotline received a substantial increase in calls following the advertisement campaign. The government continued to operate an information center on trafficking in persons in Eastern Slovakia, which conducted outreach to vulnerable Roma communities on trafficking in persons. Despite the center's partial mandate to coordinate the collection of data, the GRETA observed that the government's data collection efforts remained disorganized, with multiple institutions gathering information separately. The government coordinated its anti-trafficking activities through its Expert Group for the Area of the Fight against Trafficking in Human Beings, a multidisciplinary entity involving officials from various ministries, local governments, and NGOs. NGOs observed that there was little accountability for the agencies charged with fulfilling the National Program to Combat Trafficking in Persons. The government did not conduct any activities to reduce the demand for commercial sex during the year. The government provided Slovak military personnel with basic trafficking awareness training prior to their deployment abroad on international peacekeeping missions.

SLOVENIA (Tier 1)

Slovenia is a transit and destination country and, to a lesser extent, a source country for women and children subjected to forced labor and sex trafficking. Women and children are subjected to sex trafficking and men, women, and children to forced labor in Slovenia. Victims of labor exploitation in Slovenia come from Ukraine, Romania, Serbia, and Bosnia and Herzegovina. Sometimes these persons migrate through Slovenia to Italy, Austria, and Germany, where they are subsequently subjected to forced labor. Women and children from Slovenia, as well as Moldova, Serbia, Croatia, Ukraine, Romania, Slovakia, the Czech Republic, and the Dominican Republic, are subjected to forced prostitution in the country and also transit through Slovenia to Western Europe (mainly Italy and Germany), where they face the same form of exploitation.

The Government of Slovenia fully complies with the minimum standards for combating trafficking in persons. The government increased funding for victim protection and identified significantly more victims during the year. It also demonstrated strong prevention efforts, developing a biannual National Action Plan, implementing a multimedia awareness campaign, and conducting training programs on victim identification for social workers and school employees. The government prosecuted more suspected trafficking offenders under its comprehensive human trafficking law than in the

previous year. However, it reported convictions only under its forced prostitution law, as judges frequently reclassified trafficking cases.



Recommendations for Slovenia: Vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders under the trafficking in persons law, including complicit public officials and those involved in forced labor; bolster training for investigators, prosecutors, and judges in applying the Law on Trafficking in Human Beings; increase efforts to identify victims of both sex and labor trafficking; increase the number of victims referred to NGOs for assistance; ensure that proper and safe facilities exist to assist child victims of trafficking; continue prevention outreach to vulnerable populations, such as Roma children; and continue efforts to raise awareness of forced labor and forced prostitution among the general public.

Prosecution

The Government of Slovenia demonstrated mixed anti-trafficking law enforcement efforts in 2011. Slovenia prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from one to 15 years' imprisonment for violations. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Continuing a downward trend, the government conducted four trafficking investigations in 2011, a decline from 12 investigations in 2010 and 28 investigations in 2009. Authorities prosecuted 16 suspected trafficking offenders but did not convict any trafficking offenders under Article 113 in 2011, compared with 12 prosecutions and eight convictions in 2010 and four prosecutions and two convictions in 2009. The government applied Article 175, which prohibits participation in exploitation through prostitution, to convict six offenders who were initially prosecuted under Article 113. There were some reports that judges were not sufficiently aware of the complexity of the crime of trafficking and often reclassified human trafficking cases as exploitation through prostitution. The Ministry of Interior's Interdepartmental Working Group conducted a variety of anti-trafficking training programs, including training for police officers on labor exploitation and for prosecutors and judges on prosecuting trafficking in persons. The government focused several training programs on the early detection of trafficking victims for key actors in Slovenia, including consular and asylum officials, border guards, and labor inspectors. During the reporting period, the government convicted a policeman charged in 2010 with providing information to a trafficking offender in furtherance of a trafficking offense; he received a suspended jail sentence. There were no other investigations against public officials in the reporting period.

Protection

The Government of Slovenia sustained its efforts to protect victims of trafficking in 2011, although there were reports that care and housing for child victims of trafficking were inadequate. The government funded comprehensive victim protection provided by two NGOs, including health care, psychological care, accommodation, and physical security. Assistance was available to both male and female victims of trafficking and foreign and domestic victims. Following a three-month reflection period, foreign victims of trafficking were allowed to receive victim protection if they participated in criminal proceedings. Local experts noted that foreign victims who chose not to participate in criminal proceedings had no access to health care beyond basic emergency treatment. In 2011, the government allocated the equivalent of approximately \$138,000 for victim protection, an increase from \$120,000 in 2010. The government identified 20 victims of trafficking in 2011, in contrast to 10 victims identified in 2010 and 23 victims identified in 2009. One of the 20 identified victims was a victim of labor trafficking. NGOs reported assisting 18 victims of trafficking, including one minor. Altogether, the government assisted eight victims in 2011, compared to 12 victims in both 2010 and 2009; six of these victims received emergency accommodation, one was placed in a safe house, and one continued living in a safe house from 2010 due to her cooperation with law enforcement. Victims housed in government-funded shelters were permitted to leave unchaperoned and at will. Although the government reported that child victims of trafficking were generally cared for in emergency centers, there were reports that facilities for housing and assistance were inadequate and presented risks that the minors would be re-trafficked. Police officers were required to employ a referral procedure – reflecting a previous agreement between police and the Ministry of the Interior – to refer identified trafficking victims to one of the two NGOs receiving government funds to provide services. According to an NGO, however, in practice police often failed to refer victims to their services or notify them of potential victims. There were no identified victims punished for unlawful acts committed as a direct result of being trafficked.

Prevention

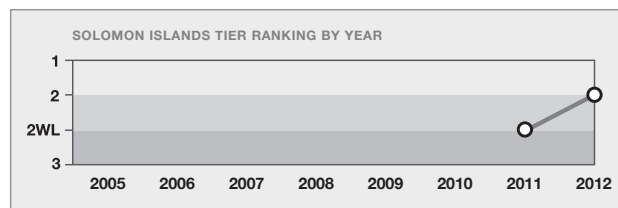
The government sustained strong efforts to prevent human trafficking during the reporting period. The government coordinated its anti-trafficking efforts through the Ministry of Interior's Interdepartmental Working Group against Trafficking (IDWG), which brought together representatives of the relevant ministries, the National Assembly, the state prosecutor, and NGOs to develop national policy. The working group met six times during the year and developed a national action plan for 2012-2013, to be released during the first half of 2012. The plan will identify key problem areas, assign responsibility to actors, allocate appropriate funding, and establish deadlines for completion of tasks. The government encouraged regional efforts to combat trafficking in persons through its annual regional ministerial conference on law enforcement cooperation. Similar to past years, the IDWG continued its anti-trafficking outreach campaign using television, radio, Internet, and in-person outreach programs to target potential trafficking victims, particularly young women and men. The IDWG also conducted several training programs on identifying human trafficking victims in vulnerable populations for key actors, including social workers, teachers, and public school counselors. There were anecdotal reports, however,

that Roma children were vulnerable to trafficking by family members and that government outreach efforts to this group were inadequate. The government did not take significant measures during the reporting period to reduce the demand for commercial sex acts.

SOLOMON ISLANDS (Tier 2)

The Solomon Islands is a source and destination country for local and Southeast Asian men and women subjected to forced labor and forced prostitution. Local children, many under the age of 15, are subjected to sex trafficking, particularly near foreign logging camps and on foreign and local commercial fishing vessels, but also at hotels and entertainment establishments. Some girls are hired under the guise of domestic labor in logging and fishing areas, but subsequently coerced into prostitution. Local boys and girls are put up for "informal adoption" by their family members in order to pay off debts, and some are subsequently subjected to sexual servitude and forced labor as domestic servants. Other local children are procured for prostitution in exchange for money or fish. Local girls as young as 12 years old are sold by their parents for marriage to foreigners working for logging and mining companies; some of these girls are later forced into domestic servitude in the husband's home country. Women from China, Indonesia, Malaysia, and the Philippines are recruited from their home countries for legitimate work, paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Traffickers are known to gain access to their victims through taxi drivers, local contacts and pimps. Men from Indonesia and Malaysia are recruited to work in the Solomon Islands' logging and mining industries, and may be subsequently subjected to forced labor in industrial camps. The Solomon Islands is a destination country for child sex tourism.

The Government of the Solomon Islands does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government improved its anti-trafficking efforts during the reporting period, primarily through its enactment of comprehensive anti-trafficking legislation; however, it failed to prosecute and punish trafficking offenders.



Recommendations for the Solomon Islands: Publicly recognize and condemn incidences of trafficking; make greater efforts to investigate, prosecute, and punish trafficking offenders, such as suspected offenders of child prostitution occurring in or near logging camps; investigate the forced prostitution of foreign women and prosecute their traffickers and clients; work with NGOs or international organizations to ensure that identified victims of trafficking are provided access to services and protection; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers in the fishing industry and women

and children in prostitution; institute a visible campaign to raise public awareness of human trafficking in the country; develop a national action plan for countering trafficking in persons; and accede to the 2000 UN TIP Protocol.

Prosecution

The government enacted anti-trafficking legislation that increased its capacity to conduct law enforcement efforts. In March 2012, parliament passed Immigration Bill 2011, which prohibits and punishes all forms of trafficking in persons. The bill proscribes a penalty of imprisonment not exceeding five years or a fine of 45,000 “penalty points” – the equivalent of \$6,660 – or both for the trafficking of adults, and a penalty of imprisonment not exceeding 10 years or a fine of 90,000 penalty points, – the equivalent of \$13,320 – or both for the trafficking of children. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. Also contained in the bill is a provision that prohibits and punishes the withholding travel or identity documents for the purpose of facilitating human trafficking; the penalty is imprisonment not exceeding 2 years or 20,000 penalty points – the equivalent of \$2,960 – or both. The bill provides immunity from prosecution for trafficking victims for such crimes as illegal entry into the country, illegal residence or procurement, or possession of a false identification document.

During the reporting period, Customs and Immigration (CLAG) arrested and a court initiated prosecution of a naturalized Solomon Islands citizen and a non-citizen for forcing an unknown number of women or girls into prostitution. The two were charged with the offenses of living on the earnings of prostitution, aiding prostitution, and receiving money derived from prostitution; their prosecutions remain ongoing. The government provided no training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders.

Protection

The Government of the Solomon Islands made modest efforts to protect victims of trafficking during the year. Law enforcement and social services personnel continued to lack systematic procedures to proactively identify victims of trafficking among high-risk persons with whom they come in contact and do not have a formal referral system to services organizations for human trafficking victims. The government continued to rely largely on civil society or religious organizations to provide limited services to victims of crime, including victims of human trafficking. The Family Support Center, operated by the government and funded by an NGO, is reportedly available to provide consultations to victims of gender-based violence and government-identified trafficking victims, but it has never assisted a trafficking victim. There are no legal, medical, or psychological services available to trafficking victims in the Solomon Islands. The government did not make efforts to identify or reach out to international organizations or community groups to provide assistance to victims of trafficking. The CLAG advises that in the ongoing prosecution involving an unknown number of foreign women or girls brought to the Solomon Islands and subjected to forced prostitution, it has granted temporary residency permits – valid for three months – to allow the victims to assist the police investigation. The government reports the availability of civil remedies for victims of trafficking, though no victim of human trafficking has ever made use of civil causes of actions.

Prevention

The government made few discernible efforts to prevent trafficking, including through public awareness campaigns. The Royal Solomon Islands Police Force modestly increased public awareness through a tour of Makira, Ysabel and Western Provinces, focusing the public awareness campaign on child sexual exploitation; the patrols targeted logging camps. In August 2011, the American Bar Association’s Rule of Law Initiative held an anti-human trafficking workshop where the government of Solomon Islands provided office space, administrative support and the use of government paid personnel. As part of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime workshop, the CLAG presented an overview of its anti-human trafficking efforts in Kuala Lumpur, Malaysia. The government took no action to reduce the demand for commercial sex acts during the reporting period. The Solomon Islands is not a party to the 2000 UN TIP Protocol.

SOUTH AFRICA (Tier 2)

South Africa is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Children are trafficked mainly within the country, from poor rural areas to urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein. Girls are subjected to sex trafficking and domestic servitude; boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. The tradition of *ukuthwala*, the forced marriage of girls as young as 12 to adult men, is still practiced in some remote villages in Eastern and Western Cape provinces, leaving these girls vulnerable to forced labor and prostitution. Nigerian syndicates dominate the commercial sex trade within the country, though local criminal rings and street gangs organize child prostitution in a number of South Africa’s cities. To a lesser extent, syndicates recruit and transport South African women to Europe and the Middle East, where they are forced into prostitution or domestic service. Traffickers control victims through intimidation and threats, use of force, withholding of passports, debt bondage, and forced use of drugs and alcohol. In 2011, South African trafficking victims were discovered in Bangladesh and Turkey.

Women and girls from Thailand, Cambodia, the Democratic Republic of the Congo, India, Russia, Ukraine, Bulgaria, China, Taiwan, Mozambique, Swaziland, and Zimbabwe are recruited for legitimate work in South Africa, but are then subjected to prostitution, domestic servitude, and forced labor in the service sector or are taken onward to Europe for forced prostitution. Chinese and Taiwanese men are forced to work in mobile sweatshop factories in Chinese urban enclaves in South Africa. Young men and boys from Lesotho, Mozambique, Malawi, and Zimbabwe voluntarily migrate to South Africa for farm work, sometimes laboring for months in South Africa with little or no pay and in conditions of involuntary servitude before unscrupulous employers have them arrested and deported as illegal immigrants. Taxi drivers or thugs at the border transport Zimbabwean migrants, including children, into South Africa and may subject them to sex or labor trafficking upon arrival.

The Government of South Africa does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Efforts to address the myriad forms of human trafficking in South Africa remain

constrained by systemic challenges, including: laws that do not conform with the 2000 UN TIP Protocol; inadequate resources dedicated to fighting human trafficking; and low awareness of the full breadth of the trafficking problems, particularly with regards to forced labor. Nonetheless, the government demonstrated increased efforts to address human trafficking through the conviction of two offenders – sentenced to significantly longer prison terms than in previous years, including life imprisonment – and the provision of trafficking-specific victim services to 59 victims. The Department of Social Development (DSD) evaluated and accredited 13 private, multi-purpose shelters to provide care specifically for trafficking victims, including a nine-week rehabilitation program. The Parliamentary Portfolio Committee on Justice and Constitutional Development continued revision of and stakeholder consultation on the draft comprehensive anti-trafficking bill, and several departments began to draft required implementing regulations. These steps notwithstanding, the draft anti-trafficking bill – first drafted in 2003 – remained in parliament for a fourth year. Although the government began prosecution of at least five offenders and continued several prosecutions from the previous reporting period, law enforcement efforts remained focused on sex trafficking, with little attention to forced labor. Task teams and rapid response teams in some provinces not only increased coordination in the investigation of trafficking cases and effective gathering of evidence and testimony, but further enabled victims' rapid access to care through strengthened partnership with NGOs. Despite the government's considerable financial resources, anti-trafficking law enforcement personnel and protective services providers in much of the country lacked adequate funds and coordination mechanisms to respond to the trafficking challenges effectively. The absence of formal procedures for screening and identifying trafficking victims amongst vulnerable groups, including illegal migrants and women in prostitution, remained a significant gap.



Recommendations for South Africa: Enact and begin implementing the draft anti-trafficking bill; continue to increase awareness among all levels of government officials as to their responsibilities under the anti-trafficking provisions of the Sexual Offenses and Children's Amendment acts; allocate far greater financial resources to anti-trafficking programs and personnel; criminally prosecute employers who utilize forced labor, and ensure that labor trafficking victims are not charged with immigration violations by screening all deportees for victimization; ensure officials adequately screen for victims amongst other vulnerable groups, including women in prostitution; replicate the coordinated anti-trafficking law enforcement and victim referral mechanisms of Kwa-Zulu Natal and Western Cape in all provinces; ensure translators are available to assist victims in obtaining care, cooperating with law enforcement, and testifying in court; investigate and prosecute officials suspected to be complicit in trafficking; and institute formal procedures

to compile national statistics on trafficking cases prosecuted and victims assisted, as is done for other crimes.

Prosecution

The Government of South Africa maintained strong law enforcement efforts to combat trafficking during the year. South Africa's laws do not prohibit all forms of trafficking. The Sexual Offenses Act (SOA) prohibits sex trafficking of children and adults and the Basic Conditions of Labor Act of 1997 prohibits forced labor. The SOA prescribes punishments of up to 20 years' imprisonment for sex trafficking offenses, penalties which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Penalties of up to three years' imprisonment for forced labor in the 1997 labor act are not sufficiently stringent. Effective in 2011, the Children's Amendment Act prescribes penalties of five years' to life imprisonment or fines for the use, procurement, or offer of a child for slavery, commercial sexual exploitation, or to commit crimes. The Prevention of Organized Crime Act of 1998 was often used in combination with the SOA to add additional charges – including money laundering, racketeering, and criminal gang activity – and stiffer penalties against offenders. Comprehensive anti-trafficking legislation, drafting of which began in 2003, remains pending in parliament for a fourth consecutive year. In 2011, the government continued its readiness survey to determine the current capacity of various departments to implement the pending legislation. In November 2011, the Department of Justice and Constitutional Development (DOJCD) drafted a revised version of the bill, which was sent to the justice portfolio committee later that month. In August 2011, the DOJCD began to draft implementing regulations for the bill to ensure it is quickly brought into effect following passage.

The government convicted two sex trafficking offenders and began five prosecutions, in contrast to 2010 when it initiated 22 prosecutions and convicted nine offenders. In July 2011, the Pretoria regional court sentenced a convicted trafficker, discovered in February 2008 to have trafficked three Mozambican girls into commercial sex, to life imprisonment – the most severe penalty ever applied in a trafficking case in South Africa. In February 2012, Mitchell's Plain magistrates court sentenced a Cape Town man to 23 years' imprisonment – 15 years on the human trafficking charge – for the sex trafficking of a Swazi woman after fraudulently offering her a job. Furthermore, the government began the prosecution of five suspected traffickers and apprehended an additional five suspected traffickers, including two allegedly complicit police officers and two suspected labor trafficking offenders. A number of cases, however, remain pending from previous reporting periods and prosecution efforts continued to focus largely on sex trafficking cases, with little attention to labor trafficking from the Department of Labor (DOL), the NPA, the South African Police Service (SAPS), and the Department of Home Affairs (DHA). One labor trafficking case remains pending prosecution from the previous reporting period.

In February 2012, the Durban task team conducted a successful raid on a brothel, facilitating the rescue of 16 females – including eight children, some as young as 13 – and arresting and charging four offenders with sex trafficking and drug and prostitution offenses. Prosecutors dropped the charges against one suspect, while the other three alleged offenders remain in custody awaiting a bail hearing. In October 2011, Western

Cape police arrested two police officers and one additional suspect in Nelspoort for the alleged sex trafficking of South African girls between the ages of 12 and 15. The Cape Town vice squad, under the jurisdiction of provincial authorities, arrested eight suspected trafficking offenders in four cases, including the only new labor trafficking case identified by South African authorities during the year.

The NPA's Sexual Offenses and Community Affairs Unit (SOCA) continued to lead anti-trafficking efforts through its six provincial task teams, which enabled police, prosecutors, and NGO staff to work together to investigate potential cases, resulting in an increased number of arrests during the year, but not an increase in prosecutions. Between April and December 2011, the NPA trained 116 prosecutors on the use of existing legislation to prosecute trafficking cases. In December 2011, the DHA provided training on trafficking and the identification of victims to 350 officers from the South African National Defense Forces, who assumed the role of immigration management at all South African airports. Foreign embassies in South Africa reported that when they reported cases of abuse of their nationals to law enforcement, both police and prosecution authorities responding seriously by vigorously investigating the allegations, though this varied by province.

Although DOL staff participated in provincial and national task teams, the department neither recognized nor made proactive efforts to address labor trafficking within the country. Suspected instances of labor trafficking involving foreigners have been deemed episodes of "localized migrant abuse." Additionally, the DOL has never identified a case of forced child labor; rather, it failed to identify potential trafficking victims among child laborers and generally classified such cases as involving "children in need." Labor inspectors are not adequately trained to identify cases of trafficking, including those involving children.

Protection

The South African government increased its efforts to ensure that trafficking victims had access to protective services during the reporting period though – despite its considerable resources – it did not provide these services directly or increase funding for the private organizations that do so. DSD accredited 13 multi-purpose shelters in 2011 to host trafficking victims and trained their staffs to assist trafficking victims; these shelters provided services to 59 trafficking victims referred by DSD – the only body authorized by judicial authorities to refer crime victims to private shelters – during the reporting period. DSD identified 22 additional shelters that could potentially care for trafficking victims and began their assessment for accreditation. It also began provision of a nine-week rehabilitation program – developed in the previous reporting period – to address the psycho-social well-being of trafficking victims in the care of these shelters. However, there are no shelters available for the care of men. In 2011, the city of Cape Town supported the establishment of three NGO-run safe houses for trafficking victims; two of these already open provide short-term emergency care, while victims await transfer to DSD-accredited shelters. During the year, DSD developed an intake booklet to be used in the training of 13,000 employees at shelters, hospitals, and social service facilities. In 2011, the Western Cape task team established a rapid response team comprised of government agencies and NGOs – modeled after the one in Kwa-Zulu Natal – to quickly

coordinate protective services, including shelter, for victims. DSD began drafting implementing regulations for the social services portions of the anti-trafficking bill.

The government did not develop formal procedures for the identification of trafficking victims and their referral to appropriate care; however, provincial task teams and rapid response teams – including representatives from law enforcement, DSD, and NGOs – enabled quick access to care in some provinces. Although the SOA stipulates that sex trafficking victims not be charged with crimes committed as a direct result of being trafficked, some victims were still arrested and jailed, as the screening of women in prostitution was at times done too hastily to accurately assess trafficking victimization. Additionally, NGOs reported that the police's longstanding focus on deportation of undocumented migrants caused them to overlook potential foreign trafficking victims. Officials encouraged victims to participate in the investigation and prosecution of trafficking offenders and provided long-term care to foreign victims who did so. However, the law did not provide all trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution. Thus, during the year, prosecutors experienced difficulty in pursuing cases, as victims often chose to return home or at times, DHA deported victims – often without notifying prosecutors – before they had been interviewed thoroughly or were able to participate in the prosecution of their traffickers. During the reporting period, the government provided witness protection to an unknown number of trafficking victims. The Department of International Relations and Cooperation assisted in the repatriation of a group of potential South African trafficking victims from Turkey.

Prevention

The government continued efforts to prevent human trafficking, but national awareness campaigns were smaller than in previous years. The NPA continued to chair the national Trafficking in Persons Inter-Sectoral Task Team (ISTT), which met quarterly. The government jointly sponsored, with a foreign donor, the sixth annual human trafficking awareness week in October 2011, which raised awareness on trafficking and appropriate responses to it; these activities were coordinated by the DHA at the ports of entry. The national action plan to combat trafficking in persons developed in a previous reporting period was not implemented or released. The Cape Town metro vice squad partnered with local and national printed media to raise public awareness through the placement of articles on human trafficking. The government, through the South African National Defense Forces' Peace Mission Training Centre, provided anti-trafficking training to South African troops prior to their deployment abroad on international peacekeeping missions. The government did not undertake efforts to reduce the demand for forced labor or commercial sex acts during the reporting period.

SOUTH SUDAN (Tier 2 Watch List)

South Sudan is a source and destination country for men, women, and children who are subjected to forced labor and sex trafficking. South Sudanese women and girls, particularly those from rural areas or those who are internally displaced, are vulnerable to forced labor as domestic servants in homes

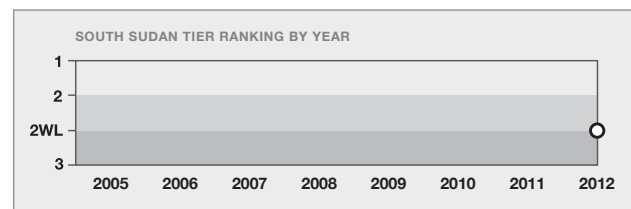
in Yei and Juba, and possibly throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are sexually abused by male occupants of the household or forced to engage in commercial sex acts. South Sudanese girls, some as young as 10 years old, engage in prostitution within the country – including in restaurants, hotels, and brothels – at times with the assistance of third parties, including law enforcement officials; the majority of victims are exploited in urban centers such as Juba, Torit, and Wau. Juba has reportedly seen a significant rise in child prostitution in recent years, as well as in numbers of street children and child laborers – two groups which are highly vulnerable to labor and sexual exploitation. Children working in construction, market vending, shoe shining, rock breaking, brick making, delivery cart pulling, and begging may be victims of forced labor. South Sudan is a destination country for Ugandan, Kenyan, Ethiopian, and Congolese women and girls subjected to sex trafficking. Many migrate willingly, with the promise of legitimate work, and are subsequently forced or coerced into the sex trade. Some girls in prostitution, particularly in Juba, may be controlled by a third party. Ugandan children may be subjected to domestic servitude and forced labor in construction in South Sudan.

Thousands of Dinka women and children, and a lesser number of children from the Nuba ethnic group, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat ethnic groups during the concluded North-South civil war. Some of those enslaved remain in Sudan with their captors. While there have been no known new abductions of Dinka by members of Baggara ethnic groups in a number of years, inter-ethnic abductions continue between some communities in South Sudan, especially in Jonglei and Eastern Equatoria states. Hundreds of women and children were abducted in 2011 during cattle raids and conflicts between rival ethnic groups, as well as during conflicts between the government's army – the Sudan People's Liberation Army (SPLA) – and armed groups. Some abductees were subsequently subjected to conditions of domestic servitude, forced animal herding, or commercial sexual exploitation.

Forcible recruitment of adults and particularly children by virtually all armed groups, including government forces involved in Sudan's concluded North-South civil war, was previously commonplace. Since seceding from Sudan and becoming an independent country in July 2011, South Sudan committed to releasing all children from its military's ranks and signed a new action plan with the UN in March 2012. During the year, UN personnel continued to observe children wearing SPLA uniforms, carrying weapons, and serving at SPLA checkpoints or as bodyguards for senior commanders. In 2011, the South Sudan Police Service (SSPS) forcibly recruited adults and children in Unity State; some of these individuals, including children, were later transferred to the SPLA. Armed militia groups recruited children, at times through force, throughout the year. The Sudanese People's Liberation Movement – North, a group that was formerly aligned with the SPLA and that reportedly still receives support from the SPLA/Sudan People's Liberation Movement (SPLM), forcibly recruited and reportedly used child soldiers in Sudan in fighting against the Sudan Armed Forces and aligned militias. Boys and girls were identified in the ranks of rebel groups, including those allied to Peter Gadet and the late Gatlaik Gai in Unity and Western Bahr el Ghazal states and David Yau Yau in Jonglei State; during the reporting period, some of

these militias were integrated into the government's armed forces. The Lord's Resistance Army (LRA) continued to abduct South Sudanese children and harbor enslaved South Sudanese, Sudanese, Congolese, Central African, and Ugandan children in Western Equatoria and Western Bahr el-Ghazal states for use as cooks, porters, concubines, and combatants; some of these children are also taken back and forth across borders into Central African Republic or the Democratic Republic of the Congo. The UN reported that the LRA abducted 49 individuals during 25 attacks in South Sudan in 2011.

The Government of South Sudan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to take some steps to eliminate the use of child soldiers in its armed forces, including through the signing of a new joint action plan with the UN. Despite these efforts, it did not demonstrate evidence of increasing efforts to address other forms of trafficking; therefore South Sudan is placed on Tier 2 Watch List. Public officials' awareness of human trafficking remained extremely low and the government lacked sufficient human and physical capital to adequately enforce its laws. During the year, the government indiscriminately arrested individuals in prostitution, including child sex trafficking victims, and sentenced them to prison.



Recommendations for South Sudan: Launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; enact the draft labor act to ensure adequate prohibitions of forced labor; develop formal procedures for law enforcement officials to identify trafficking victims among vulnerable groups and refer them for assistance; ensure trafficking victims are not prosecuted for crimes committed as a direct result of being trafficked; increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict and punish trafficking offenders; allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers; demobilize all remaining child soldiers from the ranks of governmental armed forces, as well as those of aligned militias, and provide them reintegration services; and train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly individuals in prostitution, and refer them to NGOs to receive care.

Prosecution

The Government of South Sudan made no significant law enforcement efforts to combat trafficking during the reporting period. Its law enforcement presence in some regions of the country remained limited; some courts did not operate, and those that functioned often lacked the human and physical resources to investigate and prosecute criminals, including traffickers. South Sudanese law does not prohibit all forms of trafficking. South Sudan's Penal Code Act of 2008 prohibits and prescribes punishments of up to seven years' imprisonment

for abduction (Article 278) or transfer of control over a person (Article 279) for the purpose of unlawful compulsory labor; the prescribed punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances is not sufficiently stringent. Article 276 criminalizes buying or selling a minor for the purpose of prostitution and prescribes a punishment of up to 14 years' imprisonment – a penalty that is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Punishments prescribed in Article 254 for procuring a child (up to 10 years' imprisonment) or an adult (up to two years' imprisonment) for the purposes of prostitution are not commensurate with those for rape. Article 258 prescribes punishments of up to 10 years' imprisonment for parents or guardians who cause or allow their child to be involved in the sex trade. South Sudan's Child Act of 2008 prohibits the recruitment and use of children for military or paramilitary activities, and prescribes punishments of up to 10 years' imprisonment for such crimes. The Government of South Sudan did not investigate or prosecute any trafficking offenses using these or other articles during the reporting period. The omnibus labor act, which was drafted by the Ministry of Labor in 2009 and would provide further protections against forced and child labor, was not passed during the most recent legislative session.

The government continued to fail to hold members of its security forces accountable for the recruitment and use of children, and this pervasive impunity thwarted progress toward ending the use of child soldiers in the SPLA and SPSS. In November 2011, the government and the UN held a workshop to develop a new joint action plan on the elimination of child soldiers in the SPLA. During the workshop, plans were developed to create mechanisms for information sharing, collaboration, and training between SPLA judge advocate general officers and civilian judges on child protection issues. The final action plan signed by the SPLA and the UN in March 2012, includes these items, as well as provisions for criminal accountability for military officers who recruit and use child soldiers. The government did not provide specialized anti-trafficking training to law enforcement officers or judicial officials during the year, though an international donor provided such training to 24 immigration officials in January 2012.

Protection

The Government of South Sudan made negligible efforts to protect trafficking victims during the reporting period and, at times, its law enforcement efforts were harmful to victims. The government did not take steps to proactively identify victims of sex or labor trafficking among vulnerable populations. It neither provided services to victims nor employed a process to transfer them to organizations to receive care. It did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. Government officials' failure to recognize cases of human trafficking led to victims being punished as law violators. In January 2012, the government arrested nine girls younger than 18 in the sex trade – all trafficking victims – and convicted them on charges of prostitution. The victims, sentenced to imprisonment ranging from terms of six months to two years, are currently in prison. During the year, police routinely arrested individuals in prostitution, without making efforts to determine whether they were trafficking victims. In 2011, two children were

detained in military barracks in Unity State on charges of being associated with an armed rebel group without any inquiry into whether their association was coerced.

The SPLA continued to operate its child protection unit (CPU) in Juba to oversee implementation of its November 2009 one-year action plan to end its use of child soldiers, and to monitor compliance with child protection standards at major SPLA bases and removal of children from SPLA payrolls. It operated additional CPUs in Wau, Malakal, Renk, Mapel, Wunyiik, Duar, Panpandiar, and Mongiri. In collaboration with an international organization, the SPLA trained more than 1,000 officials on issues related to the protection of children associated with armed forces. During the reporting year, the head of the SPLA CPU made a request to the chief of general staff to issue orders to SPLA division commanders to release all children from their ranks and grant unfettered access to UN staff to inspect military enclaves; however, these orders were not issued during the reporting period. The government made efforts to remove children from militia groups before integrating them into the SPLA. In February 2012, the SPLA released 53 children from the armed group led by Major General Hassan Deng, following his acceptance of amnesty and reintegration into the SPLA.

Prevention

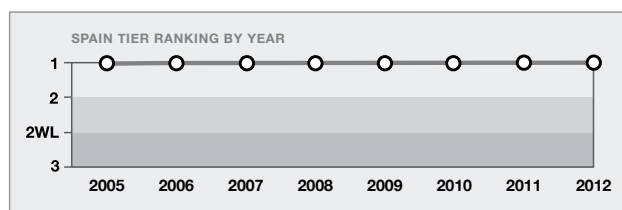
The government made limited efforts during the reporting period aimed at the prevention of trafficking. It did not conduct any comprehensive anti-trafficking information or education campaigns, though a senior-ranking military official spoke on two radio broadcasts to warn families against sending their children to military camps for any reason. Trafficking awareness remained low among all government officials and members of the public. It is unknown what efforts, if any, authorities in South Sudan took during the reporting period to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. Throughout the majority of the year, the government continued to implement its 2009 joint action plan with the UN on eliminating the use of child soldiers, which had been extended into 2011. Senior government and military officials generally did not acknowledge recruitment of children by its security forces, but they publicly recognized that many armed militia groups, which continue to integrate into the SPLA through amnesty programs, use children. In March 2012, the government signed a new UN-SPLA action plan to release all children in the SPLA and to identify and release all children associated with armed militias prior to integrating them into the government's armed forces. Since independence in July 2011, the government took steps to establish the identity of local populations by issuing national identification cards and national certificates. The government made no discernible efforts to reduce the demand for forced labor or commercial sex acts. South Sudan is not a party to the 2000 UN TIP Protocol.

SPAIN (Tier 1)

Spain is a destination and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims originate from Eastern Europe, Latin America, East Asia, and sub-Saharan Africa. Men and women reportedly are subjected to forced labor in domestic service, and the agriculture, construction, and tourism sectors. According to

the Spanish government and NGOs, Spanish nationals are also vulnerable to trafficking. According to anti-trafficking experts, Barcelona and Spain's other big cities increasingly serve as bases of operations for Chinese sex trafficking networks and Nigerian and Albanian trafficking groups. According to media reports and government officials, approximately 90 percent of those engaged in prostitution in Spain are victims of forced prostitution controlled by organized crime networks. Unaccompanied foreign children in Spain continue to be vulnerable to sex trafficking and forced begging. According to a study on labor exploitation and slave labor released during the year, undocumented foreign migrants working in Spain's agricultural and cleaning sectors and as domestic workers, are subjected to severe forms of exploitation. According to this research, many of these workers in Spain's black market are mistreated, have never received payment, or are paid by employers who threaten them with deportation to ensure compliance.

The Government of Spain fully complies with the minimum standards for the elimination of trafficking. During the year, the government addressed a long-standing deficiency by implementing a protocol on victim identification and referral. It also imposed the highest sentence to date in Spain for a convicted sex trafficker. The government continued to conduct anti-trafficking raids and operations against trafficking networks operating throughout the country. However, the government has yet to match these law enforcement actions with holistic care and protection for the victims of human rights abuses perpetrated by these offenders. Many trafficking victims continue to be referred for basic health care, rather than to NGOs with the capacity to provide comprehensive, victim-centered care. Trafficking victims continued to be interviewed immediately after raids and are often expected to self-identify; authorities sometimes inadvertently imprison or deport trafficked individuals who do not identify themselves as victims immediately upon rescue. Further, the government failed to investigate vigorously or prosecute forced labor in the country or develop specialized services for trafficked children and victims of forced labor.



Recommendations for Spain: Provide comprehensive data on trafficking specific prosecutions and convictions; enhance anti-trafficking training for police to increase understanding of the complexities involved in victim identification; take steps to establish a multi-disciplinary approach to victim identification by enlisting the help of other actors to help stabilize victims in a post-immigration raid environment; consolidate statutory anti-trafficking tools into a comprehensive, victim-centered anti-trafficking law to ensure a more rights-based approach to trafficking in Spain; develop proactive identification procedures for authorities to detect potential trafficking victims in immigration detention centers; enlist NGOs to help build trust with trafficking victims; lower the standard for granting victims a reflection period and base that determination on the recognition that victims often do not divulge their experience of exploitation immediately after

rescue; ensure anti-trafficking law enforcement actions include appropriate victim protections; de-link a victim's eligibility for a one-year residency permit from the outcome of trafficking prosecutions; improve outreach to locate more child trafficking victims and victims of forced labor and ensure all potential trafficking victims, including children and men, are provided with access to specialized anti-trafficking services; and vigorously prosecute and punish all government officials complicit in trafficking offenses.

Prosecution

The Government of Spain demonstrated notable progress in its anti-trafficking law enforcement efforts in 2011. Spain prohibits some forms of human trafficking through Article 177 of its criminal code, which prescribes penalties from five to 10 years' imprisonment; these penalties are sufficiently stringent, and the penalties prescribed for sex trafficking are commensurate with the prescribed penalties for other serious crimes, such as rape. Spain prohibits sexual exploitation through Article 318 and labor exploitation through Articles 313 of its criminal code, and the Organic Law 11/2003. According to preliminary information provided by Spain's special anti-trafficking prosecutor, the government initiated prosecution in 45 sex trafficking cases under Article 318 in 2011. The government reported its prosecution of five forced begging cases under Article 177. On February 14, 2012, a court in Madrid handed down the highest penalty to date for sex trafficking in Spain, sentencing a Romanian trafficker to thirty years' imprisonment. The trafficker had used debt bondage, threats, intimidation and violence to subject the adult victims to forced prostitution and subjected one child victim to a forced abortion. While the government did not provide comprehensive conviction and sentencing information, it provided individual case data to demonstrate it vigorously prosecuted and convicted trafficking offenders in 2011. During the reporting period, the government convicted at least 23 sex trafficking offenders, sentencing them to one to 30 years imprisonment. During the year, the government prosecuted a major complicity case involving six members of the national police, three lawyers, a public servant in Barcelona city hall, and brothel owners for collusion and forced prostitution that took place from 2002 until 2008. In another case, the government reported investigating at least 60 suspects, including 20 high-level senior officials of local and national police units as well as the former Deputy Government Representative in Lugo for their complicity in human trafficking that took place between 2000 and 2009.

Protection

The Spanish government demonstrated some tangible progress in protecting trafficking victims during the last year; it increased implementation of Article 59, which established a reflection period for suspected trafficking victims and created a legal mechanism for victims to obtain residency and work permits. In October 2011, the government formally adopted a protocol on victim identification to guide implementation of Article 59. NGOs report that this increased the number of referrals of potential trafficking victims by police. Anti-trafficking experts in the country nevertheless continued to note serious concerns about the government's efforts and ability to identify trafficking victims effectively. The government continued to refer many trafficking victims to the government's non-specialized services for basic medical care rather than to NGOs providing specialized, victim-centered care. The government

reported it identified 234 sex trafficking victims in 2011. Regional and national level authorities reported providing funding to NGOs for victim assistance in 2011. Reports indicate NGOs provided assistance to at least 208 newly identified victims during the year, 79 of whom were direct referrals from Spanish law enforcement personnel. The government also reported it provided a reflection period to 98 victims of sex trafficking, compared to 46 victims given this protection in 2010. Authorities granted 58 short-term residency permits to victims who were cooperating with law enforcement personnel in 2011, an increase from 37 permits issued the previous year. Longer-term (one-year, renewable to two years) residency permits were offered to victims who agreed to testify in court against trafficking offenders. NGOs reported cases of victims who, despite assisting authorities with evidence and court testimony, were not provided long-term residency permits. An NGO reported trafficking victims continue to be subject to penal action, detained, or deported; the government released some victims from jail and granted them the 30-day reflection period only after intense advocacy and pressure from NGOs.

The regional anti-trafficking unit in Catalonia conducted at least three major anti-trafficking operations against Nigerian and Chinese trafficking networks during the year. In one of the operations, local authorities raided 33 apartments and other establishments operating as brothels, arresting 41 people and assisting 32 Chinese victims, plus five minor sex trafficking victims identified. Although the government initiated prosecution in trafficking cases involving 149 victims in 2011, only 24 of these victims opted to receive protections provided under Spanish law; this gap suggests inadequate implementation of Article 59. The government continued to provide funding and cooperate with NGOs in the provision of specialized anti-trafficking training for law enforcement officers who investigate trafficking.

Prevention

The national government, along with regional and local authorities, continued to implement multiple prevention campaigns to raise awareness and decrease demand for prostitution in Spain in 2011. The Ministry of Health, Social Services, and Equality continued to sponsor an exhibit called, "Slaves of the 21st Century" portraying the causes and consequences of trafficking. The national government continued to implement its National Action Plan Against Sexual Exploitation. A draft action plan on forced labor, initiated over two years ago, has been included in the implementation protocol of the National Action Plan. During the year, the Attorney General's office published a report on the government's anti-trafficking law enforcement efforts. According to the Spanish military, Spanish troops received trafficking awareness training prior to their deployment abroad for international peacekeeping missions.

SRI LANKA (Tier 2)

Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Sri Lankan men, women, and some children (16 to 17-year olds) migrate consensually to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Lebanon, Iraq, Afghanistan, Malaysia, and Singapore to work as construction workers, domestic servants, or garment

factory workers. Some of these workers, however, subsequently face conditions of forced labor including restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure, many male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous licensed labor recruitment agencies and their unlicensed sub-agents. These agencies and agents also commit recruitment fraud by engaging in contract switching: defined as the promising of one type of job and conditions but then changing the job, employer, conditions, or salary after arrival. Women migrating abroad for work generally are not required to pay recruitment fees in advance, although many report paying off such fees through salary deductions. Some Sri Lankan women are promised jobs or began jobs as domestic workers, mainly in Singapore or Jordan, but were forced into prostitution. A small number of Sri Lankan women are forced into prostitution in the Maldives. Internally-displaced persons, war widows, and unregistered female migrants remained particularly vulnerable to human trafficking. In 2011, Sri Lankan victims were identified in Egypt, Poland, and the United States. Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for domestic child sex tourism.

In addition, there are reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. A small number of women from Thailand, China, and countries in South Asia, Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka.

The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government did not convict any trafficking offenders. Serious problems remain, particularly in protecting victims of trafficking in Sri Lanka and abroad, and not addressing official complicity in human trafficking. However, the government took strong preventative efforts, including the convictions of two labor recruitment agents who committed fraudulent recruitment offenses, and enhanced inter-ministerial coordination through monthly meetings.



Recommendations for Sri Lanka: Improve efforts to investigate and prosecute suspected trafficking offenses, and convict and punish trafficking offenders, particularly those responsible for recruiting victims with fraudulent offers of employment and excessive commission fees for the purpose of subjecting them to forced labor; develop and implement formal victim referral procedures; ensure that victims of trafficking found within Sri Lanka are not detained or

otherwise penalized for unlawful acts committed as a direct result of their being trafficked, such as visa violations or prostitution; train local law enforcement on victim identification, investigation of cases, and assembling strong cases; facilitate the speedy repatriation of foreign trafficking victims by providing airfare and not obligating them to remain in the country if they choose to initiate law enforcement proceedings; provide witness protection and incentives for victims to cooperate with law enforcement to enable prosecutions; improve services for shelters, legal aid, counseling, and trained staff at embassies in destination countries; promote safe tourism campaigns to ensure that child sex tourism does not increase with expected rapid growth of tourism; promote safe and legal migration rather than discouraging migration or imposing age restrictions on migrants; and improve regulation and monitoring of recruitment agencies and village-level brokers.

Prosecution

The Sri Lankan government's law enforcement response to human trafficking offenses was minimal during the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The National Child Protection Authority and Criminal Investigation Department (CID) investigated 44 reported cases of trafficking in 2011, and referred nine of these cases to the Attorney General's office for advice. During the year, the CID also jointly investigated a potential sex trafficking case with police in Singapore. There was no information on how many suspected trafficking offenders were prosecuted in the reporting period. The government did not convict any human trafficking offenders in the reporting period, in contrast to three traffickers convicted in the previous reporting period.

Government employees' complicity in trafficking remained a problem. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were run by politicians or were politically connected. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. There were no reported law enforcement actions taken against officials complicit in human trafficking. The government undertook law enforcement training. For instance, in August 2011, the Ministry of Justice and the Judges' Training Institute trained 80 judges, in collaboration with the ILO, on issues such as the application of international standards within domestic trafficking legislation, and the trauma for trafficking victims during the judicial process. In December 2011, the Sri Lanka Bureau of Foreign Employment (SLBFE) organized a workshop for 80 district-level government officials on identifying victims and sending case information to relevant law enforcement departments.

Protection

The government made limited progress in protecting victims of trafficking during the year. Government personnel did not develop or employ systematic procedures for proactively identifying trafficking victims or referring them to care facilities. The SLBFE continued to operate, through Sri Lankan

embassies in some destination countries, short-term shelters, as well as an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. These facilities were funded by fees the SLBFE collected from registered migrant workers prior to their departure. There were complaints that the shelters were grossly overcrowded with unhygienic conditions, and that at least one did not permit the residents to leave the premises. There have been some reports of abuse by Sri Lankan embassy officials in shelters abroad, and one official in a Sri Lankan embassy reportedly condoned passport withholding – a sign of human trafficking – by employees in that country. Child trafficking victims received shelter, schooling, and medical, legal, and psychological services from the Department of Probation and Child Care Services.

The government has not yet established a trafficking shelter with IOM, as noted in the 2011 TIP Report. The government did not encourage victims to assist in the investigation and prosecution of trafficking cases; instead, they sometimes forced victims to remain in the country (without the permission to seek employment) and testify if they chose to file charges. The government penalized some adult victims of trafficking through detention for unlawful acts committed as a direct result of being trafficked. Most commonly, these acts were violations of their visa status or prostitution. All detainees who were awaiting deportation for visa violations, including trafficking victims, remained in detention facilities until they raised enough money to pay for their plane ticket home, which in some cases has taken years.

Prevention

The Sri Lankan government made progress in its efforts to prevent trafficking during the last year. The government's inter-ministerial anti-trafficking task force met monthly, improving communication between ministries, and invited ten civil society organizations to one meeting in October 2011. In January 2012, the Colombo High Court sentenced two recruitment agents for offenses that included fraudulent recruitment. The agents were sentenced to two years' imprisonment and a fine, paid to the mother of the migrant workers who filed the complaint. The SLBFE continued to require migrant domestic workers with no experience working in the Middle East to complete a 12-day pre-departure training course, funded by fees the SLBFE collected from the departing migrant workers. It is not known how many migrant workers completed this course in the reporting period. In measures that could prevent transnational labor trafficking of Sri Lankans, the SLBFE reported that it filed 276 charges against recruitment agencies in 2011 for charging illegal fees in recruitment, conducted 73 raids against employment agents (in comparison to 84 in 2010), and fined recruitment agencies found to be guilty of fraudulent practices over the equivalent of \$25,000 (in comparison to \$40,000 in 2010). The government worked on several awareness-raising initiatives with the ILO. In one initiative, the government, in partnership with the ILO, developed a handbook for migrants bound for Saudi Arabia and Kuwait, including information on the relevant labor laws, descriptions of forced labor and trafficking, and contact information. The SLBFE printed and distributed 40,000 copies of the handbook to all registered migrant workers heading to those two countries. The Government of Sri Lanka, working with the UNDP, continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people. The Government of Sri Lanka did not

report any efforts to reduce the demand for commercial sex acts during the reporting period. The Ministry of Defense provided anti-trafficking training to all Sri Lankan peacekeepers prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol.

SUDAN (Tier 3)

Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudanese territory both within and outside of the government's control. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to forced labor as domestic workers in homes throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are subsequently sexually abused by male occupants of the household or forced to engage in commercial sex acts. Sudanese girls engage in prostitution within the country – including in restaurants and brothels – at times with the assistance of third parties. Khartoum, Nyala, and Port Sudan have reportedly seen a rise in child prostitution in recent years, as well as in numbers of street children and child laborers – two groups which are highly vulnerable to labor and sexual exploitation. There are reports of organized child street begging in Khartoum and other large cities.

Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries – such as Bahrain, Egypt, Saudi Arabia, and Qatar – and to sex trafficking in European countries. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers face conditions indicative of forced labor. Sudanese children in Saudi Arabia are used by criminal gangs for forced begging and street vending. Sudanese and Eritrean nationals in Israel reported being brutalized by smugglers from the Rashaida tribe in the Sinai, including being chained together, whipped and beaten, deprived of food, raped, and forced to do domestic or manual labor at smugglers' homes; some of these individuals were not migrants, but were abducted from Khartoum, Sudan-based refugee camps, or border crossings.

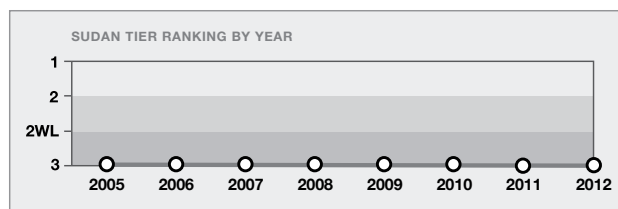
Sudan is a transit and destination country for Ethiopian and Eritrean women, including illegal immigrants and refugees, subjected to domestic servitude in Sudan and Middle Eastern countries. Filipino migrant domestic workers and caregivers are also victimized by forced labor in Khartoum. Foreign domestic workers recruited by Khartoum-based employment agencies are reportedly exposed to exploitative practices, such as retention of salaries and physical abuse. In large cities, undocumented migrants and refugees often face discriminatory working conditions and endure exploitation because they feared approaching police or being deported. Ethiopian, Eritrean, Somali, and possibly Thai women are subjected to forced prostitution in Sudan. Agents recruit young women from Ethiopia's Oromia region with promises of high-paying employment as domestic workers, only to force them into prostitution in brothels in Khartoum.

Thousands of Dinka women and children, and a fewer number of children from the Nuba tribe, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the North-South civil war that spanned

from 1983 until 2005. Some of those enslaved remain with their captors.

During the reporting period, Sudanese children in Darfur were forcibly conscripted, at times through abduction, and used by armed groups, such as the Sudan Liberation Army (SLA)/Minni Minawi, SLA/Abdul Wahid, Liberation and Justice Movement (LJM), Justice and Equality Movement (JEM), and government-supported Janjaweed militia. Government security forces also used child soldiers; children were verified as being associated with the government-aligned Popular Defense Forces (PDFs) during the year in both Darfur and the "Two Areas" (South Kordofan and Blue Nile). The SAF also reportedly armed, trained, and used two tribes (Falata and Hawsa), including children, as militia in Tadamon locality against the Sudanese People's Liberation Movement – North (SPLM-N). The SPLM-N forcibly recruited and used child soldiers in South Kordofan and Blue Nile states. There were also reports that elements in Sudan tied to anti-South Sudanese militias – such as the South Sudanese Defense Forces (SSDF) and the rebel groups of the late Lieutenant General George Athor, the late Colonel Gatluak Gai, and Captian Johnson Olonyi – kidnapped and forcibly recruited ethnic Southerners, including children, to fight in the "Three Areas" (including Abyei) on the side of the Government of Sudan or with the SSDF rebels.

The Government of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government took some initial steps during the reporting period to acknowledge the existence of trafficking, draft anti-trafficking legislation, prosecute suspected traffickers, demobilize and reintegrate child soldiers, and waive overstay fines for foreign domestic workers, its efforts to combat human trafficking through law enforcement, protection, or prevention measures were undertaken in an *ad hoc* fashion, rather than as the result of strategic planning. The government convicted three traffickers, but did not officially identify trafficking victims or make public data regarding its efforts to combat human trafficking. Its proxy militias reportedly unlawfully recruited and used child soldiers during the reporting period, and it did not take action to conclude a proposed action plan with the UN to address the problem.



Recommendations for Sudan: Enact a comprehensive legal regime to define and address human trafficking crimes and harmonize various existing legal statutes; increase efforts to investigate suspected human trafficking cases, increase prosecution of trafficking offenses, and convict and punish trafficking offenders; launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; institute regular training for Sudanese diplomats posted overseas, as well as officials who validate migrant workers' employment contracts or regulate employment agencies, to enable proactive identification and provision of services to trafficked migrant workers; establish an official process for law enforcement

officials to identify trafficking victims among vulnerable groups and refer them for assistance; allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers; demobilize all remaining child soldiers from the ranks of aligned militias; amend the Law of 1955 Regarding Domestic Servants to provide additional rights and protections for domestic workers, such as mandatory written employment contracts and a limit on the number of hours worked each day; develop, publicize, and enforce a clear, easily-navigable process for employers to officially register their domestic workers and employment contracts, as required by the Law of 1955 Regarding Domestic Servants, as well as regularize illegally-present foreign domestic workers; take steps to identify and provide protective services to all types of trafficking victims found within the country, particularly those exploited in domestic servitude or commercial sexual exploitation; and make a much stronger effort through a comprehensive policy approach that involves all vested parties to identify, retrieve, and reintegrate abductees who remain in situations of enslavement.

Prosecution

The government's anti-trafficking law enforcement efforts nominally increased during the reporting period. Although it began the process of enacting legislation prohibiting human trafficking and initiated law enforcement action against several suspected trafficking offenders, it also arrested potential human trafficking victims as they protested alleged infringements of their labor rights. The government neither documented its anti-trafficking law enforcement efforts nor provided specialized anti-trafficking training to police, military, prosecutorial, or judicial personnel. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though Articles 156 and 163 prohibit inducing or abducting someone to engage in prostitution (seduction) and forced labor, respectively. Prescribed penalties of up to five years' imprisonment for seduction are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Article 156 prescribes penalties of up to seven years' imprisonment for aggravated seduction of a child. Prescribed penalties for forced labor of up to one year's imprisonment or a fine are not sufficiently stringent. No trafficker has ever been prosecuted under these articles, and it was unclear whether the National Security and Intelligence Service or police forces from the Ministry of Interior – the entities responsible for investigating cases of human trafficking – did so during the reporting period. The Child Act of 2008, enacted in January 2010, prohibits but does not prescribe punishments for forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups. It includes provisions for the rehabilitation and reintegration of children victimized by such crimes, though no government entity has yet been assigned responsibility for implementing these provisions. Some states, such as Southern Kordofan, subsequently enacted their own child acts based on the national law. The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18, enslaving civilians, or coercing civilians into prostitution; the act prescribes penalties of up to five years' imprisonment for child recruitment and up to 10 years' imprisonment for enslavement or forced prostitution. The government has never used this statute to prosecute any person in its armed forces. The Law of 1955 Regarding Domestic Servants outlines a process for employing and registering domestic workers, and provides

limited labor rights and protections for such workers. Local observers, however, indicated that attempting to officially register domestic workers, as required by the law, entailed a long and complicated process fraught with bureaucratic impediments, including high fees and officials' expectation of receiving bribes. As a result, it appears that few, if any, employers register their domestic workers and the law is not enforced.

The Secretariat for Sudanese Working Abroad reported drafting, in conjunction with the Ministry of Justice, a comprehensive anti-trafficking law during the year. In 2011, the Sudan Police Force (SPF) established a directorate of trafficking in persons to respond to trafficking crimes, but it has not yet become operational. The SPF also appointed a dedicated district attorney to the prosecution of crimes involving women and children. In August 2011, a Khartoum court convicted and sentenced two people to 10 years' imprisonment under Article 45 (child trafficking) of the Child Act and Article 85 (kidnapping) of the Criminal Act for abducting and selling a child for the equivalent of \$5,500; the buyer received a five-year sentence. In January 2012, Sudanese intelligence officials arrested and charged 10 suspected traffickers – one Eritrean national and nine Sudanese, including a member of the Sudanese Armed Forces – in Kassala State; the accused awaited trial in the Kassala court at the close of the reporting period.

Protection

The government demonstrated modest efforts to protect victims of trafficking during the past year by waiving the overstay fine of some migrant domestic workers, facilitating and financing the return of thousands of stranded Sudanese migrant workers from Libya, and demobilizing 438 child soldiers, an increase over the previous reporting period. It did not, however, officially identify any victims of trafficking or maintain records regarding its efforts to provide protective services to such individuals. Sudan has few victim care facilities accessible to trafficking victims. The Ministry of Welfare and Social Insurance is responsible for providing legal protection, housing, shelter, and medical and psychosocial support to women and children vulnerable to commercial sexual exploitation and other forms of trafficking within Sudan; it provided limited medical and psychosocial care to an unknown number of potential trafficking victims in several states in 2011. Police child and family protection units, which existed in only six states at the close of the previous reporting period, were established in all 17 states in 2011 and were staffed by social workers who offered legal aid and psychosocial support to victims of abuse and sexual violence; the capacity of these units and amount of services they provided varied from state to state. Police referred street children in abusive situations to orphanages on a case by case basis and remanded individuals who may have been trafficked to the care of community leaders. UNICEF reported, for example, that the enactment of the Child Act in 2010 spurred Khartoum's judiciary to seek alternate methods in 2011 in dealing with children trafficked to Sudan from Ethiopia and Eritrea, such as reintegrating them through local community leaders rather than deporting them to their countries of origin. In January 2012, police in Kassala State referred 27 potential victims of trafficking to a guesthouse operated by the commissioner of refugees, where basic medical care was provided. Although 24 victims were transferred to a refugee camp for processing as asylum seekers, police detained

three victims at the guesthouse for use as witnesses in the prosecution of their alleged traffickers.

The SPAF's child protection unit is charged with monitoring child soldiering and conducting training about the laws protecting children. The unit does not have any enforcement mechanisms and refused requests to meet or provide information on its efforts for inclusion in this report; it is unknown whether it demobilized children from associated militias during the year. In contrast, in April 2011, the Sudan Disarmament, Demobilization, and Reintegration Commission (SDDRC), with assistance from international partners, demobilized 190 child soldiers from the SPLA in a ceremony in Karmuk locality, South Kordofan State; though the children were reintegrated, the SDDRC and UNICEF lost contact with them after fighting broke out in the state. In September, the SDDRC, in collaboration with the West Darfur DDR Commission, the African Union – United Nations Mission in Darfur (UNAMID), UNICEF, the Ministry of Social Affairs, and a local NGO, commenced the registration and release of children associated with JEM/Peace Wing, SLA/Mustapha Terab, and the LRM in El Geneina, Masteri, Beida, Krenek, and Silea. The exercise included community orientations, registration (socio-economic profiling and an eligibility check), medical screening, and an HIV/AIDS briefing. It concluded with a caseload of 294 children, 164 of whom were demobilized and reintegrated. The SDDRC, with the support of UNICEF and UNAMID, established a committee for child reintegration within its child protection working group to coordinate the reintegration of children into their communities and prevent re-recruitment. In July 2011, the committee – which also included the population council, the state council for child welfare, and NGOs – began oversight of six-month technical skills development course in carpentry and welding in South Darfur for 18 boys released from SLA/Peace Wing. The SDDRC and its partners also demobilized and reintegrated 84 children in North Darfur during year.

The Ministry of Labor's Secretariat of Sudanese Working Abroad, the body responsible for collecting fees and taxes from migrant workers before their departure and protecting their rights and interests while abroad, reportedly has an anti-trafficking section to repatriate abused workers from the Middle East; the government failed to facilitate meetings with this body for the purpose of providing information on its anti-trafficking efforts during the reporting period. The immigration authority, however, waived the overstay fines for 48 Filipina domestic workers, allowing them to return to the Philippines. It is unknown what efforts, if any, the Ministry of Foreign Affairs or any of Sudan's diplomatic missions made during the reporting period to directly address the significant problem of labor exploitation of Sudanese nationals working abroad. In early 2011, however, a joint governmental mechanism – comprised of the ministries of Foreign Affairs and Interior and the Secretariat of Sudanese Working Abroad – began meeting to address the needs of thousands of Sudanese migrant workers stranded in Libya as the result of civil conflict. In April 2011, the secretary general of the Secretariat for Sudanese Working Abroad visited the Shosha camp on the border between Tunisia and Libya to assess the wellbeing of Sudanese migrant workers who had fled the instability. By May 2011, the government spent the equivalent of \$11.77 million to evacuate at least 45,000 Sudanese migrant workers, some of whom may have been trafficking victims, to Khartoum; it is unclear to what extent the workers were screened for trafficking victimization.

The government did not employ a system for proactively identifying trafficking victims among vulnerable populations or a referral process to transfer victims to organizations providing care. It did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. No reliable data exists regarding the detention or punishment of trafficking victims for unlawful acts committed as a result of being trafficked. In August 2011, Sudanese police arrested approximately 40 Indian migrant workers as they protested in front of a power plant in Kosti demanding payment of their salaries; beyond the nonpayment of wages, the workers also alleged being forced to work after the expiry of their visas and to live in substandard conditions. Although the workers were released, paid their overdue wages, and returned to India shortly thereafter, it is unclear to what extent the government addressed the allegations of labor exploitation. The government made no efforts in 2011 to assist victims of abduction and enslavement that occurred during the 1983-2005 civil war or facilitate their safe return to their families.

Prevention

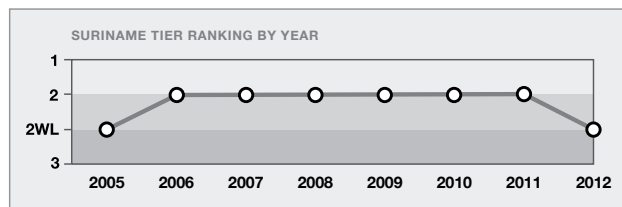
The government made limited efforts during the reporting period to prevent trafficking, and certain entities for the first time acknowledged the existence of trafficking in Sudan. In January 2012, the justice and legislation committee of the Sudanese Parliament publicly discussed with the press the existence of human trafficking in Sudan. In February 2012, the director general for passports and immigration of the Ministry of Interior, also while speaking with the press, acknowledged the existence of human trafficking, especially in Khartoum. The government, however, did not conduct any formal anti-trafficking education campaigns. In June 2011, the SDDRC and UNICEF conducted a sensitization workshop on children's rights and the prevention of recruitment and use of children for 66 leaders and members of three armed groups in West Darfur who had provided new lists of children to be released and registered; verification of these lists was ongoing at the close of the reporting period. The Ministry of Defense, however, did not approve the joint action plan with the UN to end the recruitment and use of child soldiers, including in proxy groups, that was drafted in 2010. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts. Sudan is not a party to the 2000 UN TIP Protocol.

SURINAME (Tier 2 Watch List)

Suriname is a destination, source, and transit country for women, men, and children who are subjected to sex trafficking and forced labor. Women and girls from Suriname, Guyana, Brazil, and the Dominican Republic are subjected to sex trafficking in the country, many of them lured with false promises of employment. In past years, Asian men, particularly from China, have arrived in Suriname in search of employment but subsequently have been subjected to forced labor, including in the service sector and construction. Although media reports indicate that debt bondage and sex trafficking occur within the Chinese migrant community, no victims from this community were identified during the year. NGOs and government sources suggest that some women and girls could be exploited in sex trafficking in Suriname's interior around mining camps, although the

remote and illegal nature of these camps makes the scope of the problem unknown, and there is little government presence in these areas. Children working in informal urban sectors and gold mines were also vulnerable to forced labor.

The Government of Suriname does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing efforts to address human trafficking over the last year. Therefore, Suriname is placed on Tier 2 Watch List. Although authorities identified and assisted two trafficking victims, the government did not prosecute or convict any trafficking offenders during the year, did not offer legal alternatives to deportation to foreign victims, and conducted few trainings or awareness-raising efforts.



Recommendations for Suriname: Vigorously investigate and prosecute trafficking cases and convict trafficking offenders; ensure that a victim's initial refusal to testify against a trafficker does not prevent authorities from pursuing a prosecution; establish provisions for legal alternatives to victims' removal to countries where they would face retribution or hardship; provide training to law enforcement, immigration, labor, and judicial officials and social workers regarding the identification of trafficking cases and the treatment of victims; ensure that victims receive specialized services through partnering with and funding NGOs that provide these services; consider implementing a national anti-trafficking plan; and continue to raise awareness about all forms of trafficking.

Prosecution

The Government of Suriname made limited law enforcement efforts against trafficking offenders over the last year. Suriname prohibits all forms of human trafficking through a 2006 amendment to its criminal code, which prescribes sufficiently stringent penalties of five to 20 years' imprisonment – penalties that are commensurate with those prescribed for other serious crimes, such as rape. The police continued to operate a four-person specialized anti-trafficking unit that investigated cases and conducted administrative checks of nightclubs in the capital where prostitution occurred; no victims were identified during these inspections during the year. Authorities investigated two cases of sex trafficking in 2011, compared to three cases of sex trafficking and one case of labor trafficking in 2010. No new prosecutions were initiated during the year, and the authorities convicted no traffickers during the reporting period. In comparison, authorities prosecuted and convicted two sex trafficking offenders during the previous year. Prosecutions are almost exclusively dependent on the victim's willingness to testify. Authorities had insufficient resources to conduct investigations in the country's interior. While there were no reported government efforts to provide anti-trafficking training to officials, officials participated in several workshops funded by a foreign government. The government reported no data on public officials investigated,

prosecuted, convicted, or sentenced for trafficking-related complicity, although in past years some NGOs have voiced concern regarding police complicity and stopped working with police on potential trafficking cases.

Protection

The Government of Suriname provided limited protections to trafficking victims, working with NGOs to provide victims with access to basic services. Authorities did not employ formal procedures to proactively identify trafficking victims among vulnerable populations, such as women in prostitution or migrant workers. Although the government did not have a formalized process to refer trafficking victims to NGOs that provide services, authorities reported doing so on an *ad hoc* basis. The government worked with two NGOs, one of which offers shelter, to fund basic services to the two child victims of sex trafficking, one from Guyana and one from Suriname, identified by authorities during the reporting period. Some officials noted that there were insufficient resources to pay for victim care. NGOs working with people in prostitution did not actively seek to identify additional victims during the year, in part out of wariness of working with authorities on this issue. The government maintained a shelter for victims of domestic violence that could house trafficking victims, although the government did not report that any victims received care at this shelter during the reporting period. The government reported encouraging victims to assist with the prosecution of trafficking offenders; however, there is no mechanism in place to provide deportation relief to foreign victims of trafficking.

Prevention

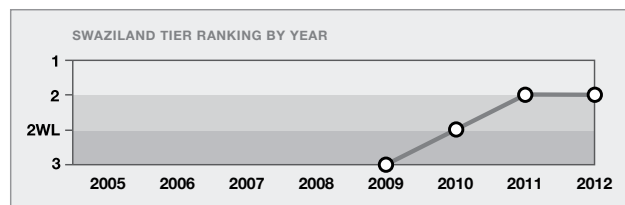
The Government of Suriname maintained limited trafficking prevention efforts during the reporting period. The government's inter-agency anti-trafficking working group, which met on a monthly basis, continued to coordinate the government's anti-trafficking efforts. The anti-trafficking plan for 2011, drafted by the working group in 2010, remained unapproved during the reporting period. Despite publicity campaigns during the year, the anti-trafficking hotline administered by the police reportedly received no phone calls. There were no reported measures against child sex tourism during the year. The government made no discernible efforts to reduce the demand for commercial sex or forced labor.

SWAZILAND (Tier 2)

Swaziland is a source, destination, and transit country for women and children who are subjected to sex trafficking, domestic servitude, and forced labor in agriculture. Swazi girls, particularly orphans, are subjected to sex trafficking and domestic servitude in the cities of Mbabane and Manzini, as well as in South Africa and Mozambique. Reports suggest labor brokers, the majority of whom recruit Swazi nationals for work in South African mines, fraudulently recruit workers and charge excessive fees – means often used to facilitate trafficking crimes. Swazi chiefs may coerce children and adults – through threats and intimidation – to work for the king. Swazi boys are forced to labor in commercial agriculture and market vending within the country. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating in search of work. Traffickers

reportedly force Mozambican women into prostitution in Swaziland, or transit Swaziland with their victims *en route* to South Africa. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and portering; some of these boys subsequently become victims of forced labor. Indian nationals transit Swaziland *en route* to South Africa, where they may subsequently be subjected to forced labor.

The Government of Swaziland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the last year, the government investigated several suspected trafficking cases. However, in attempting to resolve one case involving six individuals identified as trafficking victims by authorities, the government closed the investigation and convicted and deported the victims on immigration violations. The resolution of this case prompts grave concerns, revealing that Swazi authorities are without the capacity to adequately investigate trafficking cases and appropriately protect victims. Although the anti-trafficking task force and its secretariat continued to coordinate interagency efforts, prevention efforts dominated their work and lack of funds hindered their efforts to protect victims. This lack of resources and capacity and increasing resource constraints hindered progress on all fronts.



Recommendations for Swaziland: Complete the review and drafting of amendments to the 2010 anti-trafficking act to allow for permanent residency of foreign trafficking victims; complete and disseminate implementing regulations to fully implement the 2010 anti-trafficking act's victim protection and prevention provisions; differentiate the process of victim identification from the prosecution of offenders, as victim identification should not be tied to the successful prosecution of a trafficker; investigate and prosecute trafficking offenses, including internal trafficking cases, and convict and punish trafficking offenders; begin regulating labor brokers and investigate allegations of fraudulent recruitment; train officials on the 2010 anti-trafficking act and case investigation techniques; develop and implement formal procedures to identify trafficking victims proactively and train officials on such procedures; continue partnering with non-governmental, international, and religious organizations to provide services to victims; develop a formal system to refer victims to such care; institute a unified system for collecting trafficking case data for use by all stakeholders; and continue to conduct anti-trafficking awareness campaigns.

Prosecution

The Government of Swaziland's anti-trafficking law enforcement efforts decreased during the reporting period. The government did not convict any trafficking offenders. The government investigated several trafficking cases; however, it was unable to provide detailed information on all but one of these cases. The People Trafficking and People Smuggling (Prohibition) Act, 2009, which became effective in March 2010, prescribes penalties of up to 20 years' imprisonment, plus a fine

to compensate the victim for losses, under section 12 for the trafficking of adults and up to 25 years' imprisonment under section 13 for the trafficking of children; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has yet to draft or enact the necessary implementing regulations for the law or to successfully convict a trafficking offender under the 2010 anti-trafficking act.

In May 2011, the government charged a civil servant with rape of a prostituted child, as well as a suspected female trafficker who procured the 13-year-old victim for the civil servant; charges were dropped in this case due to insufficient evidence. In July 2011, the Royal Swaziland Police stopped a minibus transporting eight Indians *en route* from Mozambique to South Africa, including six male passengers, one female passenger, and one driver. Police released the driver on account of his proper immigration documentation and took the seven passengers into police custody, notifying the secretariat that they were potential trafficking victims. Authorities believed that six of the passengers were to be subjected to forced labor in South Africa, while the seventh was believed to be smuggled. Unable to locate the suspected trafficker, Swazi officials concluded it was too difficult and costly to investigate the case under the anti-trafficking law and, instead, prosecuted and convicted all seven Indian nationals with immigration violations, sentencing them to 20 days' imprisonment or payment equivalent to approximately \$27 before deporting them to India. After this case revealed inconsistencies between the anti-trafficking act and the Immigration Act of 1992, the government initiated a process to harmonize these laws. In late 2011, in partnership with UNODC, the secretariat held two workshops to identify all laws in conflict with the 2010 anti-trafficking act; by February 2012, stakeholders drafted a number of recommended amendments, which were sent to the attorney general. During the reporting period, the Royal Swaziland Police Service cooperated with South African and U.S. counterparts in the investigation of trafficking cases. The government did not provide anti-trafficking training to its officials during the year.

Protection

The government demonstrated minimal capacity to protect trafficking victims during the reporting period. The secretariat lacked sufficient funds to shelter and feed the seven Indian nationals – six of whom authorities identified as trafficking victims – during the investigation of their case; through the assistance of local NGOs and with members of the secretariat contributing from their personal finances, the secretariat was ultimately able to house, feed, clothe, and provide counseling and medical care to all seven for several weeks. Before being placed in the protective custody of the secretariat, the six identified trafficking victims had been kept in police detention for one to two days and were ultimately charged with immigration violations and deported. The government assisted NGOs by providing professional services, including health care and counseling, at the government's expense. The government continued to lack systematic procedures for the proactive identification of trafficking victims and their referral to shelters. Some cases of trafficking were not adequately investigated, leading to victims being charged with immigration violations and placed in detention facilities. The government did not offer foreign victims alternatives to their removal to countries where they may face retribution or hardship.

Prevention

The government maintained its modest efforts to prevent trafficking during the reporting period. The Task Force for the Prevention of People Trafficking and People Smuggling and its secretariat, which coordinates the work of the task force, held regular meetings and encouraged information sharing. In May 2011, in partnership with UNODC, the task force held a stakeholder workshop, producing a framework document, which will guide the drafting of the national strategic plan in 2012. The secretariat conducted public awareness activities at the Swaziland international trade fair in Manzini in August 2011, targeting traditional leaders, students, young women, and parents with information on preventing child trafficking and how to report suspected cases. The task force, secretariat, police, and immigration officials made presentations at three NGO-funded workshops on the role of government authorities in anti-trafficking efforts, reaching over 350 people. The anti-trafficking hotline – funded and managed by the government – continued to receive tips on potential cases; the government was unable to provide statistics on the number of trafficking-related tips received during the year. The Ministry of Labor conducted more than 1,800 labor inspections in 2011, none of which were focused on child labor or revealed child labor violations. The government has not identified or prosecuted labor brokers, who were alleged to fraudulently recruit workers and charge excessive fees; all labor brokers remained unregulated. Although the government attempted to reduce demand for commercial sex acts by arresting clients of children in prostitution, it did not report the current status of these cases. Swaziland is not a party to the 2000 UN TIP Protocol.

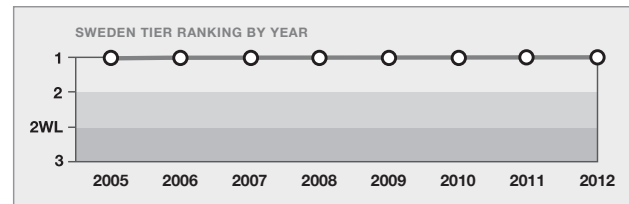
SWEDEN (Tier 1)

Sweden is a destination, source, and, to a lesser extent, a transit country for women and children subjected to sex trafficking and a destination country for men, women, and children subjected to forced labor. Women, men, and children are subjected to forced labor and forced criminal behavior, including begging and stealing. Swedish police have estimated that 400 to 600 persons are subjected to human trafficking in Sweden annually. Although in previous years forced prostitution has been the dominant type of trafficking in Sweden, in 2011 the number of reported labor trafficking victims was larger than the number of reported sex trafficking victims. Foreign victims of sex trafficking originate from Central and Eastern Europe (Romania, Russia, Bulgaria, Hungary, the Czech Republic, the Slovak Republic, Albania, Estonia, Lithuania, and Armenia), Africa (Nigeria, Tanzania, Kenya, Ghana, Uganda, Sierra Leone, Gambia, Kenya), and Asia (Thailand, China, Uzbekistan, Kazakhstan, and Mongolia). Swedish girls were also vulnerable to sex trafficking within the country, which mostly occurs in apartments, houses, and hotels. Other sex trafficking victims are exploited in massage parlors. Both victims and perpetrators of forced begging and stealing originate primarily in Romania, Belarus, and Bulgaria.

Other labor trafficking victims have originated in Thailand, Bangladesh, Vietnam, Latvia, and Estonia. The proportion of EU citizens who are labor trafficking victims has increased following the Swedish government's reduction of work permits issued to non-EU citizens and a subsequent rise in the number of migrants from other EU states working in Sweden. Labor trafficking occurs in the domestic service and hospitality sectors, as well as in seasonal labor, when workers travel to

Sweden to pick berries or perform construction or gardening work. Approximately one-third of identified victims were children. Authorities report that organized crime groups are increasingly involved in leading trafficking schemes in Sweden. Mentally or physically disabled men, women, and children, members of minority groups, and the indigent were particularly vulnerable to trafficking. The approximately 2,657 unaccompanied foreign children who arrived in Sweden in 2011, primarily from Afghanistan, were also vulnerable to human trafficking; some have gone missing since their arrival in Sweden. Child sex tourism offenses committed by Swedish nationals traveling abroad remain a problem.

The Government of Sweden fully complies with the minimum standards for the elimination of trafficking. Although the government's anti-trafficking program was still formally limited by the scope of the Action Plan against Prostitution and Human Trafficking for Sexual Purposes, the Government of Sweden identified a greater number of labor trafficking victims by voluntarily addressing labor trafficking outside of the mandate of the action plan. The Swedish government employed creative methods to encourage all relevant actors in the government to address trafficking in persons, involving non-traditional actors, such as the tax authorities to investigate trafficking crimes. New regulations established to prevent forced labor in berry picking yielded some results. Nevertheless, Swedish courts repeatedly rejected trafficking cases under an interpretation of Swedish trafficking laws that requires proof of intent to subject the victim to servitude at the outset of the criminal scheme.



Recommendations for Sweden: Vigorously prosecute, convict, and punish labor and sex trafficking offenders using Sweden's anti-trafficking statute; ensure that trafficking offenders receive sentences commensurate with the gravity of this serious crime; continue training judges, particularly appellate judges, on the application of the anti-trafficking law; ensure that migrant and seasonal laborers receive education about their rights in Sweden; ensure that trafficking victims are offered a reflection period in accordance with Swedish law; continue efforts to identify and provide trafficking-specific assistance to child trafficking victims in Sweden, including Swedish victims of trafficking; consider proactive measures to prevent unaccompanied foreign minors from being subjected to sex trafficking and forced labor; formalize victim identification mechanisms; ensure that labor trafficking is explicitly included in the mandate of the National Coordinator and any national action plan; ensure that victims of labor trafficking are provided with full information about their rights and that they are empowered to testify against their exploiters; provide longer term residency options for victims who may face retribution or hardship in their country of origin; ensure that municipal authorities, charged with implementing trafficking victim protection, are educated on anti-trafficking norms; consider a national anti-trafficking awareness campaign to address forced labor in addition to forced prostitution; continue to provide human trafficking

awareness training to all Swedish peacekeepers; vigorously prosecute Swedish child sex tourism offenders; continue regular, self-critical assessments of Sweden's anti-trafficking efforts.

Prosecution

The Government of Sweden improved its anti-trafficking law enforcement efforts during the reporting period, increasing sex trafficking investigations and expanding efforts to investigate labor trafficking. Sweden's 2002 anti-trafficking law prohibits trafficking for both sexual exploitation and forced labor and prescribes penalties of two to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2011, Swedish law enforcement investigated 35 sex trafficking cases, in contrast to 32 sex trafficking investigations in 2010. Law enforcement investigated 62 cases of labor trafficking and of forced begging or criminal behavior, an increase from 52 cases in 2010. Thirty percent of all trafficking cases involved the exploitation of children. Prosecutors initiated prosecutions of 43 suspected trafficking offenders under Sweden's trafficking statute and related laws, in contrast to 37 prosecutions initiated in 2010. The courts dismissed eight cases, down from 10 dismissals in 2010. The authorities convicted the remaining 27 offenders, delivering sentences up to four and 2 half years in prison. In 2010, the courts also convicted 27 offenders, with sentences of up to six years in prison. Many of these cases were reversed on appeal, or sentences were reduced. In 2010, the government revised its anti-trafficking law to clarify that evidence of a victim's initial consent does not override evidence of subsequent coercion in the context of trafficking prosecutions. Implementation of this amendment has been inconsistent. Prosecutors report that it can be difficult to obtain convictions in otherwise strong trafficking cases when there is insufficient proof of intent to force the victim into servitude at the outset of the case. Instead, they sometimes manage to obtain convictions on parallel charges, such as assault or fraud. For example, in a high profile case involving the alleged labor trafficking of a mentally disabled Bulgarian man, the defendants had forced the victim to return to a labor camp by tying a rope around his neck and forcing him to run behind their car. Despite these facts, the court acquitted the defendants of trafficking charges. Both the government and NGOs opined that judicial understanding of trafficking is often low. In 2011, the police and prosecution service convened a series of working meetings to increase effectiveness of trafficking investigations. At the meetings, the group disseminated trafficking indicator cards. The Swedish police, border officials, immigration authorities, and tax authorities all received specialized trafficking training. The tax authority has been an active partner in anti-trafficking investigations. Fifteen thousand individuals have received anti-trafficking training under the auspices of Sweden's anti-trafficking plan since 2008. Sweden collaborated with foreign governments, including the United Kingdom, Estonia, and Finland to investigate trafficking. The government did not report the investigation, prosecution, or conviction of any government officials complicit in trafficking.

Protection

The government improved its protection efforts during the reporting period, identifying more trafficking victims. The government identified approximately 141 victims of trafficking during the reporting period, an increase from 84 victims

identified in the previous reporting period. Approximately 66 victims were sex trafficking victims; 75 were victims of forced labor. The government funded the provision of victim services through municipal authorities, regional operative teams, and NGOs to provide female and male victims with shelter, psychological care, rehabilitation, health care, vocational training, and legal assistance. NGOs reported that municipal authorities had an uneven understanding of victim protection protocols, but that the authorities worked well with the Stockholm County Administration victim coordinator to ensure appropriate care. During the year, the government provided temporary residence permits to trafficking victims who cooperate in the criminal investigation of trafficking offenders; there were no reports of immigration relief given to victims who chose not to cooperate. The prosecutor also had the discretion to file for permanent residency after the conclusion of the criminal case. Furthermore, a provision of Aliens Act allowed a number of trafficking victims to apply for and receive permanent residency as a person in need of protection. The Swedish government issued 39 temporary residence permits this year to trafficking victims who assisted in the criminal investigation of the trafficking cases; it issued 40 residence permits in 2010. Victims also had the right to a reflection period of at least thirty days in which they could decide whether to participate in the criminal process. Police and NGOs both have noted that victims were rarely informed of their right to a reflection period. The reflection period was invoked in a few cases; two victims of trafficking declined to participate in the criminal proceedings at the conclusion of the reflection period. NGOs observed that the thirty-day period was too short. In at least one case, the prosecutor succeeded in obtaining a permanent residency permit in a case in which there was no conviction. The government offered incentives to trafficking victims to participate in prosecutions. It appointed legal counsel to victims of trafficking during the course of criminal proceedings and, although there was no formal victim restitution program, the government's Crime Victim Compensation and Support Authority sometimes awarded compensation to trafficking victims. There were no reports that the government penalized identified victims for unlawful acts committed as a direct result of being trafficked.

Prevention

The Swedish government improved its prevention efforts during the reporting period, appointing an anti-trafficking ambassador, continuing to strengthen efforts to prevent labor trafficking, and engaging in international outreach to prevent trafficking in persons. The Swedish government's anti-trafficking program was still formally guided and funded by an extension of its 2008-2010 Action Plan against Prostitution and Human Trafficking for Sexual Purposes. Under this plan, the Government of Sweden designated the Stockholm County Administration as the coordinating body of the government's anti-trafficking activities. Recognizing that forced labor has expanded in the country, Swedish authorities have voluntarily acted, in the absence of a formal mandate, to combat this additional form of trafficking in persons. Nevertheless, the government recognized that the lack of a formal mandate to address labor trafficking sometimes hindered its efforts to address the crime. The Swedish police National Rapporteur enhanced transparency by publishing reports describing trafficking in the country. The government convened an Interagency Working Group to ensure communication on trafficking issues across agencies. The Swedish Migration Board imposed stricter regulations and better background checks

on companies applying for foreign work permits, leading to a reduction in the exploitation of non-EU citizens in traditionally exploitative sectors. The Government of Sweden provided extensive foreign assistance to support anti-trafficking efforts abroad through its embassies and through foreign funding. Swedish authorities gave bilateral training to a variety of foreign government delegations on anti-trafficking.

The Government of Sweden continued to fund study visits on anti-trafficking activities to representatives of other European countries. The government continued to conduct robust activities to reduce the demand for commercial sex, including by establishing a social services group that addresses individuals arrested for purchasing commercial sex under the 1998 Act Prohibiting the Purchase of Sexual Services; some regions of the country have seen double the number of commercial sex purchasers voluntarily turn to the social services group for help. Sweden's law prohibiting child sexual offenses has extraterritorial effect, allowing the prosecution of suspected child sex tourists for offenses committed abroad. Swedish police identified 50 Swedish citizens suspected to be involved in child sex tourism. The National Criminal Police staffed a unit focused on combating child sex tourism with two intelligence officers and two full-time investigators, who assisted foreign and Swedish authorities with criminal cases of child sex tourism. In December 2011, a Swedish court convicted a 45-year-old Swedish citizen for sexually abusing four children in the Philippines in 2010, sentencing the offender to five years in prison. The government provided anti-trafficking training to Swedish troops prior to their deployment abroad on international peacekeeping missions.

SWITZERLAND (Tier 2)

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children subjected to sex trafficking and children forced into begging and theft. Sex trafficking victims originate primarily from Central and Eastern Europe (Hungary, Romania, Bulgaria and Ukraine), though victims also come from Latin America (Brazil and the Dominican Republic), Asia (Thailand), and Africa (Nigeria, Guinea, and Cameroon). During the last year, Swiss government officials and NGOs reported an increase in the number of women in prostitution and children forced into begging and shoplifting from other parts of Europe, especially Hungary, Romania, and Bulgaria, many of whom were ethnic Roma. The majority of identified victims in sex trafficking were women between the ages of 17 and 25, although some victims were as young as 14-years-old. Most victims reported a significant history of exposure to violence and exploitation prior to their arrival in Switzerland. While the majority of trafficking victims were found in urban areas, police and NGOs have encountered victims in bars in rural areas in recent years. Swiss police encountered an increasing number of sex trafficking victims forced into prostitution in private apartments. There reportedly was forced labor in the domestic service sector, particularly in foreign diplomatic households in Geneva, and increasingly in agriculture, construction, hotels, and restaurants. Federal police assessed that the total number of potential trafficking victims residing in Switzerland was between 2,000 and 3,000. Most of the victims who were trafficked to Switzerland were recruited through family members or friends.

The Government of Switzerland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Swiss government took strong and diverse efforts to prevent trafficking during the reporting period, including funding a campaign against child sex tourism, conducting a study on child begging, and forming bilateral working groups on trafficking with key source countries. Nevertheless, many Swiss cantons identified few children in begging as trafficking victims. Swiss efforts to protect trafficking victims improved with the introduction of measures to better protect witnesses; these measures were taken, in part, to lay the groundwork for Switzerland to ratify the Council of Europe Convention on Action against Trafficking in Human Beings. Switzerland also took critical federal-level actions to enable the legislature eventually to pass a law prohibiting prostitution of all persons under 18. Nevertheless, until the third-party harboring, transport, or recruitment of a teenager in prostitution is illegal, Switzerland does not prohibit all forms of trafficking. In addition, improvements are needed in accountability for convicted traffickers; suspended sentences continue to be the norm.



Recommendations for Switzerland: Ensure the prohibition of the prostitution of all persons under 18-years-old nationwide; explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of this serious crime; increase the number of convicted traffickers serving time in prison; provide adequate funding for trafficking victim service providers and ensure there are trafficking-specific services for children and male victims; drawing from recommendations in the Union of Swiss Cities and City of Bern report on begging, strengthen trafficking victim services to children in begging in all cantons; identify more children in begging as trafficking victims; conduct a nationwide awareness campaign that addresses labor and sex trafficking and targets potential victims, the general public, as well as potential clients of the sex trade and consumers of products made and services provided through forced labor.

Prosecution

The Government of Switzerland continued to improve its anti-trafficking law enforcement efforts this reporting period, largely by moving forward toward the prohibition of child prostitution. Switzerland prohibits trafficking for most forms of sexual and labor exploitation through articles 182 and 195 of the Swiss penal code, which prescribe penalties of up to 20 years' imprisonment; these penalties are commensurate with penalties prescribed for other serious crimes, such as rape. Swiss law does not, however, expressly prohibit the prostitution of children aged 16 and 17 under all circumstances throughout the country, leaving these children vulnerable to sex trafficking when a third party profits from a child in prostitution. In December 2011, the Federal Council approved an amendment to the Swiss penal code that would prohibit the prostitution of children aged 16 and 17, including the transportation or harboring of children in prostitution. This

modification of the penal code is ongoing and is expected to be completed by late 2012 or early 2013. In the reporting period, several cantons also prohibited child prostitution.

The Swiss government continued to operate specialized anti-trafficking law enforcement units at the federal level. The Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM) is the specialized unit of the federal office of police tasked with anti-trafficking policy, information exchange, cooperation, and training; it is not directly involved in criminal proceedings or investigations. Swiss authorities conducted 233 investigations into human trafficking and forced prostitution in 2011, in contrast to 159 investigations in 2010. At least 11 of those cases involved labor trafficking. During 2011, the government prosecuted approximately 50 suspected offenders for sex and labor trafficking offenses, and 69 for forced prostitution, compared to 62 prosecutions for sex and labor trafficking and 99 for forced prostitution in 2010. Swiss authorities convicted 14 sex trafficking offenders in 2011, compared with the 31 offenders convicted in 2009. Swiss courts continued to award suspended sentences to many convicted trafficking offenders; although some offenders received up to 4.5 years' imprisonment, at least three other convicted offenders received suspended sentences.

On April 1, the KSMM and the Swiss police institute held an advanced course for police and security forces on combating human trafficking. On October 27, the KSMM collaborated with a cantonal entity to organize an interdisciplinary seminar for judicial authorities in the French-speaking part of Switzerland. In June, Swiss authorities incorporated many of the principles of an anti-trafficking guide produced by the Organization for Security and Cooperation in Europe (OSCE) into Swiss anti-trafficking training manuals. The guide included instruction on how to identify potential and presumed trafficking victims. During the reporting period, Swiss authorities cooperated with several countries and with Europol to investigate trafficking crimes. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials for human trafficking complicity.

The Swiss federal government improved efforts to bring foreign diplomats who had committed domestic servitude in Switzerland to accountability. In September 2011, the federal court of the Canton of Geneva ruled that the consul general of Saudi Arabia resident in Geneva had violated the rights of two Indonesian domestic workers the consul general had employed for domestic work and childcare in 2005 and 2006. The consul general had forced the two women to work 14-hour days, paying them as little as \$300 per month. The court ordered the Saudi diplomat and the government of the Kingdom of Saudi Arabia to reimburse the two domestic workers for unpaid wages totaling \$82,000.

Protection

The Government of Switzerland improved its victim protection efforts during the reporting period, significantly enhancing protections for victims who chose to be witnesses in court proceedings. Under the Swiss Victims Assistance Law, all trafficking victims were entitled to shelter, free medical aid, living stipends, and psychological, social, and legal assistance from government-funded victim assistance centers. Although some facilities specialized in assistance to trafficking victims, most were shelters for victims of domestic violence. Trafficking

victims were allowed to leave the shelters at will and without chaperones. In 2011, the leading anti-trafficking NGO offered specialized shelter in apartments exclusively for female trafficking victims. Availability of services to men was often limited in rural areas, but in urban areas, there were assistance centers with more specialized expertise available for trafficked men and boys. Male victims were occasionally accommodated at hotels or NGO-run shelters. The Swiss government also provided financial support to NGOs active in supporting trafficking victims.

Several of Switzerland's cantons have formal procedures for the identification of victims and their referral to protective services. Swiss government authorities referred approximately 53 percent of the trafficking victims to NGO assistance centers. Cantonal assistance centers identified at least 61 victims in 2011, compared with 90 victims in 2010. The country's principal anti-trafficking NGO received approximately half of its operational funding from the government. The lead NGO reported assisting 164 trafficking victims, 61 of whom were newly identified victims, compared with 179 sex trafficking victims and seven labor trafficking victims in 2010. Over 80 percent of these victims were sex trafficking victims. Federal and cantonal authorities compensated NGOs on a per capita basis for services provided to trafficking victims. Although the majority of victims served were women, one major anti-trafficking NGO offered assistance to a male sex trafficking victim.

The government encouraged victims of trafficking to participate in prosecutions; at least 100 victims of trafficking cooperated in the investigation or prosecution of trafficking offenders in 2011. The government implemented new witness protection measures for high-risk trials, including trafficking trials; the new measures provide the opportunity to obscure trafficking victims' physical appearances and relocate witnesses. The Swiss Federal Council also allocated over \$2 million for witness protection facilities in 2012. Cantonal immigration offices granted 30-day stays of deportation to more than 19 trafficking victims in 2011 and issued 66 short-term residency permits to victims for the duration of legal proceedings against their traffickers, compared with 34 stays of deportation and 51 short-term residency permits in 2010. The government also granted thirteen trafficking victims long-term residency permits on personal hardship grounds, an increase from 10 victims in 2010. Although there were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked, some victims not identified may have been treated as immigration violators. Swiss law enforcement took efforts to ensure that children in begging were treated as trafficking victims rather than criminals by making a strong policy statement on the proper treatment of children in forced begging.

Prevention

The government significantly improved its trafficking prevention activities during the reporting period, adopting new regulations on the working conditions for domestic staff in diplomatic households and entering into bilateral anti-trafficking partnerships with governments of key source countries. The Swiss Federal Council adopted the Private Household Employees Ordinance, which provided new guidelines for the working conditions for domestic staff employed by members of the diplomatic and international organization communities. The Swiss government strengthened

relationships with source countries to address trafficking in persons, including establishing a bilateral working group with Romania on trafficking in persons. During the past two years, Switzerland has allocated the equivalent of \$1.5 million to support the code of conduct for the tourism industry aimed at reducing child sex tourism. In May and November 2011, Swiss authorities also conducted workshops on combating child sex tourism. Nevertheless, the Swiss did not prosecute any child sex tourism cases in 2011. The Swiss government gave significant funds to anti-trafficking programs internationally, including in Africa, Nepal, and Sri Lanka. In order to raise public awareness, the Swiss government co-funded the production of a movie about trafficking in Switzerland. The police coordinating unit collaborated with the union of Swiss cities and the Bern police to conduct a study and report on organized child begging, which concluded that children begging and stealing should be considered victims of trafficking rather than criminals and afforded protection. The government provided specific anti-trafficking training for all Swiss military personnel prior to their deployment abroad on international peacekeeping missions.

SYRIA (Tier 3)

Since March 2011, the Syrian government has deployed its security forces to violently repress anti-government demonstrators; at the end of this reporting period, an estimated 9,000 people have died since the protests began. Due to the increasing lack of security and continued inaccessibility of many parts of the country, it is not possible to conduct a thorough analysis of the impact of the ongoing conflict on the scope and magnitude of Syria's human trafficking situation. Reports indicate that an unknown number of trafficking victims have fled the country as a result of widespread violence that has plagued many cities, including the capital Damascus, as well as a devastated economy; however, according to international organizations, some trafficking victims remain trapped in Syria.

Prior to the political uprising and violent unrest, Syria was principally a destination country for women and children subjected to forced labor or sex trafficking. Thousands of women – the majority from Indonesia, the Philippines, Somalia, and Ethiopia – were recruited by employment agencies to work in Syria as domestic servants, but were subsequently subjected to conditions of forced labor by their employers. Some of these women were confined to the private residences in which they worked, and contrary to Syrian law, most had their passports confiscated by their employer or the labor recruitment agency. Contracts signed in the worker's country of origin were often changed upon arrival in Syria, contributing to the worker's vulnerability to forced labor. At the end of the reporting period, media reports suggested that undocumented Filipina domestic workers continue to be sent to Syria after transiting Dubai; these workers continue to be particularly susceptible to conditions of forced labor. The Government of Ethiopia's ban on its citizens accepting employment in Syria did not stop the flow of workers into the country. Some Iraqi refugees reportedly contract their daughters to work as maids in Syrian households, where they may be raped, forced into prostitution, or subjected to forced labor. At the end of the reporting period, the UN reported uncorroborated allegations that the Syrian opposition was using Syrian children as soldiers.

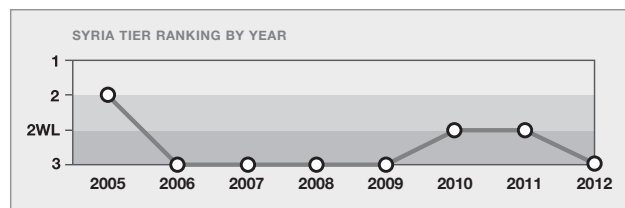
Traffickers prey on Syria's large Iraqi refugee population, with some Iraqi women and girls exploited by their families or by criminal gangs; victims were sent to work in nightclubs, placed into temporary "marriages" to men for the sole purpose of prostitution, or sold to pimps who rent them out for longer periods of time. Some Iraqi parents reportedly abandoned their daughters at the Iraqi side of the border with Syria with the expectation that traffickers would provide forged documents for them to enter Syria and work in a nightclub. In other instances, refugees' children remained in Syria while their parents left the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Iraqi women deported from Syria on prostitution charges are vulnerable to being trafficked or re-trafficked by criminal gangs operating along the border. After political unrest escalated, the Iraqi refugees that remained in Syria reported being unable to find work in the informal sector, coerced into taking part in anti-government protests, and harassed by Syrian authorities, all of which increase this vulnerable population's susceptibility to trafficking.

Syria has been a transit country for Iraqi women and girls, as well as Southeast Asians and East Africans who have been subjected to conditions of forced prostitution in Europe, Saudi Arabia, Kuwait, United Arab Emirates, and Lebanon. Prior to recent unrest, women from Eastern Europe – particularly Ukraine – Somalia, and Morocco were recruited legally as cabaret dancers in Syria; some "entertainers" were subsequently forced into prostitution after their employers confiscated their passports and confined them to their hotels.

Anecdotal evidence suggests that some economically desperate Syrian children are subjected to conditions of forced labor within the country, particularly by organized street begging rings. Some Syrian women in Lebanon may be forced to engage in street prostitution and small numbers of Syrian girls are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. Small numbers of Syrian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait. Syrians, as well as foreign migrant workers in Syria, that fled the country during the widespread violence may be further vulnerable to conditions of forced labor or forced prostitution in countries to which they have fled.

The Government of Syria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. On June 1, 2011, the Syrian government issued an executive order requiring the implementation of Decree No. 3, which prohibits human trafficking. In conjunction with IOM, it also initiated a short-term public awareness campaign and distributed an anti-trafficking memorandum to all police units. Despite these efforts, the government did not demonstrate evidence of increasing efforts to investigate and punish trafficking offenses, provide protective services to victims, widely inform the public about human trafficking, or provide much needed anti-trafficking training to law enforcement and social welfare officials; it was unclear whether the anti-trafficking directorate was fully operational during this reporting period. The government also did not respond to requests to provide information on its anti-trafficking efforts for inclusion in this report. Furthermore, as civil unrest and violence intensified, the government allocated the majority of its time and resources towards violently suppressing popular protest,

further endangering trafficking victims and other vulnerable populations that remained in the country.



Recommendations for Syria: Implement the comprehensive anti-trafficking law through increased investigations and prosecutions of trafficking offenders; provide training on human trafficking to police, immigration officials, labor, and social welfare officials, including those assigned to the anti-trafficking directorate; ensure that the anti-trafficking directorate is fully operational, continue to assign a significant number of female police officers to the directorate, and provide specific training on how to receive cases and interview potential trafficking victims with appropriate sensitivity; launch a nationwide anti-trafficking public awareness campaign, particularly highlighting the appropriate treatment of domestic workers under Syrian law; establish policies and procedures for law enforcement officials to proactively identify and interview potential trafficking victims, and transfer them to the care of relevant organizations; and designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, international organizations, and NGOs.

Prosecution

The government made limited progress in addressing human trafficking through law enforcement measures during the reporting period. Inadequate law enforcement training remained a significant impediment to identifying and prosecuting trafficking crimes in Syria. Moreover, the significant unrest during the reporting period substantially hindered any anti-trafficking law enforcement efforts. In June 2011, the Syrian government issued an executive order outlining the implementation of its comprehensive anti-trafficking law, Decree No. 3, which provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not provide a clear definition of human trafficking. This law prescribes a minimum punishment of seven years' imprisonment, a penalty that is sufficiently stringent though not commensurate with those prescribed for other serious crimes, such as rape. Some activities continued as part of the Ministry of Interior's 200-person specialized anti-trafficking directorate, which was tasked in 2010 with investigating cases, raising public awareness, cooperating with foreign entities, training law enforcement, and tracking and annually reporting on the government's anti-trafficking efforts. While this anti-trafficking directorate carried out some of these tasks and reportedly hired some female officers during the reporting period, the directorate did not have a coordination role and it is unknown whether it was fully operational in 2011. Moreover, the directorate provided no information on its investigations or prosecutions of suspected trafficking offenses. In June 2011, the Ministry of the Interior issued a memorandum that was disseminated to all police stations, which mandated the referral of potential cases to the government's anti-trafficking directorate. In the previous reporting period, there were reports of collusion

between low-level police officers and traffickers, particularly regarding the trafficking of women in prostitution; during the last year, there was no evidence that the government addressed complicity through investigations.

Protection

The government made no discernible efforts to identify and protect victims of trafficking during the reporting period. By the end of the reporting period, IOM had identified at least 95 Filipina domestic workers believed to be trafficking victims trapped in Hama and Homs, cities experiencing extreme violence at the hands of the government. While the Philippine embassy attempted to negotiate with the employers of the domestic workers for their release, there were no reports that the Government of Syria assisted the embassy in these efforts to identify and protect the workers, including possible victims of domestic servitude. In contrast with the previous reporting period, the government did not refer any trafficking victims to NGO-operated shelters. The government also failed to institute any systematic procedures for the identification, interview, and referral of trafficking victims. As a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being deported or punished. The government neither encouraged victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

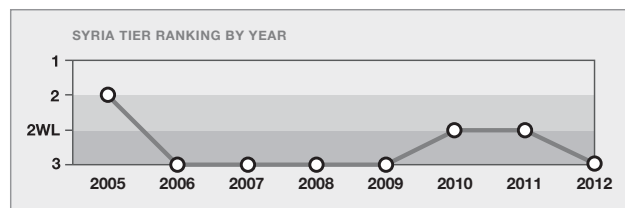
Prevention

During the past year, the government made minimal efforts to prevent trafficking or to substantially raise awareness among the general public or government officials. In collaboration with IOM, the government launched a one-week media campaign in mid-2011 that included posters, radio spots, and television public service announcements on trafficking issues; however, most of the population continues to have little or no awareness of human trafficking, and the issue remained a taboo topic. In mid-2011, the anti-trafficking unit established and operated a hotline for reporting suspected cases of human trafficking and attempted to circulate it through brochures and posters throughout major cities. The government provided no information on the number of calls the hotline received or investigations that may have resulted from hotline assistance. The status of the government's national plan of action against trafficking, which was drafted in early 2010, is unknown. The government did not make efforts to reduce the demand for commercial sex acts. Syria is not a party to the 2000 UN TIP Protocol.

TAIWAN (Tier 1)

Taiwan is a destination, and to a much lesser extent, source and transit territory for men, women, and children subjected to sex trafficking and forced labor. Most trafficking victims in Taiwan are migrant workers from Vietnam, Thailand, Indonesia, mainland China, Cambodia, the Philippines, Bangladesh, and India, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's manufacturing and fishing industries, and as home caregivers and domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often

further endangering trafficking victims and other vulnerable populations that remained in the country.



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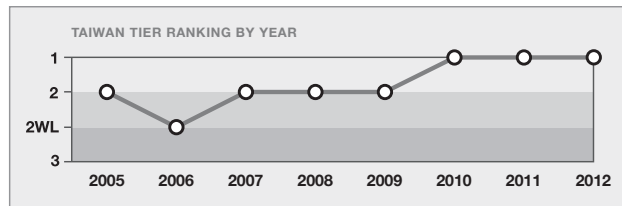
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under exploitative conditions. Some employers of the estimated 200,000 foreign domestic workers and home caregivers forbid their employees from leaving their residences, except on days off, making them extremely vulnerable to labor trafficking and other abuses and unable to seek help. Some women and girls from China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking and forced labor. Migrant workers are reportedly charged up to the equivalent of \$7,700 in recruitment fees, typically in their home countries, resulting in substantial debts that may be used by brokers or employers as tools of coercion to obtain or maintain a migrant's labor. Labor brokers often assist employers in forcibly deporting "problematic" employees, thus allowing the broker to fill the empty quota with new foreign workers who must pay brokerage fees, which may be used to maintain them in a situation of forced labor. Brokers used threats, confinement, and the confiscation of travel documents as a means to control workers. Some women from Taiwan are recruited through classified ads for employment in Japan, Australia, the UK, and the United States; after their arrival in these countries, they are forced into prostitution. Taiwan is a transit territory for Chinese citizens who enter the United States illegally and may become victims of debt bondage and forced prostitution in the United States. Taiwan authorities fully comply with the minimum standards for the elimination of trafficking. During the reporting period, Taiwan authorities continued to prosecute and punish trafficking offenses, including both forced labor and forced prostitution. In addition, the authorities continued improving victim protection efforts, trained law enforcement and other government officials, and raised public awareness on trafficking offenses.



Recommendations for Taiwan: Sustain and improve efforts to investigate, prosecute, and convict trafficking offenders using the anti-trafficking law enacted in June 2009; ensure that convicted trafficking offenders receive sufficiently stringent sentences; adopt, implement, and socialize changes to the new, inclusive labor law; continue to train law enforcement personnel, officials in the Council of Labor Affairs (CLA), labor inspectors, prosecutors, and judges on victim identification measures and the anti-trafficking law; continue to raise awareness among victims of the option to assist in prosecutions and ensure that they understand the implications of their participation; continue funding foreign language translators for shelters and hotline staff; make greater efforts to investigate and prosecute child sex tourism offenses committed by Taiwan nationals; and continue efforts to increase public awareness about all forms of trafficking.

Prosecution

Taiwan authorities sustained significant progress in their anti-trafficking law enforcement measures during the reporting period. Taiwan's Human Trafficking Prevention and Control Act (HTPCA) of 2009, combined with portions of the criminal code, prohibits both forced prostitution and

forced labor, and prescribes penalties of up to seven years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Labor Standards Law, which also prohibits forced labor, does not apply to workers employed as private nursing caregivers and domestic workers – which include an unknown number of Taiwan nationals and the nearly 200,000 foreign nationals – comprising approximately half of Taiwan's migrant workforce. During the reporting period, however, the authorities drafted new legislation that would extend legal protections to all categories of workers, including domestic workers and caregivers. In 2011, Taiwan authorities convicted 113 people for sex trafficking and 51 people for forced labor under the HTPCA, an increase from 44 sex trafficking convictions and 43 labor trafficking convictions achieved under the HTPCA in 2010. Sentences imposed on trafficking offenders are generally sufficiently stringent. In November 2011, the former director of the Taipei Economic and Cultural Office in Kansas City, Missouri pled guilty to labor fraud in the United States for subjecting her two domestic workers to conditions of forced labor, including withholding their passports and paying inadequate wages. She spent approximately four months in jail in the United States before being deported to Taiwan in February 2012, where she was impeached by Taiwan authorities in April 2012; however, a final decision regarding her punishment was pending at the close of the reporting period. She has not yet been sentenced as the investigation against her in Taiwan remained ongoing as of April 2012. With that exception, Taiwan authorities did not report any other investigations, prosecutions, convictions, or sentences of officials of the Taiwan authorities for complicity in trafficking offenses during the reporting period.

Protection

During the reporting period, authorities continued to make significant efforts to protect victims of trafficking. Taiwan authorities identified and assisted 319 trafficking victims in 2011, including 56 victims of sex trafficking and 263 victims of labor trafficking. In 2010, Taiwan authorities identified and assisted 324 trafficking victims, which included 45 victims of sex trafficking and 279 victims of labor trafficking. Authorities continued employing systematic procedures to proactively identify and assist victims of trafficking. The authorities distributed reference indicators with specific questions and a standardized evaluation form to law enforcement officials for use in interviewing potential victims of trafficking. The authorities maintained four shelters dedicated to victims of trafficking in Taiwan under the administration of various government agencies, some of which were run by NGOs with government funds. These shelters provided victims of trafficking – both men and women – with medical and psychological services, legal counseling, vocational training, small stipends, and repatriation assistance. Taiwan authorities also reported providing social workers and interpreters to accompany victims during court proceedings. Government and NGO legal counselors assisted foreign victims of trafficking in filing 229 civil cases for compensation during the reporting period. Taiwan authorities encouraged victims to participate in investigations against their traffickers by offering residency and temporary work permits; in 2011, authorities issued 175 new work permits and renewed existing work permits for victims of trafficking. Foreign trafficking victims facing retribution or hardship if they were returned to their country of origin were entitled to permanent residency in Taiwan, though to date Taiwan authorities have not granted such residency to

any foreign victims. During the reporting period, Taiwan instituted communication processes between the judiciary and protective services to expedite trafficking cases that are taking longer than three months in the court system so that victims need not stay in Taiwan for an extended period of time to participate in prosecutions against their traffickers. While the HTPCA states that human trafficking victims can receive immunity for crimes committed as a result of being trafficked, NGO sources stated that there were instances when trafficking victims were detained or fined in 2011.

Prevention

Taiwan authorities made progress in their efforts to prevent trafficking in persons during the reporting period. The National Immigration Agency (NIA) distributed anti-trafficking posters and pocket cards, the latter of which featured information in seven different languages. The CLA continued to operate 25 foreign worker service stations and international airport service counters around Taiwan to assist migrant workers and educate them about their rights. Authorities continued to distribute handbooks detailing relevant laws and regulations pertaining to foreign workers to more than 210,000 employers and aired television commercials highlighting the rights of migrant workers. In October 2011, the NIA held an international trafficking seminar, attended by 18 foreign government officials and 31 foreign representatives in Taiwan that focused on best practices in combating trafficking and featured speakers from other governments. Taiwan authorities continued to fund advertisements and public service announcements raising general awareness of human trafficking. Throughout the year, the Trafficking in Persons Interagency Task Force, a multi-agency initiative that researches human trafficking in Taiwan, published reports on the protection of foreign domestic workers and the prevention of child sex tourism. While Taiwan has a law with extraterritorial application criminalizing the sexual exploitation of children by Taiwan passport holders traveling abroad, authorities have not prosecuted any Taiwan resident for child sex tourism offenses committed abroad since 2006. Authorities did not take steps to reduce the demand for commercial sex acts within Taiwan; however, they did widely broadcast a television commercial aimed at increasing awareness on reducing participation in child sex tourism.

TAJIKISTAN (Tier 2)

Tajikistan is a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor. Women from Tajikistan are subjected to forced prostitution in the United Arab Emirates and Russia, and to a lesser extent, in Saudi Arabia, Kazakhstan, and within Tajikistan. These women often transit through Russia and Kyrgyzstan *en route* to their destination country. Increasingly, Tajik women and girls are forced into prostitution in Afghanistan, sometimes through forced marriages to Afghan men. IOM estimates that a significant percentage of Tajikistan's approximately one million voluntary labor migrants become victims of forced labor. Men from Tajikistan are subjected to forced labor in agriculture and construction in Russia and, to a lesser extent, in Kazakhstan and Afghanistan. In the reporting period, one Tajik victim was identified in Uzbekistan and another in the United States. There are reports of Tajik children subjected to sex trafficking and forced labor, including forced begging, within Tajikistan and in Afghanistan. NGOs that

monitored the 2011 cotton harvest reported that the overall use of forced labor was reduced compared to previous years. There were isolated reports, however, that some Tajik children and possibly some adults were exploited in agriculture – mainly during the annual cotton harvest. Traffickers have increasingly attempted to evade detection and prosecution in Tajikistan by basing their operations in other countries.

The Government of Tajikistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to make progress in reducing the use of forced labor in the annual cotton harvest, and convicted more traffickers under its trafficking statute than the year before. The government did not, however, fund or operate shelters for trafficking victims, and identification of victims in Tajikistan and in foreign countries by Tajik embassies was lacking.



Recommendations for Tajikistan: Continue to enforce the prohibition against forced labor of children and adults in the annual cotton harvest by inspecting cotton fields during the harvest, in collaboration with local government officials and civil society organizations; continue to advertise Tajik laws against forced labor, and target this message to teachers and parents; vigorously investigate and prosecute suspected trafficking offenses, especially those involving forced labor, and convict and punish trafficking offenders; impose stricter, appropriate penalties on local officials who force individuals to participate in the cotton harvest; amend the existing counter-trafficking law to improve victim protection measures; develop a formal victim identification and referral mechanism; strengthen the capacity and awareness of Tajik embassies and consulates to proactively identify victims and refer them to protective services, including via repatriation; ensure that sex trafficking victims are not penalized for prostitution offenses; continue to build partnerships with foreign counterparts in order to conduct joint law enforcement investigations and repatriate Tajik victims from abroad; provide victim identification and victim sensitivity training to border guard and law enforcement authorities; provide financial or increased in-kind assistance to existing protection services for trafficking victims, including shelters; and work to guarantee the safety of witnesses and victims during the investigation and prosecution of trafficking cases.

Prosecution

The Government of Tajikistan increased anti-trafficking law enforcement efforts during the reporting period. Article 130.1 of the criminal code prohibits both forced sexual exploitation and forced labor, and prescribes penalties of five to 15 years' imprisonment, which are sufficiently stringent and commensurate with other serious crimes, such as rape. The government reported six convictions of traffickers under Article 130.1 in 2011, compared with two convictions under the same law in 2010. Two traffickers received sentences of 8.5 years' imprisonment, two received eight-year sentences, and

the remaining two have yet to be sentenced. The government may have investigated and prosecuted trafficking crimes under other articles in the criminal code but did not provide information on such cases. The Government of Tajikistan cooperated with Russian and Moldovan law enforcement to investigate a suspected trafficking crime in one case and repatriate a Tajik victim in another case. In partnership with international organizations, it continued to conduct a 26-hour anti-trafficking course as part of the Ministry of Interior Academy's training curriculum for police officials. In 2011, 216 police academy students completed the training.

In 2011, the government certified NGO representatives to monitor the cotton harvest for a second year in a row. It appointed a Ministry of Labor official to accompany IOM representatives during the fall cotton harvest to meet local officials in cotton-growing districts to reinforce the prohibition on forced child labor. The government promptly investigated isolated cases of school administrators forcing children into labor when presented with complaints. While there were no criminal convictions, authorities reprimanded or fined local officials. In 2011, a border guard took a bribe from a trafficker in an airport, where the trafficker was accompanying a potential victim of trafficking to Dubai. The border guard was given an administrative penalty, but not a criminal sentence.

Protection

The government continued limited efforts to identify and assist trafficking victims during the reporting period. The government does not have a systematic procedure for identifying and referring victims for assistance. The government has not yet formalized victim referral procedures through a working group established in 2010. Because Tajik law enforcement officials do not differentiate between women in prostitution and sex trafficking victims and did not attempt to identify trafficking victims among women found in prostitution, sex trafficking victims were likely penalized for prostitution crimes. During the reporting period, the government identified and referred six victims to IOM in 2011, compared with 32 victims identified and eight victims referred in 2010. NGOs and IOM provided protective services to a total of 85 trafficking victims in 2011 – including 57 men who were labor trafficking victims – compared with 104 victims in 2010. Although the national government did not provide financial assistance to any NGOs or other organizations that afforded specialized assistance to trafficking victims in 2011, the Khujand city government continued to provide in-kind assistance – including food, clothing, and reintegration assistance – to a shelter, and the national government continued to provide free utilities for two adjacent shelters in Dushanbe. Victims in the shelters were not detained involuntarily. There was no information whether the government encouraged victims to participate in trafficking investigations and prosecutions.

Prevention

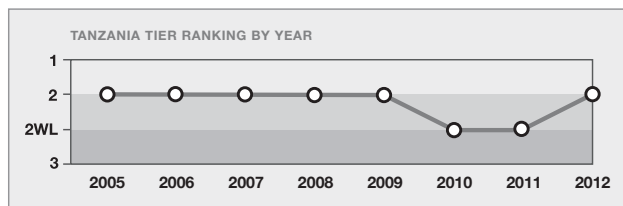
Tajikistan continued efforts to raise awareness of trafficking during the reporting period. The Inter-Ministerial Commission to Combat Trafficking in Persons (IMCCTP) again disseminated a directive to local officials for the effective implementation of laws prohibiting the use of forced child labor. The IMCCTP continued its quarterly anti-trafficking dialogue meetings attended by representatives of government ministries, international organizations, and local NGOs, and expanded its membership to include representatives

from three more government agencies. Local governments continued to provide meeting space, transportation, and local publicity for awareness-raising events conducted by NGOs and international organizations. With international organizations and a foreign government, the government co-funded a nationwide 15-day anti-trafficking event in May 2011 that included trafficking awareness events for hundreds of school children. The government has an action plan to combat human trafficking for 2011-2013. Efforts by the government to reduce the demand for commercial sex acts – seen through the prosecution of clients of prostitution – were mitigated by the governments' punishment of women in prostitution without ensuring that they were not victims of trafficking. The government continued to issue birth certificates routinely to Tajik citizens in 2011, but many citizens in rural areas did not request or know how to obtain those documents.

TANZANIA (Tier 2)

Tanzania is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The incidence of internal trafficking is higher than that of transnational trafficking, and is usually facilitated by family members', friends', or intermediaries' offers of assistance with education or finding lucrative employment in urban areas. The exploitation of young girls in domestic servitude continues to be Tanzania's largest human trafficking problem. Cases of child trafficking for commercial sexual exploitation are increasing along the Kenya-Tanzania border. Boys are subjected to forced labor, primarily on farms, but also in mines, in the informal sector, and possibly on small fishing boats. Smaller numbers of Tanzanian children and adults are trafficked – often by other Tanzanians – into conditions of domestic servitude and sex trafficking in other countries, including South Africa, Oman, the UAE, Saudi Arabia, the United Kingdom, the United States, and France. Trafficking victims – typically children from Burundi and Kenya, as well as adults from Bangladesh, Nepal, Yemen, and India – are forced to work in Tanzania's agricultural, mining, and domestic service sectors; some are also forced into prostitution. Citizens of neighboring countries may voluntarily migrate through Tanzania before being forced into domestic service and prostitution in South Africa, Europe, and the Middle East.

The Government of Tanzania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Reversing several years of virtual inaction and a demonstrated laxness in implementing existing victim protection and prevention provisions of its anti-trafficking law, the government launched both an anti-trafficking committee and anti-trafficking secretariat to coordinate its national activities in late 2011. Within three months, the committee enacted a detailed national action plan to guide its anti-trafficking interventions over the next three years. It also initiated prosecutions of four cases involving five suspects under its anti-trafficking act and referred an increased number of victims for protective services in partnership with NGOs. Despite these significant efforts, the judicial system continued to lack understanding of what constitutes human trafficking, no trafficking offenders were convicted, and most government officials remained unfamiliar with the 2008 Anti-Trafficking in Persons Act's provisions or their responsibilities thereunder, perhaps due to the lack of counter-trafficking budget allocations.



Recommendations for Tanzania: Enforce the 2008 Anti-Trafficking in Persons Act by prosecuting and punishing trafficking offenders; implement the act's victim protection and prevention provisions; establish policies and procedures for government officials to identify and interview potential trafficking victims proactively – including adult victims – and transfer them, as appropriate, to local organizations providing care; begin compiling trafficking-specific law enforcement and victim protection data at the national level; provide training to judges, prosecutors, and police to clarify the difference between human trafficking and alien smuggling; provide additional training to law enforcement authorities on the detection and methods of investigating human trafficking crimes; and institute standard operating procedures for trafficking victim identification and victim care provision for labor officials and diplomatic personnel at Tanzanian missions overseas.

Prosecution

The Tanzanian government made modest anti-trafficking law enforcement efforts during the reporting period. The 2008 Anti-Trafficking in Persons Act outlaws all forms of trafficking and prescribes punishments of one to 10 years' imprisonment, which are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Authorities investigated six cases under the 2008 act. As of March 2012, one case had been closed, one remained under investigation, and four involving five suspects were under prosecution. The courts achieved no convictions in 2011, compared to its unprecedented three convictions in 2010. In August 2011, the government began prosecuting a Tanzanian man and woman (a school teacher) apprehended while allegedly subjecting two 16-year-old girls to forced labor as barmaids in Mozambique. The suspected male trafficker disappeared after being released on bail, while the female suspect remains in pretrial detention. In January 2012, police arrested a Nepali man for allegedly subjecting three Nepali men to forced labor in Tanzania and a Bangladeshi man for subjecting eight Bangladeshi men in Tanzania to forced labor; both suspects remain in detention awaiting trial. Despite these efforts, most police and immigration officials continued to fail to distinguish human trafficking from smuggling. The two-person police trafficking desk, established to work with counterparts in other law enforcement agencies to respond to trafficking crimes, received two complaints of trafficking during the reporting period. The government made no progress in compiling trafficking-specific law enforcement and victim protection data at the national level, instead relying upon IOM for data compilation related to victims. Newly-hired law enforcement and immigration officials received anti-trafficking training.

Protection

Although the Tanzanian government's efforts to protect victims of trafficking remained modest during the reporting period and suffered from a lack of resources, officials identified and referred an increased number of victims to NGO service providers. Key victim protection provisions of the 2008 anti-trafficking act, such as the establishment of a fund to support trafficking victims, have yet to be implemented. The government continued to rely on NGOs to provide care for victims and NGO-run facilities were limited to urban areas. Government officials occasionally provided food, counseling, and medical supplies – which NGOs estimated to be valued at \$50,000 – as well as assistance with family reunification to victims being sheltered at NGO-operated facilities. The government lacked systematic victim referral procedures; however, NGOs noted an increased responsiveness by the police when reporting a suspected trafficking case. Tanzanian police referred 22 trafficking victims to NGOs for protective services in an *ad hoc* fashion, an increase of 16 over the previous year. Social welfare or community development officers referred 12 victims in 2011 in comparison to zero victims referred in 2010. IOM provided services to 47 Tanzanian trafficking victims, 40 of whom were younger than 18. Trafficking victims identified during official investigations were reunited with their families and some received counseling from the Department of Social Welfare's social workers. The government operated a 24-hour crime hotline, staffed by police officers, which was available for citizens to report suspected trafficking cases; however, the hotline received no trafficking tips in 2011. The lack of national procedures for victim identification, as well as the lack of a shelter for male adult victims, resulted in the 11 Nepali and Bangladeshi trafficking victims identified during the reporting period being held in prison for a month until the police anti-trafficking desk arranged for their return home. In December 2011, the Tanzanian embassy in Nairobi arranged for the repatriation of a female trafficking victim identified by IOM in Kenya. Other Tanzanian diplomatic missions, however, failed to expeditiously process travel documents and, reportedly, verbally mistreated Tanzanian trafficking victims seeking assistance. The government encouraged victims to participate in the investigation and prosecution of their traffickers; during the reporting period three victims agreed to testify in the cases against their alleged traffickers. The Anti-Trafficking in Persons Act provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered; however, no victims requested this immigration relief during the reporting period.

Prevention

The government made increased efforts to prevent human trafficking during the year. After three years of inaction, in December 2011, the Ministry of Foreign Affairs formally established an anti-trafficking committee (ATC) and anti-trafficking secretariat (ATS), whose existence and functioning is mandated by the anti-trafficking act. Shortly after their formation, the government continued its renewed commitment to anti-trafficking efforts by drafting a national action plan to combat trafficking covering 2011 to 2014, which was ratified by the government in March 2012. Throughout the year, Department of Social Welfare personnel conducted television and radio interviews that included points about trafficking. The mainland Ministry of Labor's child labor unit, which received only the equivalent of \$29,000 from the 2011 national budget – a \$3,000 reduction from 2010 – could not

provide data on the number of child labor complaints made or the number of exploited child laborers identified and withdrawn by its labor officers. Inspectors continued to face myriad challenges, including chronic understaffing and lack of transportation to inspection sites. During the year, the Zanzibar Ministry of Labor, in cooperation with local NGOs, withdrew 1,209 children from exploitative labor in the fishing, seaweed farming, and quarrying industries on the islands and worked with their families to ensure their return to school. The government did not make any efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. All Tanzanian soldiers completed a module on human rights and anti-trafficking interventions as part of their basic curriculum. The government provided additional training on human trafficking to Tanzanian troops prior to their deployment abroad on international peacekeeping missions.

THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims from neighboring countries, as well as from China, Vietnam, Russia, Uzbekistan, and Fiji, migrate willingly to Thailand for various reasons including to flee conditions of poverty; individuals from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity. The majority of the trafficking victims identified within Thailand are migrants from Thailand's neighboring countries who are forced, coerced, or defrauded into labor or commercial sexual exploitation or children placed in the sex trade; conservative estimates have this population numbering in the tens of thousands of victims. A significant portion of labor trafficking victims within Thailand are exploited in commercial fishing, fishing-related industries, low-end garment production, factories, and domestic work, and some are forced to beg on the streets.

Research made available in 2010 indicated that 23 percent of all Cambodians deported by Thai authorities at the Poipet border were trafficking victims. A study done by the UN Inter-Agency Project on Human Trafficking (UNIAP) found that Thai authorities deport over 23,000 Cambodian trafficking victims per year. Similarly, Lao authorities have reported that groups of 50 to 100 Lao trafficking victims were among the thousands of Lao nationals deported by Thai authorities. An assessment of the cumulative risk of labor trafficking among Burmese migrant workers in the seafood industry in Samut Sakhon, found that 57 percent of these workers experience conditions of forced labor. A report released by an international organization in May 2011 noted prevalent forced labor conditions, including debt bondage, among Cambodian and Burmese individuals recruited – some forcefully or through fraud – for work in the Thai fishing industry. According to the report, Burmese, Cambodian, and Thai men were trafficked onto Thai fishing boats that traveled throughout Southeast Asia and beyond, these men remained at sea for up to several years, were not paid, were forced to work 18 to 20 hours per day for seven days a week, and were threatened and physically beaten. Similarly, an earlier UN survey found that 29 of 49 (58 percent) surveyed migrant fishermen trafficked aboard Thai fishing boats had reported witnessing a fellow fishermen killed by boat captains in instances when they were too weak or sick to work. As fishing is an unregulated industry region-wide, fishermen typically did not have written employment contracts with

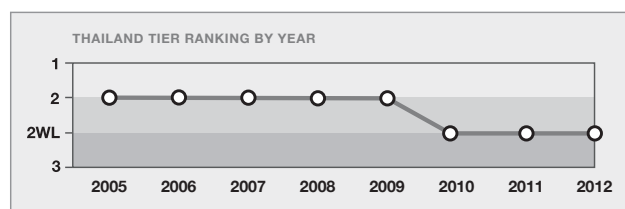
their employer. Men from Thailand, Burma, and Cambodia were forced to labor on fishing boats in Thai and international waters and were rescued from countries including Malaysia, Indonesia, Vietnam, and Timor-Leste. Observers noted that traffickers (including labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who enslave Thai victims abroad tend to be more organized. Labor brokers, largely unregulated, serve as an intermediary between job-seekers and employers; some facilitate or engage in human trafficking. Informed observers reported that these brokers are of both Thai and foreign origin and work in networks, collaborating with employers and, at times, with law enforcement officials.

Foreign migrants, ethnic minorities, and stateless persons in Thailand are the greatest risk of being trafficked, and they experience withholding of travel documents, migrant registration cards, and work permits by employers. Undocumented migrants remain particularly vulnerable to trafficking, due to their economic status, education level, language barriers, and lack of knowledge of Thai law. These vulnerabilities were exacerbated during the year, when catastrophic flooding displaced at least 200,000 migrant workers. Among those seeking to return to their home countries for safety, unregistered migrants, and those whose documents had been confiscated by their employers, reportedly faced extortion by law enforcement officials and brokers to facilitate their return. Migrants for whom these fees were prohibitively high were forced to remain in Thailand in insecure situations making them highly vulnerable to trafficking, and those who returned faced a cycle of which increased their vulnerability to debt bondage and other exploitation.

Lack of documentation continues to expose migrants to potential exploitation; in the northern areas of Thailand, lack of citizenship makes highland women and girls particularly vulnerable to being trafficked. Some children from neighboring countries are forced by their parents or brokers to sell flowers, beg, or work in domestic service in urban areas. NGOs reported an increase in the number of children in commercial sexual exploitation, with false identification, in karaoke or massage parlors. During the year, Vietnamese women were confined and forced to act as surrogate mothers after being recruited for work in Bangkok. The majority of Thai victims identified during the year were found in sex trafficking; sex trafficking of both Thai and migrant children remains a significant concern. Thai victims are recruited for employment opportunities abroad, and deceived into incurring large debts on broker and recruitment fees, sometimes using family-owned land as collateral, making them vulnerable to exploitation at their destination. Most Thai victims identified abroad during the year were sex trafficking victims; victims were assisted by Thai embassies in Bahrain, Japan, Macau, Russia, South Africa, the Maldives, Oman, and Indonesia. Thai nationals are also known to be subjected to forced labor or sex trafficking in Australia, Canada, China, Germany, Israel, Kuwait, Libya, Malaysia, Qatar, Saudi Arabia, Singapore, the Republic of Korea, Sri Lanka, Taiwan, Timor-Leste, the United Arab Emirates (UAE), the United Kingdom (UK), the United States, Vietnam, and Yemen. Some Thai men who migrate for low-skilled contract work and agricultural labor are subjected to conditions of forced labor and debt bondage. Sex trafficking generally involves victims who are women and girls. Sex tourism continues to be a problem in Thailand, and this demand likely fuels trafficking for commercial sexual exploitation. Thailand is a transit country for victims from North Korea,

China, Vietnam, Pakistan, and Burma destined for third countries such as Malaysia, Indonesia, Singapore, Russia, the Republic of Korea, the United States, and countries in Western Europe. There were reports that separatist groups recruited teenaged children to carry out attacks.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Thailand is placed on Tier 2 Watch List for a third consecutive year. Thailand was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The government continued implementation of its human trafficking law and conducted awareness-raising activities on human trafficking. During the year, the government implemented regulations allowing foreign victims to live and work temporarily within Thailand, formally granting this right to 30 victims. The number of prosecutions and convictions pursued for sex and labor trafficking was disproportionately small compared to the significant scope and magnitude of trafficking in Thailand. Effective anti-trafficking law enforcement efforts were hindered by authorities' failure to identify and adequately protect victims, and the country's migrant labor policies continued to create vulnerabilities to trafficking and disincentives to victims to communicate with authorities, particularly if the workers are undocumented. Direct involvement in and facilitation of human trafficking by law enforcement officials reportedly remained a significant problem in Thailand; authorities reported investigating three cases of complicity among local law enforcement officials, but there were no prosecutions or convictions of complicit officials during the year. The Thai government invited the UN Special Rapporteur on trafficking in persons to visit in August 2011. In a press statement following her visit, the UN Special Rapporteur on trafficking in persons noted, among other shortcomings, weak enforcement of the country's legal anti-trafficking framework, inadequate efforts to address trafficking of men, endemic corruption among law enforcement officials, and a systemic failure to properly identify victims and protect their rights and safety. The Thai government agreed to fund and open five national verification centers for Burmese migrant workers inside Thailand – to be staffed by Burmese Ministry of Labor employees – and these centers opened in late April 2012.



Recommendations for Thailand: Enhance ongoing efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees; significantly increase efforts to train front-line officials on internationally recognized indicators of forced labor such as the confiscation of travel documents or imposition of significant debts by employers or labor brokers; recognizing the systematic disincentives which make victims hesitant to communicate with authorities, develop and implement victim

identification procedures that prioritize the rights and safety of potential victims and empower law enforcement officials to carry out this mandate; increase efforts to investigate, prosecute, and convict sex and labor trafficking offenders; consider establishing a dedicated court division to expedite the prosecution of trafficking cases; facilitate greater information exchange between various law enforcement and inspection agencies and establish a clear mandate between the Royal Thai Police and the Department of Special Investigations (DSI); increase efforts – particularly through DSI – to investigate, prosecute, and convict officials engaged in trafficking-related corruption; ensure that offenders of fraudulent labor recruitment and of forced labor receive stringent criminal penalties; improve labor inspection standards and procedures to better detect workplace violations, including instances of trafficking; continue and increase efforts to allow all adult trafficking victims to travel, work, and reside outside shelters; provide legal alternatives to the removal of foreign trafficking victims to countries in which they would face retribution or hardship; make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers; improve efforts to regulate fees and brokers associated with the process to legalize migrant workers in order to reduce the vulnerability of migrants to human trafficking; increase anti-trafficking awareness efforts directed at employers and clients of the sex trade; make efforts to decrease the demand for exploitive labor; and ratify the 2000 UN TIP Protocol.

Prosecution

The Thai government continued some anti-trafficking law enforcement efforts during the reporting period. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties ranging from four to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. The Royal Thai Police reported initiating investigations in 83 trafficking-related cases – 67 for sex trafficking and 16 for forced labor – during 2011, involving 155 suspected offenders and representing an increase from 70 such investigations in 2010. These investigations led to the prosecution of 67 trafficking-related cases; this compares to 79 prosecutions in 2010. The majority of suspected offenders investigated were Thai nationals. The government reported obtaining 12 trafficking-related convictions in 2011; two convictions were for confirmed sex trafficking cases and the government did not provide sufficient information to determine whether the other 10 were trafficking cases. This is a decrease from the previous year's 18 convictions. The government often chose to facilitate an informal dispute resolution rather than to pursue criminal prosecution of employers in cases of the labor exploitation of migrants. DSI, which is under the Ministry of Justice, and has limited jurisdiction for investigating trafficking cases, initiated five investigations during the year; four of these cases were transferred to the police and one investigation remained pending with DSI at the end of the year. In implementing a January 2011 cabinet resolution to expand its anti-trafficking unit, DSI increased its staff from 12 to 25 officers. The outcome of this expansion is unclear, however, as DSI did not report a significant increase in trafficking investigations and a draft amendment of the DSI law – which would expand its mandate to allow for investigating trafficking cases without transfer to the police – was not passed during the year. Police and DSI

officials reportedly began discussions about how they would share jurisdiction over trafficking cases if the amendment is passed.

Throughout the year, the government provided anti-trafficking training to approximately 1,850 public health officers, social workers, police, and immigration officials, yet awareness of the 2008 anti-trafficking legislation remained low and many law enforcement officers continued to prosecute trafficking cases under other legal statutes. Some sex trafficking cases may have been prosecuted under the Prevention and Suppression of Prostitution Act; during 2011, 34 individuals, some of whom may have been sex traffickers, were convicted under Section 9 of this Act, which prohibits forced prostitution and related offenses.

The government did not significantly increase efforts to investigate alleged human trafficking on Thai fishing boats, reporting three such investigations in 2011 compared with two in 2010. One case was identified by the Immigration Bureau during the course of a raid and two were brought to its attention through victim complaints. Three calls to an international organization's hotline regarding suspected cases of trafficking on fishing vessels did not result in any investigations or prosecutions. Victim identification training for front-line officers was inadequate, and inspection efforts failed to successfully identify cases, despite the known prevalence of forced labor in the fishing industry. The government reported the Royal Thai Marine Police conducted pre-departure inspections of some fishing vessels during the year but did not detect any suspected cases of forced labor in 2011. Furthermore, despite conducting more than 1,000 inspections and searches of fishing boats beyond coastal waters and intercepting thousands of undocumented migrant workers – a population likely to contain trafficking victims – the Royal Thai Navy did not identify any suspected trafficking cases. In April 2012, a number of demonstrations erupted among Cambodian and Burmese migrant workers at food processing and other factories in Kachanaburi, Songkhla, and elsewhere in the country, amidst allegations that these workers were being subjected to passport confiscation, withholding of salary payments, and unsafe living conditions, and threats of deportation. The government reported conducting a police investigation, but these efforts have not yet led to any prosecutions or convictions.

The justice system remained slow in its handling of criminal cases, including trafficking cases. Additionally, frequent personnel changes and a reduction in the number of police officers hampered the government's ability to make progress on anti-trafficking law enforcement efforts. Some suspected offenders fled the country or intimidated victims after judges decided to grant bail, further contributing to the government's already low conviction rates. In July 2011, the Court of Appeals upheld the 2009 conviction of two offenders found guilty of trafficking 73 victims in a shrimp peeling factory. Both offenders remained free on bail at the close of the reporting period, pending consideration of their case by the Supreme Court.

Thai law enforcement authorities continued to cooperate with counterparts from around the world, and quarterly case management meetings with officials from Burma, Cambodia, and Laos reportedly helped to accelerate cases and resulted in the arrest of five suspected traffickers by Burmese authorities.

The government extradited one suspected sex trafficker to face prosecution in the UK during the year.

Corruption remained widespread among Thai law enforcement personnel, creating an enabling environment for human trafficking to prosper. Allegations of trafficking-related corruption persisted during the year, including in cases of sex trafficking and forced labor of migrants. There were credible reports that officials protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids and inspections, and that some officials engaged in commercial sex acts with child trafficking victims. In addition to well-known corruption of local-level police officers, there were also protective relationships between central-level specialist police officers and the trafficking hot-spot regions to which they were assigned. There was no information indicating tolerance for trafficking at an institutional level. In 2011, DSI initiated three investigations of local law enforcement officials for taking bribes to protect brothels that harbored child sex trafficking victims; no disciplinary action was taken against any officials during the year, however, and these investigations remain ongoing. The government did not respond to reports that Thai officials were involved in the trafficking of Burmese men, women, and children deported to the hands of the Democratic Karen Buddhist Army (DKBA). Authorities also have not responded to reports that Thai police officers and immigration officials extort money or sex from Burmese citizens detained in Thailand for immigration violations, and sell Burmese migrants unable to pay labor brokers and sex traffickers. Reports during the year indicated that immigration officials failed to implement a policy announced by the Ministry of Labor that it would not deport flood-affected migrant workers outside their permit zone; for example many migrant workers, without registration papers allowing them to travel outside of permitted areas where they work, were detained and arrested by authorities.

Protection

The Thai government demonstrated limited efforts to identify and protect foreign and Thai victims of trafficking during the year. The Ministry of Social Development and Human Security (MSDHS) reported that 392 foreign victims were classified as trafficking victims in Thailand and received assistance at government shelters during the year, a figure comparable to the 381 foreign victims assisted in 2010. More than half of the victims assisted were from Laos, and more than one-third were from Burma. The Royal Thai Police and DSI identified 279 victims during the year and referred 213 foreign victims to shelters; 66 Thai victims were returned to their homes, and some received services from NGOs. The Immigration Bureau identified seven Cambodian victims of forced labor during a raid of a fishing boat; it reported knowledge of five additional Burmese victims, of trafficking on fishing vessels, who submitted complaints to authorities. The Marine Police Division reported rescuing two victims from the fishing industry in Chumphon Province during the year. In 2011, the Thai Ministry of Foreign Affairs reported that assistance including repatriation was provided by embassies abroad, to 46 Thai nationals considered potential victims in Bahrain, Japan, Macau, Russia, South Africa, the Maldives, Oman, and Indonesia. The majority of these victims, both male and female, had been subjected to sex trafficking, while some were subjected to forced labor on fishing boats. In 2011, the government allocated the equivalent of \$1.9 million to MSDHS to provide protective services to trafficking victims.

The equivalent of an additional \$2.2 million was dedicated to an anti-trafficking fund; the majority of funds distributed from the fund during the year, the equivalent of approximately \$626,750, was used to finance anti-trafficking activities of government agencies and civil society organizations, while the sum equivalent to \$16,400 was distributed to 103 victims.

The government reports the use of systematic procedures to screen for victims among vulnerable populations, such as undocumented migrants in detention; however, serious deficiencies in the government's victim identification efforts led to some trafficking victims being unidentified during the year. The Thai government deports hundreds of thousands of undocumented migrants each year; in 2011, it identified only 56 victims from within this population. Many victims, particularly irregular migrants who feared legal consequences from authorities, were hesitant to identify themselves as victims, and front-line officials were not adequately trained to identify such individuals as victims.

In 2011, MSDHS trained nearly 2,000 public officials on the provision of the anti-trafficking legislation and certified them as "competent officials" in this regard. Local law enforcement officials lacked awareness of the essential elements of human trafficking, and regularly misidentified victims with whom they came in contact. In December 2011, authorities raided a shrimp factory in southern Thailand and rescued four Burmese labor trafficking victims after receiving a tip from an NGO. Although authorities identified the four individuals as being subjected to debt bondage – a form of human trafficking – the government failed to certify them as trafficking victims, and refer them to protective services. Instead the victims were held in detention and subsequently deported, illustrating authorities' insufficient understanding of the elements of human trafficking. Some undocumented migrants were precluded from being identified as a trafficking victim based on their immigration status. Some law enforcement officers often believed physical detention or confinement was the essential element to confirm trafficking, and failed to recognize exploitive debt or manipulation of irregular migrants' fear of deportation as non-physical forms of coercion in human trafficking. In July 2011, authorities rescued six children who had been coerced and drugged into begging on the streets at night; some were allegedly sexually assaulted. While the government identified one child as a trafficking victim and one child as a victim of sexual assault and referred them to protective services, it determined the others were not victims because they were related to the traffickers; subsequently two children were referred to protective care. Only law enforcement officials are able to make a final determination to certify an individual as a trafficking victim, and during the year there were reports that social workers or representatives of civil society sometimes disagreed with law enforcement officers' decisions.

The Thai government continued to refer victims to one of nine regional shelters run by MSDHS, where they reportedly received counseling, limited legal assistance, and medical care; although the shelters did not always have the human resource capacity to provide adequate assistance. Foreign adult victims of trafficking identified by authorities were required to stay in government shelters and typically could not opt to reside outside of a shelter or leave the premises unattended before Thai authorities were prepared to repatriate them. Two government shelters for trafficking victims were forced to close for nearly two months during the flooding; displaced

victims were transferred to other MSDHS facilities. In 2011, the Ministries of Labor and Interior issued regulations to allow some foreign victims the right to seek employment while awaiting conclusion of legal processes; the government has since granted this right to approximately 30 victims of labor trafficking. The government did not report standard eligibility criteria for victims to receive this benefit, but reported it will be considered on a case-by-case basis for labor trafficking victims; those chosen will be eligible for a six-month work permit and visa, renewable for the duration of their court cases. Extending this benefit to more victims would provide an incentive for victims to remain in Thailand for the duration of their legal proceedings. Government officials did not have specialized service provision for child sex trafficking victims, and the forced repatriation of those unwilling to testify against their traffickers resulted in many of them being re-trafficked. There were reports during the year of foreign trafficking victims who fled shelters, likely due to slow legal and repatriation processes, the inability to earn income during trial proceedings, language barriers, and distrust of government officials. There were reported instances in which victims opted not to seek designation as trafficking victims due to systemic disincentives, such as long stays in shelters during lengthy repatriation and court processes; many of these victims were returned to their country of origin. In at least one case during the year, the government allowed child victims to reside in an NGO-run shelter which it determined could more adequately address their needs. NGOs reported that some victims were trained by labor brokers on how to lie to government officials to prevent being identified as victims or escape from shelters. There were reports that quarterly case management meetings with Burma and Laos accelerated the nationality verification and repatriation process between the countries during the year. Some Uzbek victims were removed from a government shelter and transferred to Uzbekistan's embassy in Thailand after an altercation arose with other victims.

Thai law protects victims from being prosecuted for acts committed as a result of being trafficked, and observers believe identified victims' rights were generally respected. However, the Thai government's victim identification procedures are flawed, and authorities' aggressive efforts to arrest and deport immigration violators led to some victims being punished. The government generally encouraged victims to participate in the investigation and prosecution of trafficking cases, although some victims opted not to do so for the same reasons many fled shelters or sought to avoid designation as trafficking victims. During the year, authorities, through the threat of civil suits, authorities negotiated compensation for 40 child and adult labor trafficking victims, in a total sum of approximately the equivalent of \$11,000. High legal costs, language, bureaucratic, and immigration barriers, fear of retribution by traffickers, distrust of Thai officials, slow legal processes, and the financial needs of victims effectively prevented most victims from participating in the Thai legal process. The lack of regulation of the fishing industry and labor law coverage for fishermen on small vessels in Thailand under the Labor Protection Act of 1998 makes this population particularly vulnerable to exploitation; the cabinet approved amendments to expand protections in this law to all boats with one or more workers on board, but the amendment did not take effect during the reporting year. A 2005 cabinet resolution established that foreign trafficking victims in Thailand who are stateless residents can be given residency status on a case-by-case basis; the Thai government, however, has yet to report granting residency status to a foreign trafficking victim.

Prevention

The Thai government made some efforts to prevent human trafficking, including through collaboration with international organizations and NGOs, but it did not demonstrate sufficient efforts to decrease the demand for forced and exploitive labor. While some activities aimed to raise public awareness of trafficking within Thai society as a whole, others attempted to raise awareness among targeted high-risk industries. The government estimated that throughout 2011, it reached more than 7,500 people nationwide. The anti-trafficking in Persons committee and its coordinating and monitoring body continued to meet regularly through the year, but met on fewer occasions in 2011 than in previous years due to political transition and devastating floods. In January 2012, the Thai government published a report – which had been delayed from 2010 – on its own anti-trafficking efforts, and in March 2012, it adopted a two-year national action plan to guide its future efforts. The government reported taking steps to issue new regulations for protection to workers in the fishing industry – who are highly vulnerable to trafficking – and a list of hazardous occupations for children, although neither was finalized or enacted during the year. The government distributed 150,000 leaflets in the common languages of migrant workers from neighboring countries to educate workers on their rights and their employers' obligations to them. During 2011, 851,830 migrants were registered and received permits to work in Thailand under the government's Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers Program, which allowed workers to receive formal work visas from the Thai government and the claims of greater rights inside Thailand. Observers remained concerned that the process to legalize migrant workers with its associated fees, as well as costs imposed by poorly regulated and unlicensed labor brokers, increased the vulnerability of migrant workers to trafficking and debt bondage. In some cases, workers reportedly incurred debts imposed by labor brokers and amounting to as much as the equivalent of \$700 for the required processing of their registration. During the year, the government provided trainings to 49 translators and developed a list of trained translators to facilitate the government's response to foreign language queries reposted to the hotline that receives calls regarding trafficking cases; however, the government's decentralized call system made it difficult to ensure that localities systematically and adequately responded to calls that were diverted to them – particularly calls that came from non-Thai callers.

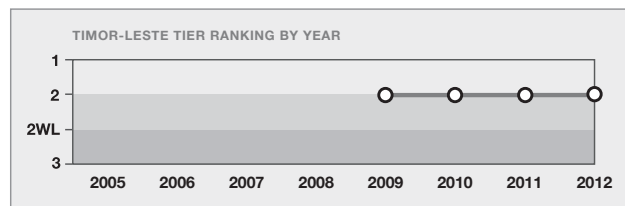
During the year, the government revoked the licenses of two labor recruitment companies, out of nine which had been suspended during the previous year, and initiated investigations into 321 cases of alleged violations of the Labor Employment Act; at least two of these cases involved allegations of forced labor, resulting in two employers sentenced by the labor court to pay the equivalent of \$3,000 in fines, and one offender sentenced to 11 months in prison, although this term was suspended for two years. The Department of Employment, through random airport screenings, reported identifying 481 individuals as traveling under false pretenses and prevented them from leaving the country during the year, but it did not make efforts to identify potential trafficking victims or refer any suspected trafficking cases to law enforcement agencies. The government conducted awareness-raising campaigns targeting tourists' demand for child sex tourism and extradited one alleged pedophile to the United States for prosecution, but it did not make any other discernible efforts to reduce the

demand for commercial sexual acts or forced labor. Inadequate victim identification procedures may have resulted in some victims being treated as law violators following police raids of brothels. The government did not provide Thai troops anti-trafficking training prior to their deployment abroad on international peacekeeping missions. Thailand is not a party to the 2000 UN TIP Protocol.

TIMOR-LESTE (Tier 2)

Timor-Leste is a destination country for women and girls from Indonesia, China, and the Philippines subjected to sex trafficking and men and boys from Burma, Cambodia, and Thailand subjected to forced labor. In previous years, men and boys from Burma, Cambodia and Thailand were forced to labor on foreign fishing boats operating in Timorese waters where they face conditions of confinement, no medical care, and poor food; some escaped their exploiters and swam ashore to seek refuge in Timor-Leste. The placement of children in bonded domestic and agricultural labor by family members in order to pay off family debts was also a problem. Timor-Leste may also be a source of women or girls sent to Singapore and elsewhere in Southeast Asia for domestic servitude. Some migrant women recruited for work in Dili report being locked up upon arrival, and forced by brothel "bosses" and clients to use drugs or alcohol while providing sexual services. Some women kept in brothels were allowed to leave the brothel only if they paid the equivalent of \$20 an hour. Traffickers regularly retained the passports of victims, and reportedly rotated sex trafficking victims in and out of the country every few months. Traffickers used debt bondage through repayment of fees and loans acquired during recruitment or transport to Timorese waters to achieve consent of some of the men laboring on fishing vessels. Traffickers subjected victims to threats, beatings, chronic sleep deprivation, insufficient food or fresh water, and total restrictions on freedom of movement; victims on fishing vessels rarely or never went ashore during their time on board. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, and the trafficking offenders who exploited male victims on fishing boats were reportedly Thai nationals.

The Government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government obtained three successful trafficking convictions – the first in the country's history – and imposed adequate prison sentences on the convicted offenders. The government's victim protection efforts, however, were inadequate, and it failed to protect 18 of the 19 victims in this case, whose whereabouts are unknown. The government took tentative steps to increase victim protection by providing funding to an NGO shelter, but subsequently withdrew this funding. Despite increased maritime patrols and continued brothel raids, the government identified only one trafficking victim during the year, raising concerns that some victims were not identified and instead were treated as law violators and deported rather than referred to protective services. The government did not investigate reports of trafficking-related complicity, such as lower-level police and immigration officials accepting bribes from traffickers.



Recommendations for Timor-Leste: Enact comprehensive anti-trafficking legislation that includes strong victim protections; continue efforts to investigate, prosecute, convict, and punish trafficking offenders; train judicial officials on investigation and prosecution methods, including how to integrate procedures for proper victim care throughout the duration of court proceedings; make efforts to investigate and prosecute officials complicit in human trafficking; implement procedures to proactively identify victims of trafficking among vulnerable populations, such as individuals in prostitution and workers on fishing vessels; develop and formally establish policies which clarify perceived inconsistencies in the country's code of criminal procedure, thereby granting police the unambiguous authority to initiate investigations of crimes proactively; increase training for front-line law enforcement officers in the vulnerable persons unit on proper victim identification procedures and referral mechanisms, including recognition of trafficking victims who may possess their travel documents or may have entered the country legally; increase the quality and types of assistance provided to trafficking victims; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Timor-Leste increased law enforcement efforts to combat trafficking during the reporting period, including by obtaining its first trafficking conviction. In early 2012, anti-trafficking legislation drafted in a previous year was submitted to the Council of Ministers for review, where it remained at the close of the reporting period. Timor-Leste's revised penal code prohibits and punishes the crime of trafficking through articles 163, 164, and 165; articles 162 and 166 prohibit slavery and the sale of persons. The articles prescribe sufficiently stringent penalties ranging from eight to 20 years' imprisonment; prescribed penalties for sex trafficking or the trafficking of a person younger than 17 range from 12 to 25 years' imprisonment and are commensurate with those prescribed for other serious crimes, such as rape. The government reported investigating two trafficking cases during the year. It initiated prosecutions in one case from a previous year, in which three Chinese nationals were accused of forcing 19 Chinese victims into prostitution or labor related to running a brothel. In December 2011, the government convicted the three traffickers, and sentenced them to prison terms ranging from 13 and 13.5 years. These were the first trafficking convictions obtained in Timor-Leste. The convictions are currently being appealed, and the government has possession of the convicted offenders' passports to prevent them from leaving the country. The second investigation, involving a Timorese girl in domestic servitude, remained ongoing at the close of the reporting period. No information was available on the status of one case pending at the close of the previous year, or nine cases pending from 2010. The government did not train law enforcement officers or other government officials on investigating and prosecuting

trafficking cases. The government did not report any efforts to investigate suspected trafficking complicity of public officials, despite reports that immigration officials accepted bribes to allow undocumented Chinese trafficking victims into the country, and that some police officers in Dili accepted bribes to allow brothels – where potential trafficking victims may be identified – to continue operating. International and local NGOs alleged that some lower-level members of the police frequent these establishments.

Protection

The government demonstrated weak efforts to protect trafficking victims; it identified and provided services to only one victim during the year, and it may have restricted the mobility of 18 victims – identified during the previous year – by withholding their passports as evidence in a criminal investigation against their traffickers. Police identified one Timorese girl in domestic servitude but no other victims during the year. Immigration police referred one suspected victim, a Burmese male, to an international organization which assessed that he was not a victim of trafficking. Police in the vulnerable persons unit followed a standard operating procedure to refer identified victims to the Ministry of Social Solidarity; the one victim identified was so referred, and the ministry subsequently referred her to a shelter operated by an NGO. The government maintained a protocol of referring foreign victims to an international organization for care, though no such victims were identified during the year. The government did not operate any dedicated shelters for trafficking victims or provide victims with any protective services, though it did refer one Timorese victim to an NGO to receive care. Victims of domestic servitude may be eligible for some protective services codified in the Law on Domestic Violence. During the year, the Ministry of Social Solidarity provided the equivalent of \$10,000 to partially fund a local NGO shelter for trafficking victims, but it subsequently discontinued this support, citing lack of use by victims, and the shelter closed due to lack of funds in December 2011. One shelter operated by an NGO was available to assist with victims' basic needs and to provide medical, psychological, and educational services. The government could not provide information on the whereabouts of 18 Chinese victims identified during the previous year whose case was concluded in December 2011; neither local NGOs nor international organizations had received these victims. Judicial officials may have held the victims' passports as evidence for the duration of the case, effectively restricting their ability to leave the country. It is unknown whether the passports, reportedly seized, were returned after the conclusion of the case, although the judge ordered officials to do so. Problems with victim identification continued, likely resulting in some victims remaining unidentified, despite coming into contact with authorities, and some being treated as law violators and deported for immigration offences. Authorities relied on the possession of passports as the determining indicator in identifying trafficking cases; potential victims who did not self-identify and who possessed their documents were not screened for other forms of coercion or referred to NGOs or international organizations for assistance. Police interpreted an article in the country's code of criminal procedure as only granting investigative authority to public prosecutors; this led to a policy, in practice, of only investigating cases in which the victim self-identifies as such. Police conducted raids on brothels and detained and deported Indonesian and Chinese women found in prostitution for immigration violations, without making adequate attempts to identify trafficking

victims among them. The government provides a temporary legal alternative to the removal of victims to countries where they may face retribution or hardship, allowing them to stay in Timor-Leste for two years. The government did not provide temporary or extended work visas to trafficking victims during this reporting period.

Prevention

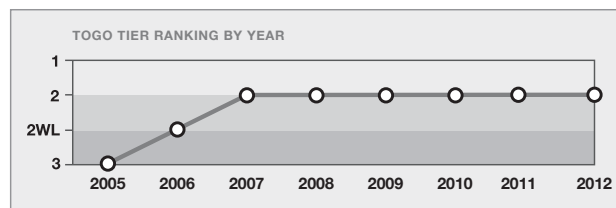
The Government of Timor-Leste made limited efforts to prevent trafficking during the reporting period. It increased patrols of its territorial waters to combat criminality, including forced labor on fishing vessels, though these efforts did not result in the identification of any trafficking cases during the year. The president continued to speak publicly about the need to increase efforts to combat human trafficking, and government officials participated in foreign donor-funded radio and television campaigns about trafficking on government-sponsored stations. The government's inter-ministerial trafficking working group met twice in 2011 to finalize a national plan of action, drafted during the previous year, and to review draft anti-trafficking legislation; however, the council's passage of the decree law necessary to enact the plan of action is on hold until parliament approves the legislation. In November 2011, parliament approved a an increase equivalent to \$67,000 in the Ministry of Foreign Affairs' budget in order to fund an international anti-trafficking conference in Dili in 2012. Observers report that police raids on brothels in Dili over the last three years have led to a decreased demand for commercial sex acts; however, due to a lack of proactive victim identification procedures, these efforts may have caused some victims to be treated as law violators.

TOGO (Tier 2)

Togo is a source and transit country for men, women, and children subjected to forced labor and sex trafficking. The majority of Togolese victims are exploited within the country; forced child labor occurs in the agricultural sector – particularly on coffee, cocoa, and cotton farms – as well as in stone and sand quarries. Children from rural areas are brought to the capital, Lome, and forced to work as domestic servants, roadside vendors, and porters, or are exploited in prostitution. Near the Togo-Burkina Faso border, Togolese boys are forced into begging by corrupt *marabouts* (religious instructors). Togolese girls and, to a lesser extent, boys are transported to Benin, Gabon, Nigeria, Ghana, Cote d'Ivoire, and the Democratic Republic of the Congo and subsequently forced to work in agriculture. Children from Benin and Ghana are recruited and transported to Togo for forced labor. Traffickers exploit Togolese men for forced labor in Nigerian agriculture and Togolese women as domestic servants. Some reports indicate Togolese women are fraudulently recruited for employment in Saudi Arabia, the United States, and Europe, where they are subsequently subjected to domestic servitude or forced prostitution.

The Government of Togo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted nine trafficking offenders during the year and identified 281 potential child trafficking victims. However, it neither made progress in enacting draft legislation to prohibit the trafficking of adults nor made efforts to accurately track

prosecution and protection data and disseminate it among government ministries.



Recommendations for Togo: Increase efforts to prosecute and punish trafficking offenders, including using existing statutes to prosecute trafficking crimes committed against adults; complete and enact the draft law prohibiting the forced labor and forced prostitution of adults; develop a formal system to identify trafficking victims proactively and train law enforcement, immigration, and social welfare officials to identify such victims, especially among vulnerable populations; develop a system within the Ministry of Social Affairs (MSA) to track the number of victims referred to NGOs or returned to their families; develop a system among law enforcement and judicial officials to track suspected human trafficking cases and prosecution data; ensure sufficient funds are allocated to operate the Tokoin and Oasis centers; and increase efforts to raise public awareness about the dangers of human trafficking.

Prosecution

The Government of Togo sustained modest anti-trafficking law enforcement efforts during the year. Togolese law does not prohibit all forms of trafficking, such as the sex trafficking of adults, and laws against forced labor are inadequate with regard to definitions and prescribed penalties. The 2007 child code prohibits all forms of child trafficking and prescribes penalties of two to five years' imprisonment. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The 2005 Law Related to Child Smuggling prescribes prison sentences of three months to 10 years for abducting, transporting, or receiving children for the purposes of exploitation. Article 4 of the 2006 labor code prohibits forced and compulsory labor, but its prescribed penalties of three to six months' imprisonment are not sufficiently stringent, and its definition of forced or compulsory labor includes broad exceptions. During the year, the government did not take action to enact its draft law prohibiting the trafficking of adults, which has remained pending since 2009.

The government arrested 23 suspected traffickers in 2011. By the end of the reporting period, the government had prosecuted and convicted nine trafficking offenders, an increase of four over the previous year. Ten suspects still await trial. Sentences for the convicted offenders ranged from six months' to two years' imprisonment. The government could not provide information on the status of nine trafficking prosecutions from 2010. In June 2011 and February 2012, the MSA provided training on the child code to hundreds of lawyers, paralegals, magistrates, police, and notaries in Kara and Lome and included information on how to differentiate trafficking crimes from other forms of child exploitation. There were no allegations of government officials' complicity in trafficking cases during the reporting period; however, allegations of complicity from the previous reporting period

remained uninvestigated. Inadequate funding, inefficiency, corruption, and impunity in the judicial sector continue to hinder trafficking prosecutions and convictions.

Protection

During the past year, the government sustained its efforts to provide modest protection to child victims, but showed no discernible efforts to protect adult victims. The government did not put in place measures to identify trafficking victims among individuals in prostitution; however, it continued efforts to identify child victims of forced labor through increased education among immigration and law enforcement officials in border areas. The Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT), Togo's national anti-trafficking committee comprised of government and NGO representatives, identified 56 victims of child trafficking. In addition, throughout the reporting period the government intercepted and rescued 225 trafficked children being moved to sites where they faced exploitation, such as on farms as laborers and in homes as domestic servants. The governments of Nigeria, Benin, and Gabon repatriated 53 Togolese child victims into the care of CNARSEVT, which in turn provided them with temporary shelter until they could be reunited with their families or placed into an apprenticeship program. In Lome, MSA social workers continued to run a toll-free helpline, Allo 10-11, which received 106 child trafficking calls during the year. Through increased training and awareness-raising among law enforcement officials, the police and CNARSEVT developed an *ad hoc* referral system for responding to hotline tips, as well as for transferring rescued trafficking victims to an appropriate shelter. The MSA continued to oversee the Tokoin community center – a temporary multi-purpose shelter for child victims – and in January 2011 assumed direct management of a second multi-purpose shelter, the Oasis center, which was previously run by a local NGO. The government did not report the number of trafficking victims these shelters cared for during the reporting period. In early 2011, CNARSEVT initiated a pilot apprenticeship project training 24 female trafficking victims on sewing skills. The government did not offer temporary or permanent residency status to foreign victims who faced hardship or retribution in their native country. Although there were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked, the lack of a formal identification system may mean some victims remain unidentified in the law enforcement system.

Prevention

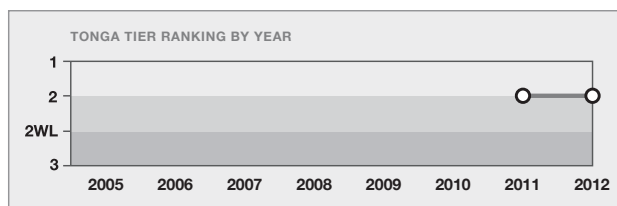
The government increased its efforts to prevent trafficking during the year. CNARSEVT received a budget allocation equivalent to \$101,000 for the year, which it used to fund administrative costs and victim protection efforts. In 2011, the governments of Togo and Gabon met to commence negotiations on a bilateral anti-trafficking agreement that will outline procedures for the extradition of suspected traffickers and the repatriation of victims. Although cooperation already exists on a working level between the two governments, the official agreement awaits finalization. Throughout the year and in collaboration with the MSA, the director of CNARSEVT met with village and regional committees, border guards and inspectors across the country to raise trafficking awareness. In June 2011, CNARSEVT and the MSA hosted a child labor and trafficking seminar for Lome businessmen, lawyers, and police. During the reporting period, the government increased the

number of labor inspectors – whose responsibilities include identifying trafficking victims – from 62 to 74, but this did not result in the identification of any suspected traffickers or trafficking victims. The government did not take discernible measures to decrease the demand for commercial sex acts. The government provided anti-trafficking training to Togolese troops prior to their deployment abroad on international peacekeeping missions.

TONGA (Tier 2)

Tonga is a destination country for women subjected to sex trafficking and is, to a lesser extent, a source country for women and children subjected to domestic sex trafficking and domestic and international forced labor. East Asian women, especially women from China, are prostituted in illegal clandestine establishments operating with legitimate front businesses; some East Asian women are recruited from their home countries for legitimate work in Tonga, paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Some children are subject to forced labor and sexual exploitation in private residences.

The Government of Tonga does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government acknowledged human trafficking as an issue of concern and in conjunction with the U.S. government, organized a training program on combating trafficking in persons. Nevertheless, the government did not develop or conduct anti-trafficking education campaigns.



Recommendations for Tonga: Publicly recognize, investigate, prosecute, and punish incidences of child sex trafficking; enact a law or establish a policy that provides for explicit protections for victims of trafficking, such as restitution, benefits, and immigration relief; criminalize the confiscation of travel documents as a means of obtaining or maintaining someone in compelled service; increase training for officials on human trafficking and how to identify and assist trafficking victims; continue efforts to investigate, prosecute, and punish trafficking offenders; work with NGOs or international organizations to provide legal assistance to victims of trafficking and greater victim protection resources; adopt proactive procedures to identify victims of trafficking among vulnerable groups; develop and conduct anti-trafficking information and education campaigns; create an interagency process to address anti-human trafficking efforts; develop a national action plan for countering trafficking in persons; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Tonga, despite limited resources, made modest progress in its law enforcement efforts to address

human trafficking. Tonga prohibits all forms of human trafficking through its Revised Transnational Crimes Act of 2007, which defines human trafficking as including forced labor and forced prostitution. This law prescribes up to 25 years' imprisonment for these offenses, which is sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. In April 2011, the government, for the first time, sentenced a trafficking offender to prison. Following her prosecution and conviction during the previous reporting period for the forced prostitution of two Chinese nationals into prostitution, the trafficker was sentenced to 10 years in prison. In September of 2011, the government co-hosted, with the U.S. government, a one-day seminar focused on identification of human trafficking offenses and protection of victims; the training was held in Nuku'alofa, Tonga for 39 individuals, including public prosecutors; police; officials from immigration, customs, and the National Reserve Bank, the Ministry of Foreign Affairs; and local NGOs. Corruption is a known problem in Tonga. However, the government did not report any allegations, investigations, prosecutions, convictions, or punishments of officials for complicity in human trafficking through corrupt practices during the reporting period.

Protection

The Government of Tonga made modest progress in identifying trafficking victims or ensuring their access to protective services during the year. The government did not develop or employ systematic procedures for the identification of trafficking victims among at-risk groups such as undocumented migrants or women in prostitution, and no victims were identified during the reporting period. It did not offer care services to potential victims of trafficking, though it continued to refer general victims of crime to NGO providers of victim services. The government provided a total equivalent to \$37,000 in funding from its national budget to two local NGOs during the reporting period for operations related to assisting women and children victims of crime.

Under the government's Immigration Act, the Principal Immigration Officer holds broad discretionary authority in granting human trafficking victims permits to stay in the country for any length of time the officer deems it necessary for the protection of victims. The two victims from Tonga's first human trafficking case currently remain in the country on temporary permits and are being assisted by the police in their applications for longer term permits to stay in Tonga. Additionally, human trafficking victims can be granted asylum in Tonga if they fear retribution or hardship in their country of origin, though no human trafficking victim has ever requested asylum.

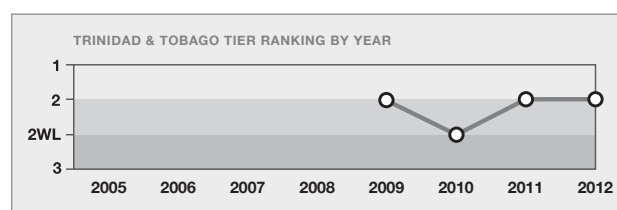
Prevention

The government of Tonga made limited efforts to prevent human trafficking during the reporting period. In September, the government trained 39 government officials to identify trafficking victims. The government also provided immigration officials with cards listing trafficking in persons indicators to help identify proactively victims of human trafficking traveling in and out of the country. The government did not take action to reduce the demand for commercial sex acts or forced labor during the reporting period. Tonga is not a party to the 2000 UN TIP Protocol.

TRINIDAD AND TOBAGO (Tier 2)

Trinidad and Tobago is a destination, source, and transit country for adults and children subjected to sex trafficking and adults subjected to forced labor. Women and girls from South America and the Dominican Republic are subjected to sex trafficking in Trinbagonian brothels and clubs. A high risk group for sex trafficking and forced criminal activity within Trinidad and Tobago are Trinbagonian homeless children or children from difficult family circumstances. Economic migrants from the Caribbean region and from Asia, including India and China, may be vulnerable to forced labor. Some companies operating in Trinidad and Tobago reportedly hold the passports of foreign employees, a common indicator of human trafficking, until departure. There also have been instances of migrants in forced domestic service. A small number of trafficking victims from Trinidad and Tobago have in the past been identified in the United Kingdom and the United States. As a hub for regional travel, Trinidad and Tobago also is a potential transit point for trafficking victims traveling to Caribbean and South American destinations.

The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government passed comprehensive anti-trafficking legislation in 2011 that prohibits all forms of trafficking and provides explicit and extensive victim protections, although the law had not been enacted by the end of the reporting period, and for another year, the government did not prosecute any trafficking offenders. The government identified few victims of trafficking, raising concerns that its procedures for the proactive identification of trafficking victims among vulnerable groups, such as foreign women in prostitution, migrant workers, and homeless children, was insufficient.



Recommendations for Trinidad and Tobago: Enact and fully implement the 2011 Trafficking in Persons Act to vigorously investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including any officials who may be complicit in human trafficking; consult with IOM on strengthening the standard operating procedures for proactively identifying and assisting victims of trafficking; use the Trafficking in Persons Act to assist more forced labor and sex trafficking victims; ensure that suspected victims are taken to a safe location while conducting trafficking investigations, as victims of human trafficking often feel threatened and are reluctant to identify themselves as victims during a raid; and implement a national public awareness campaign in multiple languages that addresses all forms of trafficking, including the prostitution of Trinbagonian children and forced labor as well as the demand for commercial sex and forced labor.

Prosecution

The government made some progress in the area of prosecution, notably by passing comprehensive trafficking legislation. In June 2011, the legislature passed the Trafficking in Persons Act of 2011, which prohibits both sex trafficking and forced labor and contains extensive victim protections. The Act prescribes penalties of 15 years to life imprisonment with fines. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. The government has not yet enacted the law, however, and before the criminal provisions in the Act can be implemented, the Act requires the government to establish a ministerial level national anti-trafficking task force to coordinate government policy on human trafficking and a counter-trafficking unit within the Ministry of National Security to handle cases. As the new law is not yet in force, the government's ability to prosecute trafficking offenders or any officials guilty of trafficking complicity is significantly hampered. The government reported only one labor trafficking investigation, no sex trafficking investigations, and no labor or sex trafficking prosecutions during the reporting period.

Protection

The government made some progress in establishing trafficking-specific protection policies but only provided minimal assistance to trafficking victims. The government identified only one labor trafficking victim and no sex trafficking victims, despite multiple brothel raids and allegations of suspected human trafficking activity in Trinidad and Tobago during the reporting period. The small number of victims identified raised serious concerns that the victim identification procedures for raids on suspected human trafficking were insufficient. An NGO that received government funding provided shelter and protection to the one identified trafficking victim and her dependent. The government reportedly offered suspected human trafficking victims some social services directly and through NGOs that received government funding, but there was no specific budget dedicated toward trafficking victim protection. The newly passed law, which has not yet been enacted, outlines specific services to trafficking victims and contains extensive victim protection provisions to encourage victims' participation in prosecutions of trafficking offenders, including victim confidentiality provisions and victim compensation. It also states that past sexual behavior of victims and consent of victims to exploitation are irrelevant to accessing benefits or pursuing the prosecution of trafficking offenders. The Act contains explicit protection to ensure that victims are not punished for crimes committed as a direct result of being in a trafficking situation. The Act also provides temporary legal alternatives to deportation for foreign victims.

Prevention

The government made some progress in prevention during the reporting period. The Ministry of National Security in partnership with a local NGO implemented a one-week national human trafficking awareness program. The Ministry of National Security and partner NGOs have established a Facebook page on their joint counter trafficking initiative. Operators trained in trafficking awareness ran NGO hotlines for child abuse and domestic violence. The government co-funded trafficking awareness training for 50 immigration officers during the reporting period. While the government's formal, ministerial level national task force was not operational

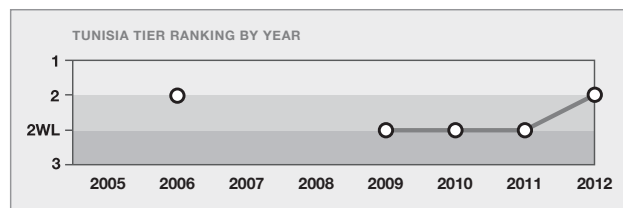
during the reporting period, the government made progress in the bureaucratic processes, including budgetary allocations and the establishment of new positions, necessary for the cabinet to approve the task force and the counter trafficking unit; both should be operational by June 2012. The newly passed 2011 law mandates that one of the functions of the ministerial task force is to monitor and evaluate the government's anti-trafficking efforts, although no such efforts were reported as of April 2012. The government did not undertake measures to reduce the demand for commercial sex acts, such as an awareness campaign targeted at clients of the sex trade. Authorities did not consider child sex tourism to be a problem in Trinidad and Tobago and no such cases were identified, investigated, or prosecuted during the reporting period.

TUNISIA (Tier 2)

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. Some Tunisian girls are employed in domestic work in Tunis and other governorates. In northwest Tunisia, a network of brokers and hiring agencies facilitates child domestic work, but international observers note this phenomenon has been decreasing over time. Some are reportedly held under conditions of forced labor, including being given no time off, having no employment contracts, experiencing physical and sexual abuse, and being confined to their employers' homes. During the reporting period, political unrest in Tunisia and neighboring Libya triggered a wave of illegal migration through and from Tunisia to Italy, some of which was facilitated by Tunisian smuggling networks; some of these migrants may have also been trafficking victims. Moreover, migrants who fled Libya to Tunisia may have been trafficked to Libya from third countries and continue to be vulnerable to trafficking in Tunisia, including unaccompanied minors and child migrants identified in refugee camps along the Tunisia-Libya border; IOM reported young Malian girls who were forced into prostitution in Choucha refugee camp in southern Tunisia. According to international organizations, there was an increased presence of street children in Tunisia during this reporting period and more rural children are having to work to support their families; some of these children may be susceptible to involuntary exploitation. Tunisian women are recruited for work in Lebanon's entertainment industry through *artiste* visas and are forced into prostitution after arrival; during the year, four Tunisian women were falsely promised jobs as secretaries in Lebanon and forced into prostitution. Similarly, Tunisian women are found working in Jordanian nightclubs, and some are forced into prostitution.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Since the previous regime, the interim government has shown some commitment to address human trafficking, particularly by establishing a National Commission to Combat Trafficking in Persons and by drafting comprehensive counter-trafficking legislation, which is still pending. Some victims of trafficking remain unidentified and unprotected, reflecting the previous government's lack of effort to identify them among vulnerable groups. Despite these positive steps forward, the Tunisian government continues to maintain, as it has done in previous reporting periods, that trafficking in persons is not a widespread problem in Tunisia. Moreover, the Tunisian government views human trafficking

through a migration lens and does not differentiate migrant smuggling from human trafficking.



Recommendations for Tunisia: Urgently pass and enact the draft comprehensive counter-trafficking legislation that prohibits and adequately punishes all forms of human trafficking concurrent with the 2000 UN TIP Protocol; with outside assistance, urgently develop and begin implementation of formal procedures for government officials' proactive identification of victims of human trafficking (distinct from smuggling) among vulnerable groups such as street children, undocumented migrants, girls in domestic service, and persons in prostitution; use existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem; institute a formal victim identification mechanism to identify victims among undocumented migrants and offer them access to protection services; and continue implementing awareness campaigns about trafficking in persons and anti-trafficking trainings for all government officials.

Prosecution

Tunisia has not enacted its draft law specifically addressing trafficking in persons, but Tunisia's Penal Code prohibits some forms of human trafficking, such as its prohibition of capturing, detaining, or sequestering a person for forced labor, for which it prescribes a punishment of 10 years' imprisonment, and the prohibition of forced prostitution of women and children, for which it prescribes a punishment of five years' imprisonment. These penalties are sufficiently stringent, though not commensurate with penalties prescribed under Tunisian law for other serious offenses, such as rape. In addition to these statutes, the Penal Code prescribes one to two years' imprisonment for forced child begging. However, the government did not report investigations or prosecutions of trafficking offenses, nor convictions of trafficking offenders, during this reporting period. Unlike the previous reporting period, government officials, including child protection officers from the Ministry of Women's Affairs, military and border police, and immigration officers, participated in four IOM- and UNHCR-sponsored anti-trafficking trainings in mid-2011. The government, in cooperation with IOM and UNHCR, also developed written procedures to alert law enforcement officers of indicators to identify trafficking victims.

Protection

The Government of Tunisia made greater efforts to protect victims of trafficking over the last year, yet the government continued to lack formal procedures to identify proactively trafficking victims among vulnerable groups, such as undocumented migrants and those persons detained for prostitution offenses. The government operated several shelters for marginalized and vulnerable groups, including

unwed mothers, at-risk youth, and substance abusers among others, but there are no centers specifically for trafficking victims. The Tunisian Coast Guard, with the support of Italy, conducted 281 operations in which it intercepted and detained African migrants aboard boats off Tunisia's coast, but Tunisian authorities made no discernible effort to identify trafficking victims among those intercepted. The Tunisian government views human trafficking through a migration lens and does not differentiate migrant smuggling from human trafficking. During the reporting period, the government, in conjunction with various international organizations, offered health, counseling and educational services and provided temporary shelter to Libyans and third country nationals who fled Libya; however, because the government does not differentiate economic migrants from human trafficking victims, the government did not make efforts to identify trafficking victims among this vulnerable group. With the help of IOM and other international partners, the Ministry of Women's Affairs assisted two underage Malian trafficking victims at its shelter for unaccompanied minors. The government ensured that its 380 labor inspectors receive training to identify abusive child labor and indicators of human trafficking; similarly, Ministry of Education truancy officers were instructed to identify indicators that suggest parents are pressuring their children to drop out of school and become domestic servants, which carries a high risk of forced labor. The government did not offer foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution.

Prevention

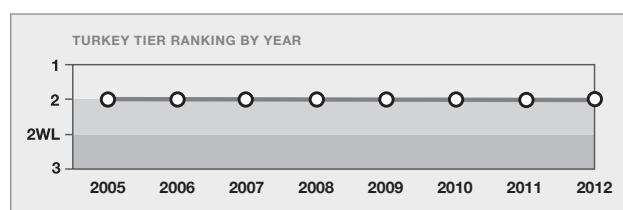
Unlike the Ben Ali regime, the current Tunisian government made significant efforts to raise awareness about trafficking and train government officials during the reporting period. The Tunisian Ministries of Social Affairs, Education, and Employment and Vocational Training initiated public awareness campaigns in the primary school curriculum to dissuade teenagers and young adults from emigrating illegally and potentially becoming victims of trafficking. The government also supported IOM counter-trafficking awareness campaigns for refugee camp residents. Moreover, the Ministry of Employment conducted investigations and began background checks of all recruitment agencies operating in Tunisia; recruitment agencies are now required to sign contracts with the Ministry of Employment before they can recruit workers to work in Gulf countries. Unlike during the previous reporting period, the government did not report efforts to reduce the demand for commercial sex acts by enforcing laws against prostitution and arresting "clients" soliciting commercial sex; Ministry of the Interior officials continue to believe that the commercial sex trade is not prevalent in Tunisia. In 2011, the Tunisian government established a National Commission to Combat Trafficking in Persons, composed of representatives of the Ministries of Justice, Interior, Foreign Affairs, Social Affairs, Health, Finance, and Women's Affairs, as well as members of civil society; the committee met in February 2012 to discuss adoption of the proposed anti-trafficking legislation.

TURKEY (Tier 2)

Turkey is a source, destination, and transit country for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims found in Turkey originate from Georgia,

Moldova, Ukraine, Uzbekistan, Turkmenistan, Azerbaijan, Russia, Indonesia, Afghanistan, Belarus, Kyrgyzstan, Romania, Armenia, Kazakhstan Morocco, Syria and Mongolia. Turkish women are subjected to forced prostitution within the country. According to local experts, sex trafficking victims are forced into prostitution in illegal brothels or are “leased” by clients and kept in private residences or hotels. A recent report claimed that children involved in the drug trade, prostitution, and pick pocketing in Turkey are vulnerable to exploitation by criminal groups.

The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. The government stepped up its identification of trafficking victims and increased funding for NGO shelters to remedy a previous funding shortfall and ensure their operation during the year. The government, however, did not secure a sustainable budget for NGOs providing critical care and assistance. It sustained efforts to prosecute and convict trafficking offenders in 2011, though courts continued to acquit a significant number of suspected trafficking offenders.



Recommendations for Turkey: Continue to develop comprehensive anti-trafficking legislation to explicitly criminalize forced labor and forced prostitution without the precondition of movement, consistent with international standards and establish a comprehensive victim-centered framework for assistance, including institutionalized funding and partnerships with NGOs; develop a mechanism to identify potential victims of labor and sex trafficking in partnership with NGOs and other stakeholders, such as labor inspectors; increase incentives for victims to voluntarily cooperate in the investigation and prosecution of their traffickers, including by appointing a victim witness advocate to ensure a continuum of care; allow potential victims some time to recover from their trafficking experiences and to make informed decisions before they are required to give official statements; establish a case-based analysis of trafficking cases to help desegregate possible smuggling statistics from Article 80; assess why a significant number of prosecuted trafficking cases result in acquittals; establish a victim assistance fund from fines levied against convicted traffickers for this purpose; and develop specialized care for children who are subjected to trafficking, and men who are subjected to forced labor.

Prosecution

The Government of Turkey sustained its anti-trafficking law enforcement efforts during the reporting period. Article 80 of Turkey’s penal code prohibits both sex trafficking and forced labor, and prescribes penalties of eight to 12 years’ imprisonment – which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. This statute, however, places emphasis on the movement, rather than the exploitation, of victims and does not explicitly prohibit trafficking occurring within Turkey’s

borders; this is not consistent with international standards. The government initiated a draft comprehensive trafficking law to remedy these deficiencies in 2011. The government reported that it prosecuted 409 trafficking suspects under Article 80 during the period of January through September 2011, of whom 232 were acquitted. This rate of acquittals represents a significant increase compared to the previous year when courts acquitted 150 of 430 suspects prosecuted. Because of Article 80’s emphasis on the movement of persons, the government’s prosecution data likely includes smuggling statistics. An NGO observer noted an overall low number of traffickers convicted and sentenced for trafficking offenses committed in Turkey. The government reported the conviction of 16 trafficking offenders under Article 80; these offenders received sentences of five to eight years’ imprisonment. Courts reportedly convicted another 16 trafficking suspects under a “mediation in prostitution” statute, Article 227, which carries much lighter penalties; these 16 offenders received a range of sentences from one month to four years’ imprisonment. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. Notably, in September 2011, the government cooperated with the Government of Armenia to successfully extradite an alleged Armenian trafficker from Turkey. During the year, the police reported that three of their nine anti-trafficking operations uncovered forced labor crimes and victims, primarily in the domestic servitude, begging, construction, and entertainment sectors. The police also reported the arrest of a Turkish government official for his suspected involvement in sex trafficking as a result of these operations. Complicity in trafficking by government employees continued to be a problem; the government did not take any additional action stemming from a 2009 prosecution involving three police officers or report any follow-up to its 2008 investigation of 25 security officials for trafficking complicity.

Protection

The Government of Turkey demonstrated progress in identifying and protecting sex trafficking victims in 2011. According to the Ministry of Interior (MOI), the government identified 82 trafficking victims in 2011, an increase from the 58 victims it identified in 2010. Notably, local police in Antalya included an NGO in victim identification interviews in 2011, which resulted in the identification of 29 trafficking victims. According to regional experts, Turkish authorities do not ensure that NGOs are engaged early in the identification process and as a consequence officials inadvertently deported some foreign trafficking victims. Thus the government continued to arrest and deport individuals without adequate efforts to identify trafficking indicators among men, women, and children.

Three anti-trafficking NGOs provided shelter to a total of 39 victims, including 2 children, during the reporting period. The government increased funding to these shelters in 2011 to help keep them operational during the year; local authorities and the MFA provided a combined \$105,000 to the Istanbul shelter during the year. The MFA also provided supplemental funding for the shelters in Ankara and Antalya in 2011, representing an improvement from the previous year when funding shortages caused one shelter’s closure. The government continued, however, to lack a consistent funding mechanism to ensure sustainability and support for NGOs providing comprehensive care in these shelters. While the government encouraged victims to participate in trafficking investigations and prosecutions, most victims

chose to return to their country of origin and declined to participate in prosecutions of traffickers. This was most often due to a lack of available legal aid to support victims during court proceedings, victims' perceived fear of authorities, the threat of retribution from traffickers, and slowness of court procedures. IOM assisted in the return of 35 trafficking victims who declined assistance from Turkish officials. The government continued to hold trafficking victims in immigration detention centers while IOM prepared their return procedures. The government offered foreign victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey for up to six months with permission to work, with the option to extend for an additional six months. The government granted such a permit to one trafficking victim in 2011.

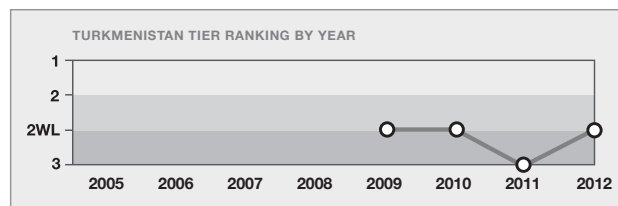
Prevention

The Turkish government demonstrated proactive steps to reform its anti-trafficking prevention efforts during the year. Its inter-agency working group on trafficking, established in August 2011, met regularly throughout the year to identify areas of weakness. The government continued to provide the equivalent of \$150,000 in annual funding for the operation of its national IOM-run anti-trafficking ("157") hotline. IOM continued to report that the highest percentage of calls came from clients of women in prostitution. During the year, the government distributed an identification form for police to use during anti-trafficking operations; however local experts reported the need for enhanced training to ensure more consistent implementation. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment abroad for international peacekeeping missions. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor within Turkey. Prostitution by women who are Turkish citizens is legal under restricted conditions in Turkey; the government reported efforts to screen both brothels and women involved in street prostitution to identify potential trafficking victims. The government did not take any discernible steps to prevent child sex tourism by Turkish nationals traveling abroad.

TURKMENISTAN (Tier 2 Watch List)

Turkmenistan is a source, and to a lesser extent, destination, country for men, women, and children subjected to forced labor and sex trafficking. Men and women from Turkmenistan are subjected to forced labor after migrating abroad in search of employment, including in textile sweatshops, construction sites, and in domestic servitude. Some women and girls from Turkmenistan are subjected to sex trafficking abroad. Turkey remains the most frequent destination for identified Turkmen victims, followed by Russia; Turkmen victims have also been identified in the United Kingdom, Kazakhstan, Turkey, and Cyprus. An international organization estimates that there are between 10 and 25 trafficking victims who return to Turkmenistan each month. Trafficking occurring within the country is also a problem. Those who work in the construction industry are vulnerable to forced labor. In 2011, trafficking victims were identified in Turkmenistan from Uzbekistan, Ukraine, and Azerbaijan.

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite this progress – including publicly acknowledging the existence of human trafficking within the country, convicting traffickers for the first time under its anti-trafficking statute, and formally registering an NGO-operated shelter – the government did not demonstrate overall increasing efforts in identifying and protecting victims and raising awareness of human trafficking over the previous year; therefore, Turkmenistan is placed on Tier 2 Watch List.



Recommendations for Turkmenistan: Improve implementation of the 2007 Law on Combating Trafficking in Persons; continue to use Article 129 to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders; provide training for prosecutors and other relevant government authorities on the proper application of Article 129; develop systematic procedures to identify victims and refer them to protection services and train border guards, police, and other relevant government officials to use these procedures; provide financial or in-kind assistance to anti-trafficking organizations providing assistance to victims; establish safeguards and training procedures to ensure victims are not punished for unlawful acts committed as a direct result of being trafficked, such as migration violations and prostitution; conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking; develop formal relationships with civil society groups to coordinate national anti-trafficking efforts; and develop a national action plan for countering trafficking in persons.

Prosecution

The Government of Turkmenistan demonstrated law enforcement progress during the reporting period. The government prohibits all forms of trafficking in persons through Article 129 of its criminal code, which was adopted in May 2010 and went into effect in July 2010. It prescribes penalties ranging from four to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, this law releases the trafficking offender from criminal penalty if he or she voluntarily frees the victim, unless certain aggravating circumstances are present. The government did not provide anti-trafficking law enforcement data for inclusion in this report. At the same time, other sources verified reports that the government convicted several traffickers in three cases under Article 129(1) – the first convictions recorded under Turkmenistan's trafficking statute. In one case, the government sentenced two convicted traffickers from the eastern city of Mary to 13 years' imprisonment for sex trafficking. The government also sentenced an unspecified number of traffickers to nine years' imprisonment in two separate cases in the city of Turkmenabat in Lebap province, also for sex trafficking. A media outlet reported that the former

director of a cotton spinning company was sentenced to three years' probation and a fine under a non-trafficking statute for offenses that included sex trafficking; numerous government officials were alleged to be among the clients. These law enforcement efforts represent an increase over those taken during the previous reporting period. There were no reports that the General Prosecutor's Office conducted trainings for law enforcement officials on implementing Article 129(1), as they did in the previous reporting period. Prosecutors reportedly continued to share information about trafficking with Turkish counterparts.

Protection

The Government of Turkmenistan demonstrated limited efforts to protect or assist victims during the reporting period, despite provisions in the 2007 anti-trafficking law for establishing victim care facilities and providing protection and assistance for victims of trafficking. The government did not provide services to victims of trafficking, nor did it fund international organizations or NGOs to provide such services to victims. However, the State Migration Service referred some victims to the NGO-run counter-trafficking hotline and shared some cases of potential victims returning from Turkey with an NGO. For the first time, in September 2011, the government formally registered an NGO-operated shelter for trafficking victims, though the shelter had operated since August 2010. In 2011, at least 50 victims were assisted by organizations that did not receive government funding, compared with 38 victims assisted by such organizations in 2010. The government employed no formal victim identification procedures and did not provide victim identification, referral, or sensitivity training to border guards or police. The government punished trafficking victims for crimes committed as a result of being trafficked; reports continued that the State Migration Service fined trafficking victims upon return to Turkmenistan for visa violations. Turkmen citizens deported from other countries – potentially including trafficking victims – are reportedly blocked by the State Migration Service from exiting Turkmenistan for a period of up to five years. The government made no attempts to identify sex trafficking victims among women arrested for engaging in prostitution. There was one report of five victims assisting in an investigation and receiving temporary police protection in return, although the government did not report encouraging victims to assist in trafficking investigations or prosecutions. Anecdotal information suggested, however, that many victims did not turn to the authorities for assistance.

Prevention

The Government of Turkmenistan demonstrated some efforts to prevent human trafficking during the reporting period. It jointly hosted an anti-trafficking conference in September 2011 with IOM and a foreign government, with participating experts drawn from seven countries and international organizations. State-owned television and print media provided extensive coverage of the event. In November 2011, a government delegation to the UN Committee on Economic, Social, and Cultural rights publicly acknowledged for the first time the existence of human trafficking in Turkmenistan by reporting the occurrence of trafficking convictions. The government did not fund or conduct any anti-trafficking awareness campaigns in 2011. The government did not provide assistance to any anti-trafficking NGOs, in contrast to 2010 when Turkmenistan provided in-kind assistance to two NGOs. The government continued to lack a coordinating body on human trafficking

and a national anti-trafficking plan. Transparency in anti-trafficking efforts was poor, as the government did not report publicly on its anti-trafficking policies or activities. The stateless population in Turkmenistan is vulnerable to trafficking. The State Migration Service, jointly with UNHCR, registered approximately 8,000 people over the age of 18 who are considered at risk of statelessness and issued residency permits to many of them. The government also granted citizenship to 3,318 formerly stateless people through presidential decrees in July and October 2011.

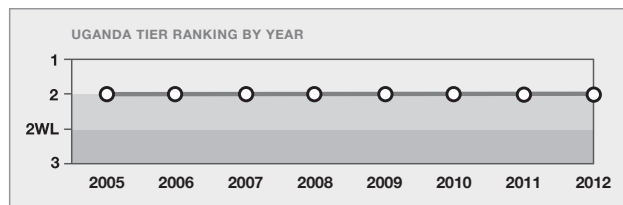
UGANDA (Tier 2)

Uganda is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Ugandan children are exploited in forced labor within the country in agriculture, cattle herding, mining, stone quarrying, brick making, car washing, scrap metal collection, bars and restaurants, and the domestic service sector, and are exploited in prostitution. Ugandan children are taken to other East African countries for similar purposes, and are also forced to engage in criminal activities. Karamojong women and children are particularly vulnerable to domestic servitude, commercial sexual exploitation, and forced begging due to dire economic and social conditions in the Karamoja region. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and South Sudan are subjected to forced agricultural labor and prostitution in Uganda. Prisoners in pre-trial detention engage in forced labor alongside convicts; pre-trial detainees make up 56 percent of Uganda's prison population. Until August 2006, the Lord's Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters. While there have been no LRA attacks in Uganda since 2006, Ugandan children previously abducted remain unaccounted for, and some may remain captive with LRA elements currently located in the DRC, Central African Republic, and South Sudan.

During the reporting period, Ugandan trafficking victims were reported in the UK, Denmark, Iraq, South Sudan, Kenya, China, Thailand, and Malaysia. In addition, Uganda's INTERPOL office reported Ugandan women trafficked to India, Egypt, Afghanistan, Indonesia, and the United Arab Emirates. During the year, press reports highlighted the forced prostitution of Ugandan women in Malaysia after being recruited for work as hair dressers, nannies, and hotel staff; some of the women transit through China and Thailand – where they may also encounter forced prostitution – *en route* to Malaysia.

The Ugandan government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government identified five trafficking cases during the year and prosecuted three of these cases but did not convict any forced labor or sex trafficking offenders under Uganda's 2009 Prevention of Trafficking in Persons (PTIP) Act. The government also established a counter trafficking in persons (CTIP) office – as mandated by the 2009 PTIP Act – to lead national anti-trafficking efforts and develop a national action plan. The government referred victims who came forward to the care of IOM but did not provide financial or material support for this care. The government's one-person External Labor Unit (ELU) continued to monitor the activities of licensed external labor recruiting agencies, provided pre-departure seminars

for Ugandans recruited to work overseas, and conducted an official visit to Iraq to investigate trafficking allegations. However, its efforts to adequately monitor external labor recruiting agencies were hampered by a continued lack of financial and human resources.



Recommendations for Uganda: Continue to implement comprehensive anti-trafficking legislation and build the capacity of the CTIP office and other governmental and non-governmental stakeholders; increase efforts to prosecute, convict, and punish trafficking offenders; institute a unified system of documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; investigate and punish labor recruiters and criminal entities responsible for knowingly sending Ugandans into forced labor or prostitution abroad; ensure use of a definition of trafficking in persons consistent with the 2009 PTIP Act and 2000 UN TIP Protocol when implementing the act, identifying victims, and combating trafficking generally; finalize regulations to fully implement the protection and prevention provisions of the 2009 PTIP Act; launch a nationwide anti-trafficking public awareness campaign with a particular focus on forced labor; establish policies and procedures for government officials to identify and interview potential trafficking victims proactively and transfer them to the care, when appropriate, of local organizations; train Ugandan officials serving in overseas postings in victim identification techniques; and increase the number of staff and funding dedicated to the anti-trafficking efforts within the ELU, the Ministry of Gender, Labor, and Social Development (MGLSD), and the Ministry of Internal Affairs (MIA).

Prosecution

The Government of Uganda maintained its anti-trafficking law enforcement efforts during the year, acquitting two suspected traffickers, prosecuting two additional suspects, and initiating two additional investigations, though it did not convict forced labor or sex trafficking offenders. The 2009 PTIP Act prohibits all forms of trafficking, prescribing punishments of 15 years to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the year, a Ugandan court acquitted two alleged traffickers because the alleged offenses occurred prior to ratification of the act; the government did not retry the offenders for the domestic servitude of a child under other relevant legal provisions. In two of the five investigations that began during the reporting period, the government charged – in August and September 2011 – two suspects with human trafficking for recruiting Ugandan women into forced prostitution in East Asia. The investigation of two additional offenders also allegedly involved in the recruitment of women for forced prostitution in East Asia remains pending from the previous reporting period, as does an April 2010 case involving the trafficking of people from the Karamoja region to urban

centers in Uganda. In 2011, the Uganda Police Force (UPF) and Ugandan INTERPOL cooperated with Malaysian, Thai, Chinese, Kenyan, and Rwandan government counterparts to investigate alleged trafficking cases.

The government prosecuted one internal domestic servitude case during the year which resulted in an acquittal; however, it did not identify cases of children involved in other forms of forced labor or prostitution. In November 2011, the MIA trained 598 police cadets from Uganda, South Sudan, and Somalia on identifying trafficking cases. In December 2011, the MIA also trained 22 immigration officers on victim identification and case investigation. In March 2011, MIA and police officials conducted two sessions as part of a broader ILO training of 35 officials from the MIA, UPF, the MGLSD, and NGOs on human trafficking and the 2009 PTIP Act. The Ministry of Foreign Affairs (MFA) did not provide training on victim identification to its consular staff. However, MIA immigration officials working in Ugandan embassies and consulates abroad routinely receive training in victim identification. Additionally, staff within the Uganda Prisons Service is complicit in forced labor for engaging pre-trial detainees in hard labor alongside convicts.

Protection

The government made efforts to protect trafficking victims during the year, but it failed to draft implementing regulations or allocate funding for the implementation of the 2009 anti-trafficking law's victim protection provisions. The government identified trafficking victims during the year but did not develop procedures for the systematic identification of victims among high risk groups. The Ugandan military did not provide comprehensive data on persons rescued from the LRA during its operations abroad. During the year, an NGO provided services, including counseling and vocational training, to 104 children removed from domestic servitude and prostitution. The government continued to provide short-term shelter, food, and medical care at police stations, while referring victims on an *ad hoc* basis to NGOs for long-term care and additional services. The government did not provide support to NGOs offering longer-term care. In Kampala, local police routinely took street children to an under-resourced MGLSD juvenile detention center that provided food, medical treatment, counseling, basic education, and family tracing. Children spent up to three months at the facility; some were returned to their families, but many others returned to the streets again. There were no similar government-funded or operated facilities or services for adult trafficking victims. The law permits foreign trafficking victims to remain in Uganda during investigation of their cases and to apply for residency and work permits, but there were no reported cases involving foreign victims during the year. The government encouraged trafficking victims to testify against their exploiters; however, there was no evidence that victims did so during the year.

During the year, IOM repatriated 13 Ugandan women from Malaysia and two from China; the Ugandan government provided travel documents to several of these trafficking victims, but did not fund their travel costs or provide medical care, shelter, counseling, or other assistance to these or other repatriated trafficking victims. The Ugandan honorary consul to Malaysia played an active role in supporting and assisting in the repatriation of Ugandan trafficking victims in Malaysia. Several Ugandan members of parliament visited Malaysia in March 2012 on a related fact-finding mission.

Prevention

The Ugandan government made increased efforts to prevent human trafficking during the year. In February 2012, the Minister of Internal Affairs, the lead ministry on anti-trafficking efforts, appointed a principal immigration officer to coordinate government anti-trafficking efforts and oversee the work of its newly established anti-trafficking office – the CTIP office. The establishment of the office fulfills a long-delayed mandate of the 2009 PTIP Act. In March 2012, the CTIP office established a national 14-member task force including representatives from the CTIP office, the Immigration Department, the UPF's child and family protection unit and special investigations unit, INTERPOL, the MGLSD, the MFA, the Ministry of Education, the Ministry of Justice and Constitutional Affairs, the Directorate of Public Prosecutions, the Internal Security Organization, the External Security Organization, and the Karamoja affairs, disaster preparedness, and refugees offices within the prime minister's office. During the year, the CTIP office required task force members to submit reports on actions to combat trafficking by their respective agencies and began consultations necessary for drafting a national action plan. The government also conducted anti-trafficking educational campaigns through radio programs and community discussions during the year. Following the interception of several buses of children in the previous reporting period and a well-documented problem of forced begging by Karamojong children on Kampala's streets, in 2011 the MGLSD established road blocks along the Karamoja-Kampala corridor to identify potential child victims before they reached Kampala.

The MGLSD's ELU continued application of its 2008 policy prohibiting labor recruitment agencies from recruiting Ugandans to work as domestic servants, and monitored their recruitment of guards, drivers, and manual laborers for overseas employment. In 2011, the ELU visited Iraq to investigate allegations of trafficking of Uganda citizens in these countries and began drafting new guidelines for recruitment agencies. The ELU – with just one staff member – provided pre-departure seminars for 400 Ugandans leaving for work abroad, supplied sample contracts to recruitment agencies, and provided phone numbers for Ugandans to call should they need assistance while abroad. However, the government's oversight of overseas recruitment agencies remains inadequate and under-resourced.

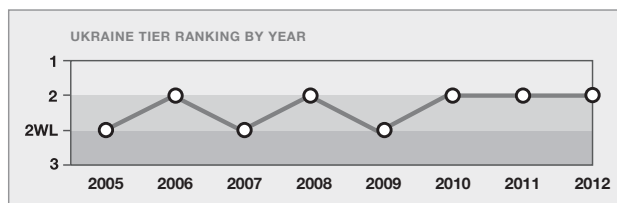
In March 2011, five women repatriated from Iraq in 2009 filed a lawsuit against the attorney general, the inspector general of police (IGP), the director of public prosecution (DPP), and a labor recruitment agency alleging that the agency had trafficked 155 women to Iraq. The women alleged that the IGP knew the women would be exploited and failed to carry out his constitutional duty to protect them, and that the DPP subsequently failed to prosecute the recruitment agency. The case remains pending, and the plaintiffs' claim that many of the women sent to Iraq remain missing. In February 2011, a member of parliament filed a petition on behalf of 16 women repatriated from Iraq tasking parliament's gender and social development committee to investigate recruitment agencies; during the year, parliament took no action on this petition. The government investigated three cases of child sacrifice, two of which remain pending. In the third case, the government convicted one offender under its PTIP Act and sentenced this suspect to seven years' imprisonment for attempted child sacrifice. In March 2012, the government convicted a foreign

national for possession of pornography and sentenced him to two years' imprisonment or a fine of equivalent to \$2,500. The offender paid the fine and was released, but was immediately rearrested for the alleged sexual abuse of Ugandan children. The case was pending at the end of the reporting period. The government provided anti-trafficking training to members of the Ugandan armed forces prior to their deployment abroad on international peacekeeping missions; an estimated 5,000 troops attended such trainings in 2011. Uganda is not a party to the 2000 UN TIP Protocol.

UKRAINE (Tier 2)

Ukraine is a source, transit, and increasingly a destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian trafficking victims are subjected to trafficking in Russia, Poland, Iraq, Portugal, United Arab Emirates, the Czech Republic, Turkey, Germany, Azerbaijan, Israel, Lithuania, Lebanon, Cyprus, Greece, Italy, Macedonia, Spain, Syria, the United States, Albania, Bahrain, Bosnia & Herzegovina, China, Egypt, Hungary, India, Kazakhstan, Kosovo, Moldova, Montenegro, Serbia, Slovenia, South Africa, Syria, Turkmenistan, and the Netherlands. Within the country, Ukrainian women and minors were trafficked for sexual exploitation, men and women of all ages were trafficked for forced labor, and children from disadvantaged families were forced to beg. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine. Men, women, and children from Uzbekistan, Pakistan, Cameroon, Moldova, Germany, Albania, and the Czech Republic are subjected to forced labor and sex trafficking in Ukraine. The most prevalent sectors for labor exploitation were construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging or selling. Often, traffickers are part of small organized crime networks, the majority of which are led by Ukrainians with foreign partners, particularly in Germany, Russia, and Poland.

The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed legislation that could improve the delivery of services to trafficking victims, including through the development of a national victim referral mechanism. The judicial system convicted more trafficking offenders and sentenced the majority to time in prison. The government, through a limited pilot project, also increased the number of victims identified and referred to NGOs for assistance, though it did not fund NGO-provided services to victims, and services available for child victims remained inadequate. The government did not take sufficient steps to investigate, prosecute, and convict government officials complicit in human trafficking crimes and did not develop effective mechanisms for the proactive identification and referral of trafficking victims to services.



Recommendations for Ukraine: Vigorously investigate, prosecute, and convict government officials complicit in trafficking crimes and ensure that guilty officials receive time in prison; continue to investigate actively and prosecute trafficking offenses, and seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; improve collection of data to disaggregate forced labor and sex trafficking offenses; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases; implement effectively the new national referral mechanism to ensure the proactive identification and referral of trafficking victims to services; widely disseminate information about the new human trafficking law among governmental institutions; expand services provided by the government to victims of trafficking and provide funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; encourage courts to use victim-centered methods of collecting testimony and equip them with the technology and facilities to do so; ensure victims of trafficking are not penalized for acts committed as a direct result of being trafficked; further expand prevention efforts in coordination with civil society; increase interagency coordination to combat human trafficking; and continue trafficking-specific training for prosecutors and judges.

Prosecution

The Government of Ukraine increased law enforcement efforts during the reporting period, particularly increasing the number of convictions of trafficking offenders. Article 149 of the Criminal Code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported initiating 125 investigations into trafficking offenses in 2011, down from 145 in 2010 and 160 in 2009. The government prosecuted 135 trafficking cases under Article 149 in 2011, compared with 111 trafficking cases prosecuted in 2010 and 80 in 2009. The government reported that it convicted 158 trafficking offenders in 2011, an increase from 120 in 2010 and 110 in 2009. Of the 91 convicted trafficking offenders who did not appeal courts' decisions in 2011, 53 received sentences with prison terms. Sentences ranged from less than two years' to 10 years' imprisonment. Thirty-six convicted traffickers were placed on probation, an increase from 33 in 2010. Additionally, appeals of 67 convicted traffickers were still pending in 2011, compared with 25 in 2010. The government did not, however, disaggregate its law enforcement data to demonstrate efforts against both sex and labor trafficking. Prosecutors continued to appeal low sentences imposed on convicted trafficking offenders, appealing 45 such sentences in 2011. In 2011, the Ukrainian government cooperated on joint investigations with at least twenty other governments and executed three extradition requests. During the year, the responsibility for investigating human trafficking offenses reverted from the specialized Department of Combating Cyber Crime and Human Trafficking to a subordinate unit in the Criminal Search Department, which had held this responsibility until 2005. The government continued to include trafficking-specific sessions in its regular training seminars for judges. In December, the National Academy of Prosecutors conducted a seminar for law enforcement personnel on strengthening their capacity to combat human trafficking.

Government officials' complicity in human trafficking offenses continued to be a serious problem in 2011. While the government provided no statistics regarding investigations on public officials, NGOs reported that official trafficking-related corruption was a problem, including complicity of prosecutors, judges, and border guards. Local and *oblast*-level corruption interfered with the investigation and prosecution of trafficking cases. Local experts reported one case in Volyn *oblast*, however, in which the government is prosecuting a village council deputy who organized a criminal ring that trafficked 20 women to Poland. During 2011, three anti-trafficking officers who solicited bribes from women engaged in prostitution were convicted and sentenced to 3.5 years' imprisonment; their appeal was still pending at the end of the reporting period.

Protection

The government did not expand its victim protection efforts during the reporting period, though it did pass a law that should improve the delivery of services to victims in the future. In September 2011, the legislature passed the Law on Combating Trafficking in Human Beings, which assigned anti-trafficking responsibilities to various government agencies and codified the government's anti-trafficking protection policies. Additionally, the statute requires the establishment of a formal mechanism for referral of victims for the provision of assistance. The new law requires front-line responders to refer all potential trafficking victims to the Ministry for Social Policy (MSP) for formal victim identification and state assistance. The government continued its pilot project, in partnership with the OSCE, to develop a referral mechanism in two *oblasts*; 43 victims were identified and assisted within the pilot project framework in 2011, an increase from 20 in 2010. According to the Ministry of the Interior, the government identified 294 victims, compared to 277 in 2010 and 359 in 2009. In 2011, IOM, working with its local NGO partners, provided reintegration assistance to 823 Ukrainian victims, a decrease from 1,085 victims in 2010, about three quarters of whom were victims of labor trafficking. The government did not provide any funding to NGOs providing assistance to victims of trafficking, although it did provide some in-kind assistance to NGOs assisting victims and engaged in other anti-trafficking activities, including administrative expenses and facility space. Government-supported shelters reported providing assistance to 15 trafficking victims in 2011. The government, however, continued to rely on international donors to provide the majority of funding for victim assistance. The government continued to place child trafficking victims in temporary shelters for homeless children that do not offer specialized services for trafficking victims. The government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers; 294 victims assisted in pre-trial trafficking investigations in 2011. Meanwhile, the government made modest improvements in protecting victim witnesses by more frequently using victim-centered methods of collecting testimony. The new human trafficking law provides foreign trafficking victims with the opportunity to apply for a three-month temporary residence permit, which can be extended for participation in judicial proceedings or if the victim's safety would be comprised by his or her repatriation. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked; however, three victims were detained for six months because they were not initially recognized as trafficking victims, and another victim was detained while awaiting deportation because there was

not yet a temporary legal status for trafficking victims. The Department on Combating Organized Crime was reportedly more active in proactively investigating human trafficking rings and regularly monitored farms and industrial areas, though those doing the investigations were not the personnel who had previously received specialized training in conducting anti-trafficking investigations. IOM identified 23 foreign victims of trafficking during the reporting period.

Prevention

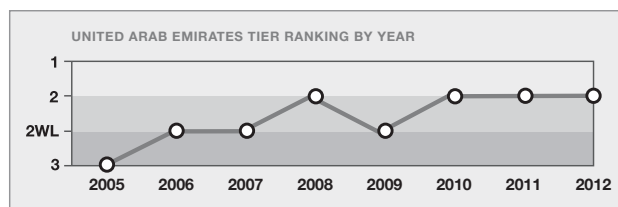
The Government of Ukraine continued its limited trafficking prevention activities during 2011. The government prepared 15 anti-trafficking public service announcements for Ukrainian television, published 136 articles for print and electronic media, and aired 19 radio reports. The government took some steps to regulate private companies involved in the recruitment of Ukrainians for work abroad. The government provided in-kind and limited financial assistance to NGOs for trafficking-prevention activities. Together with IOM, the government conducted five counter-trafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2011; these trainings are mandatory for Ukrainian peacekeepers. In January 2012, the government designated the MSP as the national anti-human trafficking coordinator. At the end of the reporting period, the Government of Ukraine adopted the National Plan on Combating Human Trafficking for 2012-2015. The government did not conduct any anti-trafficking prevention campaigns to address demand for commercial sex.

UNITED ARAB EMIRATES (Tier 2)

The United Arab Emirates (UAE) is a destination, and to a lesser extent transit, country for men and women, predominantly from South and Southeast Asia, who are subjected to forced labor and forced prostitution. Migrant workers, who comprise more than 90 percent of the UAE's private sector workforce, are recruited from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, Thailand, Korea, Afghanistan, Iran, and the Philippines. Women from some of these countries travel willingly to the UAE to work as domestic servants, secretaries, beauticians, and hotel cleaners, but some are subjected to conditions indicative of forced labor, including unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats, or physical or sexual abuse. Restrictive sponsorship laws for foreign domestic workers often give employers power to control domestic workers' movements, threaten them with abuse of legal processes, and make them vulnerable to exploitation. Men from India, Sri Lanka, Bangladesh, Pakistan, and Nepal are drawn to the UAE for work in the construction sector; some are subjected to conditions of forced labor, including debt bondage as they struggle to pay off debts for recruitment fees. In some cases, employers have declared bankruptcy and fled the country, effectively abandoning their employees in conditions vulnerable to labor exploitation. Some women from Eastern Europe, Central Asia, Southeast Asia, the Far East, East Africa, Iraq, Iran, and Morocco are subjected to forced prostitution in the UAE.

The Government of the United Arab Emirates does not fully comply with the minimum standards for the elimination of

trafficking; however, it is making significant efforts to do so. This year, the government continued to prosecute and punish sex trafficking offenders, though its efforts to combat forced labor were lacking. The government's failure to address labor and other forms of trafficking continues to be a gap in the Emirates' law enforcement efforts against trafficking. However, during the reporting period, in direct response to indicators of forced labor of temporary migrant workers and domestic servants, the government implemented victim identification procedures, drafted a law to protect domestic workers, and continued to aggressively enforce its Wage Protection System, which is intended to ensure the payment of wages to workers. The government continued to implement its anti-trafficking awareness campaigns and to refer identified sex trafficking victims to protective services. In addition, the government invited Dr. Joy Ezeilo, the UN Special Rapporteur on Trafficking in Persons, in April 2012 to conduct a fact-finding mission on trafficking issues in the UAE and offer recommendations to strengthen government efforts against trafficking. Nonetheless, labor trafficking victims remained largely unprotected and, due to the government's lack of capacity to identify victims of forced labor among vulnerable populations, victims may be punished for immigration and other violations.



Recommendations for the United Arab Emirates:

Significantly increase efforts to investigate, prosecute, and punish labor trafficking offenses, and convict and punish trafficking offenders, including recruitment agents and employers who subject workers to forced labor; enact and implement the draft law addressing the protection of domestic workers' rights; institute formal procedures to identify proactively victims of trafficking among vulnerable groups such as workers subjected to labor abuses, those apprehended for violations of immigration laws, domestic workers who have fled their employers, and foreign females in prostitution; provide protection services to all victims of trafficking, including by extending protection to victims of forced labor on par with victims of forced prostitution; ensure trafficking victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked, including victims of forced labor; enforce prohibitions on withholding of workers' passports; extend labor law protections to domestic workers; and reform the sponsorship system so it does not provide excessive power to sponsors or employers in granting and sustaining the legal status of workers.

Prosecution

The UAE government sustained its strong law enforcement efforts against sex trafficking during the reporting period, but again failed to take any discernible measures to investigate or punish forced labor offenses. The UAE prohibits all forms of trafficking under its federal law Number 51 of 2006, which prescribes penalties ranging from one year in prison to life imprisonment, as well as fines and deportation if the trafficker is an expatriate. These penalties are sufficiently stringent

and commensurate with those prescribed for other serious crimes, such as rape. In November 2010, the Dubai authorities established a special court to expedite human trafficking prosecutions in that Emirate. During the reporting period, the UAE government continued to combat sex trafficking, investigating 44 cases in 2011, two of which involved victims under the age of 18. Thirty-seven of these cases were prosecuted under the anti-trafficking law, which is a significant decrease from the 58 sex trafficking cases prosecuted in 2010. According to the government's 2011-2012 annual human trafficking report, the 37 prosecutions yielded 111 arrests and involved 51 victims; 19 traffickers were convicted and punished with prison terms including life imprisonment. Despite the UAE's prohibition of labor trafficking offenses, the government only reported the prosecution of one forced labor case under the anti-trafficking law. In January 2011, two women were charged with forced labor offenses for forcing a woman to work in a massage parlor; they were also charged with forced prostitution of two other victims. The prosecution was still ongoing at the end of the reporting period. The government failed to report any convictions or punishments for forced labor during the reporting period. Prohibitions against practices that greatly contribute to forced labor, such as the widespread withholding of workers' passports, remained unenforced. The government continued to respond to workers' complaints of unpaid wages, but this response was largely limited to administrative remedies, including fines or mediation to recover the wages; seldom did the government criminally investigate or punish an employer. The government's inter-ministerial National Committee to Combat Human Trafficking (NCCHT) and Dubai authorities continued to train judicial and law enforcement officials and staff of the government's social services agency on human trafficking issues. The Ministry of Interior (MOI) also conducted 47 internal training courses for over 1,000 anti-trafficking specialists in 2011, and anti-trafficking courses were added to police academies' curriculums. The NCCHT also finalized a data collection methodology to establish a central database for law enforcement officers working on anti-trafficking cases. The government did not report any investigations, prosecutions, or convictions for government complicity in trafficking offenses. The government reported actively cooperating with other countries and international agencies on international trafficking investigations during the year. For example, UAE cooperated with Azerbaijani authorities to extradite three Azerbaijani traffickers who were listed on an INTERPOL watch list.

Protection

The UAE government made sustained, yet uneven, progress in protecting victims of trafficking during the reporting period. Although it continued to provide services to victims of sex trafficking, it demonstrated no efforts to improve care for victims of forced labor. The government continues to fund shelters for female and child victims of trafficking and abuse in Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah. These facilities provide medical, psychological, legal, educational, and vocational assistance to victims of trafficking. While the government does not provide shelter services for male victims of trafficking, in 2011, the Ministry of Labor in Dubai provided alternative options for some laborers who were abandoned by their employers, including repatriation, filing a grievance against the employer, or locating a new employer. In the first half of 2011, the Dubai shelter assisted 19 victims of trafficking and the Abu Dhabi shelter assisted 29 women and children trafficking victims, which is a significant decrease from the

49 and 71 victims the shelters assisted in 2010. The Ras Al Khaimah and Sharjah shelters assisted 15 and 14 victims, respectively, in 2011. Two victims referred to shelter services in 2011 were UAE nationals who were forced into prostitution by family members. Once identified, victims reportedly were not punished for unlawful acts committed as a direct result of being trafficked, such as prostitution offenses. Authorities report that government officials, including the police, as well as houses of worship and community centers, refer victims to shelters. The government reportedly identified and referred 32 sex trafficking victims to care facilities in the first nine months of 2011. The government continued to implement aggressively its anti-trafficking awareness campaigns, and the MOI implemented new victim identification procedures during 2011. Police stations designated personnel and implemented standard operating procedures to identify victims of both sex and labor trafficking; however, some victims may have remained unidentified due to capacity issues. As a result, some victims of sex trafficking, who the government did not identify, may have been penalized through incarceration, fines, or deportation for unlawful acts committed as a direct result of being trafficked. To attempt to remedy this problem, the government reportedly has a referral process to improve the identification of trafficking victims in detention or prison and refer them to a local shelter; NGOs report the referral system works well in practice. Moreover, in January 2012, shelter representatives reported that the MOI implemented a system to place suspected trafficking victims in a transitional facility, instead of a detention center, until victim identification is completed.

The government encouraged identified victims of sex trafficking to assist in the investigation and prosecution of traffickers by providing victims with housing and sometimes employment. Nonetheless, the UAE continues to fail to recognize forced labor victims, particularly if they are over the age of 18 and entered the country voluntarily. While the UAE government exempts victims of trafficking from paying fines accrued for overstaying their visas, the government did not offer victims of labor trafficking – likely the most prevalent form of trafficking in the UAE – shelter, counseling, or immigration relief. Domestic workers who fled from their employers often accessed limited assistance at their embassies, but largely were presumed to be violators of the law by UAE authorities. The UAE government did not actively encourage victims of labor trafficking to participate in investigations or prosecutions, and it did not initiate proactive investigations of forced labor offenses committed against these victims. In addition, although training for law enforcement officials included training on victim identification, the government does not have formal procedures for proactively identifying victims of trafficking among high risk persons with whom they come in contact. As a result, victims of forced labor may have been punished for unlawful acts committed as a direct result of being trafficked, such as immigration violations. The government did not provide long-term legal alternatives to the removal of foreign trafficking victims to countries where they faced retribution or hardship.

Prevention

The UAE government continued to make anti-trafficking prevention efforts a priority during the reporting period. The government and Dubai police conducted anti-trafficking information and education campaigns within the UAE and with source country embassies, and expanded

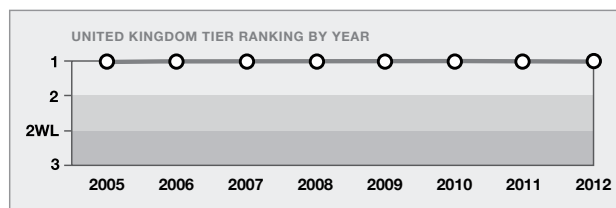
an advertisement campaign, which was implemented in 2010 in the Abu Dhabi and Al Ain international airports, to additional international airports throughout the country. The government also restricted the issuance of tourist visas to certain vulnerable populations that had been subject to sex trafficking. The UAE's Cabinet of Ministers approved a draft law in January 2012 protecting the rights of domestic workers, which awaited presidential approval and subsequent implementation at the end of the reporting period. The NCCHT re-launched its website to raise awareness of trafficking and established a toll-free hotline to report labor abuses. The MOI also conducted lectures on forced labor issues, which reached nearly 52,000 foreign workers in companies and institutions across the country. The government was transparent about its anti-trafficking efforts, as it continued to publish an annual public report on its anti-trafficking measures. In April 2012, the government also invited the UN Special Rapporteur on Trafficking in Persons to conduct an assessment on trafficking in the UAE and provide recommendations to increase government awareness and strengthen efforts to combat trafficking. Government authorities produced and translated into source country languages pamphlets on workers' rights and resources for assistance for distribution to migrant workers. In addition, the Dubai Police's Human Trafficking Crimes Control Center reported it conducted 1,648 inspections of labor camps in 2011 and received 668 complaints to its labor hotline; however, none of the cases received by the hotline were deemed labor trafficking. Additionally, the government sustained its Wage Protection System (WPS), an electronic salary monitoring system intended to ensure workers receive their salaries. Monitored by the Ministry of Labor, the WPS has penalized over 600 employers who have failed to register their wage payments. Approximately 2.85 million workers and 205,000 of the 250,000 registered companies have enrolled in the WPS since its launch in 2009. In 2011, the UAE also implemented a system to verify contracts with some labor source countries to protect workers from contract substitution and other fraudulent activities. The government, however, did not take any measures to reduce the demand for commercial sex acts in the UAE or child sex tourism by UAE nationals.

UNITED KINGDOM (Tier 1)

The United Kingdom (UK) is a destination country for men, women, and children primarily from Africa, Asia, and Eastern Europe who are subjected to sex trafficking and forced labor, including domestic servitude. Authorities reported that victims continued to be forced to commit benefit fraud and other forms of coerced criminality. Unaccompanied migrant children in the UK represent an especially vulnerable group for trafficking. Some UK children are subjected to sex trafficking within the country. Migrant workers in the UK are subjected to forced labor in agriculture, construction, food processing, domestic service, nail salons, and food services. According to a 2011 report issued by an NGO that assists migrant domestic workers, domestic workers in diplomatic households were vulnerable to trafficking and abuse, including acts of violence and coercion. However, during the reporting period, it was not clear what actions, if any, the government took to address the treatment of domestic workers employed by foreign diplomats posted in the UK. Children and male adults, mostly from Vietnam and China, continued to be forced and coerced to work on cannabis farms; however, according to a 2011 UK police report, the number of cases involving Vietnamese children decreased

slightly from the last reporting period, likely as a result of tougher law enforcement targeting these farms. According to UK officials, Nigeria, China and Vietnam continued to be the top three source countries for trafficking victims found in the UK; however, authorities identified trafficking victims from over 36 countries in 2011. UK men were subjected to forced labor within the UK and in other countries in Europe during the year. During the year, Scottish police reported an increase in unaccompanied and trafficked children arriving from Afghanistan and Iraq. Experts report trafficking increased in Northern Ireland during the reporting period; trafficking victims are often moved by traffickers between Ireland and Northern Ireland.

The Government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking. The Government of the United Kingdom continued to investigate and prosecute trafficking offenders. The transparent nature of the UK government and the significant level of information available allowed NGOs and the government to make comprehensive, candid assessments of the UK's anti-trafficking efforts during the year. The majority of prosecutions and convictions for trafficking offenders continued to take place in England; however, authorities in Scotland and Northern Ireland secured their first convictions for human trafficking in 2011. The national government continued to vigorously prosecute trafficking offenders, and authorities increased implementation of the 2009 anti-slavery law and prosecution of forced labor offenses. The UK government began implementing a new anti-trafficking strategy and continued to implement its National Referral Mechanism (NRM) to identify and refer victims for care. Anti-trafficking experts, however, continued to report inadequate protections for child trafficking victims. They also reported serious concerns that trafficking victims were inadvertently deported, or otherwise penalized as offenders during the year. Late in the reporting period, the government amended its regulations to prohibit all migrant workers in the UK from changing employers.



Recommendations for the United Kingdom: Ensure that trafficking victims, including children coerced into criminal activity, are not penalized for acts committed as a result of their trafficking; ensure that law enforcement priorities to combat organized crime are effectively balanced with a victim-centered response to protect trafficking victims; conduct an assessment to determine why more non-EU trafficking victims are not officially recognized as trafficking victims despite the significant number of potential non-EU trafficking victims referred via the NRM; consider requiring incoming domestic workers, including those employed by foreign diplomats, to be interviewed in private to ensure they are familiar with their rights and protections in the UK; continue to train law enforcement and the legal community in the UK on the slavery-based approach of the 2009 Act, which explicitly criminalizes slavery and forced labor without the precondition of smuggling; establish a system of guardianship for children who are extremely vulnerable to trafficking; share technical

expertise and training to raise awareness and improve the law enforcement and victim protection response in UK overseas territories; and appoint a rapporteur or similar mechanism in each region to make self-critical assessments and improve the UK's anti-trafficking results.

Prosecution

The Government of the United Kingdom continued to investigate and prosecute trafficking offenders; during the year it began implementation of its slavery statute to investigate and prosecute forced labor crimes. The UK prohibits all forms of trafficking through its 2009 Coroners and Justice Act, 2003 Sexual Offenses Act, and its 2004 Asylum and Immigration Act, which prescribe penalties of a maximum of 10, 14, and 14 years' imprisonment, respectively. The sentence for sex trafficking is commensurate with that available for other serious crimes. The 2009 Coroners and Justice Act explicitly criminalizes slavery without a precondition of smuggling into the UK. Human trafficking offenses in England, Wales and Northern Ireland are governed by the 2003 Sexual Offenses Act, the 2004 Asylum and Immigration Act and the 2009 Coroners and Justice Act. The UK Home Office leads the anti-trafficking response in England and Wales, in Northern Ireland the Northern Ireland Department of Justice leads, and in Scotland trafficking issues are handled by the Scottish police.

The national government increased implementation of its 2009 anti-slavery law during the year, but has not yet convicted a trafficking offender using this law. According to the Crown Prosecution Service, between April and December 2011, the British government prosecuted 87 offenses of trafficking for sexual exploitation. There were 29 offenses of labor trafficking or other forms of exploitation, prosecuted under the Asylum and Immigration Act; and 11 offenses for slavery and servitude prosecuted under the Coroners and Justice Act. The government did not provide comprehensive sentencing data for convicted trafficking offenders in 2011; however, the government reported the average penalty for convicted trafficking offenders in 2011 was 27.2 months' imprisonment, and the average sentence for non-sex trafficking sentences was 55.2 months. Scotland's human trafficking offenses are prosecuted under the Criminal Justice (Scotland) Act of 2003, the equivalent of the UK's Sexual Offenses Act. The provisions of the UK's Asylum and Immigration Act 2004 extend to Scotland, as well as the Coroners and Justice Act, the UK's slavery amendment. During the year, an official inquiry into human trafficking in Scotland made ten recommendations to improve Scotland's response to trafficking, including that a comprehensive trafficking law in Scotland harmonize its laws and overall strategy with the rest of the UK. In October 2011, Scotland achieved its first trafficking conviction and sentenced two sex trafficking offenders to three years and four months, and another to 18 months' imprisonment. The offenders reportedly coerced 14 women into forced prostitution through threats of violence in brothels around Scotland and Northern Ireland. Scottish authorities reported other trafficking offenders are convicted under other laws, but did not provide further details on these cases. During the year, country experts noted lenient sentences for trafficking offenses in the UK, in fact, courts in England handed down some significant penalties for trafficking offenders. In March 2012, a court in Birmingham sentenced two trafficking offenders to nine and ten and a half years' imprisonment for subjecting Romanian women to forced prostitution. In October 2011, a British court convicted and sentenced a Bulgarian man to six years for forced prostitution.

In another case in March 2012, a court in England convicted a Romanian couple of subjecting a seven-year old Romanian girl to domestic servitude. The man was sentenced to nine and a half years in prison; the woman was sentenced to nine years. In September 2011, British authorities arrested and charged five suspects and initiated prosecution under Section 71 of the Coroners and Justice Act, which criminalizes slavery. In addition to men from the UK, the traffickers subjected 24 men from Romania, Russia, Poland, Latvia, and Lithuania to forced labor at a Travellers' camp in Bedfordshire. In July 2011, the Crown Prosecution Service issued amended legal guidance to prosecutors instructing them not to prosecute trafficking victims for any crimes committed as a direct result of their trafficking. During the year, however, a court of appeals affirmed a conviction of an alleged trafficking victim for crimes he committed as a result of his trafficking. In this case, the court affirmed the conviction of a Vietnamese boy for cannabis cultivation, despite disclosing details of coercion, including threats to his life, after he voluntarily consented to be smuggled into the UK. Despite expert evidence presented during court proceedings, including the cannabis factory being locked from the outside, the court found his subsequent exploitation did not amount to forced labor.

Protection

The UK government continued to implement its NRM in identifying and referring to care a significant number of trafficking victims in 2011; however, anti-trafficking experts cited ongoing concerns regarding implementation of this mechanism, resulting in unidentified and identified victims being detained, punished, or deported. Furthermore, local experts continued to report an inadequate level of protection for child trafficking victims; a number of rescued children placed in the care of local authorities continued to go missing. The government reported that it proactively identified and referred 294 potential trafficking victims from July through September 2011 through its NRM, which included a 45-day reflection period in 2011. During the reporting period, however, local victim protection experts continued to report flaws in the identification system in the UK. These experts report that their limited role in formal victim identification leads to trafficking victims not being recognized as such and thus criminalized or deported without access to assistance. NGOs criticized a narrow focus of the NRM on victims' immigration status, reporting that as a result, EU nationals were more likely to receive a "positive grounds conclusion" or otherwise be officially recognized as trafficking victims by UK authorities. According to official data, the most common countries of origin for the 294 NRM referrals included Nigeria, Vietnam, the UK, Slovakia, China, and Uganda. As of January 2012, 40 percent, or 117 of the 294 people referred to the NRM, were found to have been trafficked. The most common countries of origin for persons so identified were the UK, Slovakia, Romania and Lithuania. Moreover, NGOs continued to report that UK authorities focused on the credibility of a potential victim too early in the identification process, noting that most victims who have only recently escaped control of their traffickers do not always reveal the truth about their experiences when first questioned; this continued to result in victims' detention and imprisonment, including forced repatriations of trafficking victims, putting them at great risk of hardship or retribution upon their return. Anti-trafficking experts continued to report that many other victims were not referred through the NRM, as victims do not see the benefits of referral, are afraid of retribution by their traffickers, or are

fearful of the consequences of being brought to the attention of authorities because of their immigration status. During the year, the Scottish authorities provided the equivalent of \$1,182,456 to two NGOs to provide comprehensive services to trafficking victims identified in Scotland. Scottish authorities identified 94 potential trafficking victims; 55 of which received a “positive conclusive decision.” According to the Northern Ireland Department of Justice (DOJNI), police identified 50 potential trafficking victims between January and December 2011. DOJNI referred victims into the asylum system and also referred some victims to NGOs for specialized care and assistance. It provided funding to two NGOs to provide assistance to victims in 2011.

According to an NGO that has assisted victims of domestic servitude in the residences of diplomats from Africa and the Middle East, UK immigration law does not allow diplomatic domestic workers to change their employer in the UK. During 2011, NGO service providers asked the government to apply the private household domestic worker visa holder regime, which allowed change of employer, to domestic workers in diplomatic households to reduce their dependency on one employer and prevent domestic servitude. Instead, in April 2012, the Home Office announced new rules for all migrant domestic workers in the UK, which now denies all workers the possibility of changing employers. Anti-trafficking experts strongly criticized this move.

The UK government established a new model of victim care under the anti-trafficking strategy it adopted in 2011. It provided approximately the equivalent of \$3.14 million to a central government contractor to coordinate provision of care for victims in 2011, an increase in comparison to the \$1.45 million previously provided on an annual basis to specialist NGO care providers. Police referred trafficking victims to the central government contractor for care in 2011. Specialist NGO providers reported that the new general contract did not proactively identify victims, but only accepted referrals made by police. Civil society organizations reported the support model is time-bound and victims receive support for only 45 days. Local experts continue to note serious concerns about trafficking victims being criminalized and punished for crimes committed because of coercion. NGO and government reports published during the year noted that trafficked children in the prostitution sector, cannabis cultivation, or who commit petty crimes are often subjected to criminal proceedings instead of recovery and care. Specifically, a 2011 ECPAT Report noted that trafficked children who are forced to cultivate cannabis are not recognized as victims of a crime but are treated as criminals, often prosecuted for drug or immigration offenses. The government encouraged victims to assist in trafficking investigations and prosecutions by offering renewable one-year residence permits to foreign victims who decide to cooperate with law enforcement; it reported granting 48 trafficking victims such permits between April 2009 and March 2011. In that same time period, 162 trafficking victims were granted one-year residency permits due to personal circumstances, including humanitarian protection and discretionary leave. The UK government continued to provide foreign victims with legal alternatives to their removal to countries where they face hardship or retribution through asylum procedures.

Prevention

In July 2011, the UK government adopted a new government strategy on trafficking. Some anti-trafficking experts in the

UK criticized the strategy for its emphasis on border control. The United Kingdom Human Trafficking Center, under the direction of the Serious Organized Crime Agency, continued to serve as a multi-agency, centralized point for the development of expertise among governmental, inter-governmental, and non-governmental stakeholders involved in anti-trafficking. Official training programs included mandatory sessions on human trafficking for new police officers. In April 2011, authorities in Northern Ireland completed a three-month Blue Blindfold campaign that targeted approximately 500,000 residents to raise their awareness of trafficking. The government provided anti-trafficking training to UK troops prior to their deployment abroad as part of international peacekeeping missions in 2011.

Overseas Territories of the United Kingdom

Turks and Caicos

Turks and Caicos Islands (TCI) reportedly was a destination country for sex trafficking and forced labor. The large population of migrants from Haiti, the Dominican Republic and Jamaica are the most vulnerable to sex trafficking and forced labor, and the estimated 2,000 stateless children and adolescents in TCI are especially at risk, according to local experts. Local stakeholders, including law enforcement officials, reported specific knowledge of sex trafficking occurring in bars and brothels during the reporting period and noted that trafficking-related complicity by some local government officials was a problem. During the previous reporting period, the TCI government initiated anti-trafficking legislation that included measures to improve identification of and assistance for trafficking victims. The absence of specific legislation prohibiting trafficking as defined by the 2000 UN TIP Protocol, the absence of trafficking victim protection procedures and policies, and little public awareness about human trafficking were obstacles to progress during the reporting period, according to local stakeholders and experts.

Bermuda

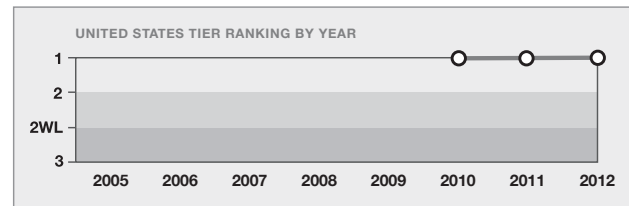
Migrant workers are employed in Bermuda under a strict system of government work permits obtained by employers on behalf of the foreign workers. There were some reported cases of employers confiscating passports and threatening complaining migrant workers with having to repay the entire cost or the return portion of their airline tickets. Bermuda authorities and NGOs reported victims rarely lodge formal complaints out of fear of deportation. The Bermuda Industrial Union in 2009 began offering union protection to some migrant workers. There was one trafficking victim from Bermuda identified in the United States during the reporting period.

UNITED STATES OF AMERICA (Tier 1)

The United States is a source, transit, and destination country for men, women, and children – both U.S. citizens and foreign nationals – subjected to forced labor, debt bondage, involuntary servitude, and sex trafficking. Trafficking in persons can occur in many licit and illicit industries or markets, including in brothels, massage parlors, street prostitution,

hotel services, hospitality, agriculture, manufacturing, janitorial services, construction, health and elder care, and domestic service, among others. Individuals who enter the United States without legal status have been identified as trafficking victims, as have persons identified in visa programs for temporary workers that fill labor needs in many of the industries described above. There have also been allegations of visa holders employed as domestic workers being subjected to forced labor by personnel of foreign diplomatic missions and international organizations posted to the United States. Abuse of third-country nationals (TCNs) providing services for overseas government contracts has been reported in the media and was a focus of congressional hearings during the reporting period. During the same period, federal and state human trafficking data indicate more investigations and prosecutions have taken place for sex trafficking than labor trafficking; however, victim service providers reported assisting significantly higher numbers of foreign national victims in cases of labor trafficking than in cases of sex trafficking. NGOs noted increasing reports of children recruited into criminal activity, particularly at the U.S.-Mexico border, as well as traveling sales crews and peddling rings utilizing the forced labor of children and adults. The top countries of origin for foreign victims in fiscal year (FY) 2011 were Mexico, Philippines, Thailand, Guatemala, Honduras, and India. A sex trafficking victim from the United States was identified in Croatia.

The U.S. government fully complies with the minimum standards for the elimination of trafficking. Federal law enforcement prosecuted cases resulting in convictions of sex and labor trafficking offenders; demonstrated increased legal sophistication in the investigation, prosecution, and conviction of traffickers; and strengthened federal coordination efforts to improve identification of cases at the federal level. Despite decreased funding levels in FY 2011, the federal government continued to provide multi-faceted support for victim services. Greater numbers of trafficking victims and their immediate family members obtained immigration relief through T nonimmigrant status (the T visa), which can lead to lawful permanent residence and an opportunity to apply for citizenship after five years as a lawful permanent resident. The federal government also continued to address weaknesses in overseas procurement policies and in specific visa programs and continued its public awareness campaigns. Despite this significant progress, the federal government was not able to integrate all federal data on federally-prosecuted human trafficking cases or to disaggregate fully victim identification data, in part because numerous agencies, initiatives, and programs each serve distinct roles in a multifaceted anti-trafficking effort. Further, federal and state worksite inspectors lacked sufficient resources and training to increase victim identification appreciably, and NGOs reported that victim funding levels were inadequate to provide comprehensive long-term victim care and key legal services. The U.S. government annually reports on its activities to combat human trafficking in a report compiled and published by the Department of Justice (DOJ), which includes detailed information on funding and recommendations for improved performance; in addition, it electronically published a list of its accomplishments in combating human trafficking, organized by agency and by strategic objective.



Recommendations for the United States: Improve data collection on and analysis of human trafficking cases at the federal, state, and local levels; increase federal resources dedicated to investigating and prosecuting trafficking offenders; increase outreach to and training of federal, state, and local law enforcement, including training on the provision of Continued Presence (CP) and of law enforcement certification for T and U visas for trafficking victims; foster federal partnerships with law enforcement agencies to encourage training, referral protocols, and dedicated and incentivized personnel at the state, local, tribal, and territorial levels; strengthen implementation of and increase resources related to government-wide enforcement of the “zero tolerance” policy in federal contracts, including mandatory training for the federal acquisition workforce and federal inspectors; foster new partnerships with survivor groups, victim advocates, and the private sector; institute universal training on the detection of human trafficking for all relevant Department of Labor (DOL) investigators; increase victim identification training for immigration detention and removal officers and systematize screenings for trafficked persons in all immigration detention centers; increase funding for victim services, including legal services and long-term holistic care; offer comprehensive victim services to all identified, eligible victims, including U.S. citizens, and provide services regardless of type of immigration relief sought, if any; develop consistent and standardized procedures for consular processing of T visas (for family members) and U visas and ensure appropriate training for consular officers to reduce vulnerabilities in T and U visa programs; reduce vulnerabilities in temporary visa programs, including student visa and nonimmigrant temporary worker visa programs; conduct annual briefings for domestic workers of foreign diplomats to ensure that they are aware of their rights; increase cooperation between the private and public sectors to encourage business practices that rid supply chains of human trafficking; continue to increase the incorporation of anti-trafficking efforts into existing government structures; expand anti-trafficking outreach, services, and training in the insular areas and tribal communities; and undertake efforts to provide universal training to federal employees about trafficking in persons and the procurement of commercial sex, the demand for which can contribute to the incidence of sex trafficking.

Prosecution

The U.S. government demonstrated progress in its federal anti-trafficking law enforcement efforts throughout the reporting period. U.S. law prohibits peonage, involuntary servitude, forced labor, and sex trafficking, as well as confiscation or destruction of documents, such as passports, in connection with trafficking. The Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations have refined the U.S. government’s response to trafficking. U.S. criminal law also prohibits conspiracy and attempts to violate these provisions, as well as obstructing enforcement of these provisions. Sex

trafficking prosecutions involving minors do not require a demonstration of the use of force, fraud, or coercion.

Penalties prescribed under these statutes are sufficiently stringent and commensurate with penalties prescribed under U.S. law for other serious offenses. Penalties range from five to 20 years' imprisonment for peonage, involuntary servitude, forced labor, and domestic servitude. Penalties for sex trafficking range up to life imprisonment with mandatory minimum sentences of 10 years' imprisonment for sex trafficking of minors and 15 years' imprisonment for sex trafficking by force, fraud, or coercion, or sex trafficking of minors under age 14. In January 2012, the Department of the Treasury issued Internal Revenue Service guidance making mandatory restitution payments non-taxable when made pursuant to the TVPA to compensate trafficking victims.

By the end of the reporting period, all states but Wyoming had enacted anti-trafficking statutes. All 50 states prohibit the prostitution of minors under state and local laws that predate the TVPA.

Federal trafficking offenses are investigated by federal law enforcement agencies such as the Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), DOL's Office of the Inspector General, as well as the Department of State's (DOS) Diplomatic Security Service (DSS) Human Trafficking Unit, which was fully staffed September 2011. Trafficking offenses were prosecuted by DOJ, which maintains 94 federal prosecution offices and two specialized units – the Human Trafficking Prosecution Unit (HTPU) and the Child Obscenity and Exploitation Section. The HTPU was not fully staffed during the reporting period.

The federal government tracks its activities by fiscal year, which runs from October 1 through September 30. During FY 2011, 40 DOJ-led task forces reported over 900 investigations that involved more than 1,350 suspects. ICE HSI reported investigating 722 cases possibly involving human trafficking. At the end of FY 2011, the FBI had 337 pending human trafficking investigations with suspected adult and foreign minor victims. In FY 2011, DOJ charged 42 cases involving forced labor and sex trafficking of adults by force, fraud, or coercion. Of these, half involved primarily sex trafficking and half involved primarily labor trafficking, although several involved both sex and labor trafficking. Including federal cases involving sex trafficking of minors, DOJ prosecuted a total of 125 human trafficking cases in FY 2011. A total of 118 defendants were charged in FY 2011 in forced labor and adult sex trafficking cases, representing a 19 percent increase over the number of defendants charged in such cases the previous year and the highest number ever charged in a single year. During the same period, DOJ secured 70 convictions in forced labor and adult sex trafficking cases. Of these cases, 35 were predominantly sex trafficking and 35 were predominantly labor trafficking, although multiple cases involved both. The combined number of federal trafficking convictions totaled 151, including cases involving forced labor, sex trafficking of adults, and sex trafficking of minors, compared to 141 such convictions obtained in 2010. These numbers do not reflect DOJ prosecutions of cases involving the commercial sexual exploitation of children that were brought under statutes other than the TVPA's sex trafficking provision. According to DOJ's Bureau of Justice Statistics, the average prison sentence imposed for federal trafficking crimes during FY 2011 was

11.8 years, and terms imposed ranged from 10 months' to 50 years' imprisonment. During the reporting period, federal prosecutors secured life sentences against sex traffickers in several cases.

Notable prosecutions included those of sex and labor traffickers who used threats of deportation, violence, and sexual abuse to compel young, undocumented Central American women and girls into hostess jobs and forced prostitution in bars and nightclubs on Long Island, New York. Based on a bilateral prosecution brought by U.S. and Mexican authorities against a transnational sex trafficking ring, Mexican authorities secured sentences of up to 37 years' imprisonment against three traffickers. DOJ also secured the conviction of a sex trafficker in Dallas, Texas who targeted young, U.S. citizen single mothers from troubled backgrounds for forced prostitution; the conviction of an MS-13 gang member who forced a 12-year-old victim into prostitution in Virginia; and the conviction of a defendant in Chicago who used beatings, threats, and sexual assault to force Eastern European victims to work in massage parlors and prostitution.

Traffickers were also prosecuted under a myriad of state laws, but comprehensive data is not currently collected on state prosecutions and convictions. Reports indicated at least several dozen prosecutions at the state level involving forced prostitution, including the prostitution of minors, domestic servitude, commercial sexual exploitation of youth – including lesbian, gay, bisexual, and transgender (LGBT) youth – and exploitation of individuals with mental illness for forced labor. Although state prosecutions continued to increase, protocols, policies, and training for relevant law enforcement officials and assigned dedicated personnel within state prosecutors' offices were slow to be put in place. Existing state trafficking in persons laws continued to be under-utilized due to resource constraints, inconsistent understanding of the nature of the crime, and greater familiarity with prosecuting other related crimes.

During the reporting period, the FBI continued development of technology to incorporate human trafficking offenses in the annual statistics collected from police forces nationwide. FBI also conducted training to ensure that such data is collected and reported beginning in 2013.

During the reporting period, DOJ, in cooperation with DHS and DOL, launched six Anti-Trafficking Coordination Teams (ACTeams) in select pilot districts around the country. The ACTeams streamline coordination among federal prosecutors and federal agents and enhance federal interagency investigations and prosecutions. DOJ also continued to fund 40 anti-trafficking task forces nationwide, comprising federal, state, and local law enforcement investigators and prosecutors, labor enforcement officials, and victim service providers; by the end of FY 2011, the number of task forces had been reduced to 29, as funding for several task forces expired. Six of the 40 task forces were Enhanced Collaboration Model Task Forces, which aim to enhance the cooperation of law enforcement agencies and victim service organizations that have demonstrated a multidisciplinary, comprehensive approach to combating all forms of trafficking, regardless of whether victims were citizens or noncitizens, adults or children. DSS's Human Trafficking Unit participated in anti-trafficking training, task forces, and investigations.

Available data from state and local law enforcement agencies involved in human trafficking task forces indicate that, on the state and local levels, sex trafficking investigations and prosecutions outnumber labor trafficking. During FY 2011, the majority of victim service providers associated with those task forces were funded specifically to serve foreign national victims of human trafficking. According to these service providers, they served more victims of labor trafficking than sex trafficking. Other programs funded the provision of services to U.S. citizen victims. Of these victims served with federal funding in 2011, most were victims of sex trafficking.

There was one allegation of a local law enforcement official being complicit in a sex trafficking case involving minors during the reporting period. The suspect was charged in federal court with obstruction of a trafficking investigation. The prosecution was ongoing at the close of the reporting period.

The U.S. government increased its law enforcement training efforts during the reporting period. In FY 2011, DOJ held three regional training forums across the United States to bring together active DOJ task forces with investigators and victim service providers; its funded task forces provided approximately 570 trainings and reached more than 27,000 individuals. The FBI provided comprehensive anti-trafficking training to more than 760 new agents and support personnel, gave specialized training for agents assigned to FBI civil rights squads in field offices, and also trained hundreds of state and local law enforcement officers. The DHS Federal Law Enforcement Training Center trained over 2,000 state, local, and federal officers during FY 2011 in human trafficking indicators. DHS Customs and Border Protection offered basic human trafficking training to its law enforcement personnel. ICE HSI provided advanced training to veteran special agents and overview training to all agents attending the ICE training academy. ICE HSI also trained or provided anti-trafficking materials to more than 47,000 individuals. U.S. Citizenship and Immigration Services (USCIS) conducted numerous in-person and web-based trainings and presentations on human trafficking and on immigration benefits for victims. The Department of Defense (DOD) also provided mandatory online training to all its personnel.

Protection

The U.S. government sustained its protection measures by continuing efforts to increase victim identification and service provision to identified victims, although state and federal funding for victim services decreased in this reporting period. The U.S. government has formal procedures to guide officials in victim identification and referral to service providers, funds an NGO-operated national hotline and referral service, and funds NGOs that provide trafficking-specific victim services.

The U.S. government supported foreign national and U.S. citizen victims during trafficking investigations and prosecutions by increasing the number of victim assistance coordinators assigned to field offices to assist victims cooperating in trafficking investigations and prosecutions. It also provided funding to victim service providers to support eligible victims during the criminal justice process; however, in some cases, funding was reportedly insufficient to cover victim needs during the course of the investigation and prosecution. The TVPA authorizes DHS to provide two principal types of immigration relief to foreign trafficking victims: 1) the law enforcement-sponsored Continued Presence, which allows

temporary immigration relief and work authorization where federal law enforcement states that an individual is a victim of a severe form of trafficking and a potential witness in an investigation or prosecution; and 2) the self-petitioning T nonimmigrant status (T visa), which allows for valid immigration status for up to four years for victims who are physically present in the United States and who comply with any reasonable law enforcement requests for assistance with an investigation or prosecution of a human trafficking case. There is no requirement that victims testify in court. A trauma exception exists that permits certain victims to be eligible for the T nonimmigrant status without meeting the law enforcement requirement, if they are unable to cooperate due to physical or psychological trauma. Victims under the age of 18 are not required to assist law enforcement. Victims may also include certain family members in their application for T nonimmigrant status; recipients and their family members are authorized to work and are eligible for federal public benefits and services. After three years, or the completion of the investigation or prosecution, victims in T nonimmigrant status are eligible to apply for permanent resident status and later may be subsequently eligible for citizenship.

Another immigration benefit available is the self-petitioning U nonimmigrant status (U visa), which allows for legal immigration status for up to four years for victims of certain crimes, including trafficking, who have suffered substantial physical or mental abuse as a result of such crimes and who cooperate or are willing to cooperate with reasonable law enforcement requests in the investigation or prosecution of the qualifying criminal activity. The petition for U nonimmigrant status must be filed with and approved by DHS. Victims may also apply for U visas on behalf of certain family members. U visa holders and their family members are authorized to work and after three years are then eligible to apply for permanent resident status and later may subsequently be eligible for citizenship. The number of U nonimmigrant visas granted where human trafficking is the qualifying crime is not tracked.

The number of foreign national trafficking victims that received immigration relief related to trafficking increased in FY 2011, but NGOs continued to express concern that numbers remained low in proportion to the number of trafficking victims identified in the United States. In FY 2011, CP was issued to 283 potential victim-witnesses, an increase from 186 in FY 2010. T nonimmigrant status was granted to 557 victims and 722 immediate family members of victims, representing a significant increase from 447 and 349, respectively, in the previous period.

In 2011, the United States' Return, Reintegration, and Family Reunification program for victims of trafficking reunited 69 family members with trafficked persons in the United States.

Federally-funded victim assistance included case management and referrals, medical care, dental care, mental health treatment, sustenance and shelter, translation and interpretation services, immigration and legal assistance, referrals to employment and training services, and transportation assistance. When CP is granted or a potential victim has made a bona fide application for T nonimmigrant status, the Department of Health and Human Services (HHS) can issue a certification letter that enables a foreign national victim to receive federal public benefits and services to the same extent as a refugee. In FY 2011, HHS issued 463 certifications to foreign national

adults and 101 eligibility letters to foreign national children, compared to 449 for adults and 92 for children in FY 2010.

During FY 2011, HHS funds supported 122 NGO service providers who provided trafficking victim assistance to 366 potential foreign national victims and 341 certified foreign national victims, of which 93 received both pre- and post-certification services. This represents a 30 percent decrease compared with the total number served in FY 2010.

HHS awarded \$4.7 million in FY 2011 for case management services for foreign national victims to three NGOs for the provision of services through a nationwide network of NGO sub-awardees and also completed funding a five-year victim services contract, providing approximately \$1.9 million to one NGO for the provision of services through a similar nationwide network of NGO sub-awardees.

Under the HHS services program, there is a maximum reimbursement amount allowed per month for each victim for the 12 months during which a victim can be assisted, with some exceptions allowed. NGOs reported cases in which they reached these funding limits and were no longer able to provide services to victims waiting for their traffickers' cases to come to trial, and reported having to supplement government funds with private donations to adequately support their efforts on behalf of victims. NGOs also asserted that, in a number of cases, HHS incorrectly denied minor trafficking victims interim benefits. During FY 2011, HHS received 134 requests for assistance, of which 29 requests for interim assistance were denied and one such denial was appealed.

During FY 2011, DOJ had active grants with 42 victim service organizations across the United States. Data collected from the year July 2010 to June 2011 indicated that grantees enrolled 706 victims as new clients. In 2011, DOJ again funded a grant program that includes a focus on adult U.S. citizen victims, including Native Americans.

In FY 2011, DOJ awarded grants to 17 victim service organizations totaling approximately \$6.7 million. This included victim services programs within six Enhanced Collaborative Model Task Forces. DOJ provided annual funding to victim service organizations with a demonstrated history of providing trauma-informed, culturally competent services to male and female victims of sex trafficking and labor trafficking.

Federal funding streams and grants for victim services remained inadequately structured for providing comprehensive care options for all types of trafficking victims, resulting in disparate treatment of victims, including turning away some victims. Some victims were assisted with funding from both DOJ and HHS, and current data collection systems do not allow for cross-referencing to avoid duplication. NGOs reported the need for increased funding for legal services and noted concern about HHS's policy that HHS funds may not be used to provide legal representation for victims or potential victims of trafficking in immigration matters. In 2012, HHS changed its policy to allow for the provision of legal representation within the allocated funds. Legal services may be provided using funds for victim service provision from DOJ. NGOs noted that overall funding amounts for legal services are limited and not sufficient.

The federal government continued to provide victim protection training to federal, state, and local law enforcement as well as to NGO service providers. HHS staff conducted trainings

for ICE and FBI agents and various state and regional NGOs on victim identification. ICE HSI held a national training on victim assistance to over 250 victim assistance specialists and special agents with collateral duties for victim assistance from offices throughout the United States and U.S. insular areas. All USCIS asylum field offices conducted training on identifying trafficking victims in the context of affirmative asylum adjudications, which is required for all incoming asylum officers. DHS created a cross-component working group to ensure that age-appropriate care and services are provided to unaccompanied alien children (UACs) encountered by DHS personnel. ICE Enforcement and Removal Operations (ERO) developed a new risk classification assessment system to train ICE ERO officers to conduct immigration intakes and screen all immigration detainees at initial intake for a number of vulnerabilities, including human trafficking. The Department of Education (ED) consolidated and augmented its existing work around child safety to build a more comprehensive program to educate school districts, including a fact sheet, web page, webinars created in collaboration with other federal agencies, conference sessions, and training.

In March 2011, DOJ conducted training on human trafficking to over 30 State Farmworker Monitor Advocates (SMAs), where they learned how and where to refer complaints filed by migrants and seasonal farmworkers alleging human trafficking violations.

Victim protection frameworks and principles were not codified in most state laws. NGOs reported that service options varied widely from state to state and region to region and that existing services are often disproportionately available to women and children survivors of sex trafficking as opposed to all victims irrespective of gender or what type of trafficking they suffered. NGOs noted further that state social services personnel lacked training and that state funds for shelter and supported housing for all victims, but especially male victims, were insufficient.

Federal, state, and local law enforcement agencies face ongoing challenges in victim identification. The federal government conducted numerous trainings on victim identification for state and local law enforcement officials. Despite these increased trainings, laws, and regulations, NGOs noted that some federal, state, and local law enforcement officials were reluctant to identify individuals as trafficking victims when they have participated in criminal activity, facilitated their own smuggling, and/or were subjected to debt bondage or peonage by a smuggler.

While federal, state, and local grant programs exist for vulnerable children and at-risk youth, including those who are on the streets, NGOs reported that identified child trafficking victims faced difficulties accessing needed services. In particular, NGOs stated that minor victims are often referred to shelters that are not fully equipped to address all of the complex issues of trafficked youth including the psychological effects of human trafficking. In an effort to fill this gap, HHS conducted some training for providers of services to runaway and homeless youth. However, more trafficking-specific training to youth outreach and shelter programs would enable outreach workers to better identify and assist child trafficking victims. DOJ continued grants for services coordination, technical assistance, and comprehensive services to U.S. citizen child victims of both sex and labor trafficking. Data collected from July 2010 to June 2011 indicated that 107 citizen child victims received services through this program.

UACs who come to the attention of federal authorities are placed in the care and custody of HHS, which screens such children for trafficking victimization and, where appropriate, conducts an eligibility determination. HHS screened over 7,500 UACs during FY 2011, of which 42 were believed to be trafficking victims. If any UACs are found to be victims of trafficking, they are eligible for federally funded long-term foster care through the same program that cares for unaccompanied refugee minors in the United States.

The TVPA provides that victims should not be incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. NGOs reported some cases of prosecutions of trafficking victims. In 2010, the most recent year for which data are available, 112 males and 542 females under 18 years of age – some of whom were likely trafficking victims – were reported to the FBI as having been arrested for prostitution and commercialized vice, a decrease from 167 males and 624 females in 2009. Jurisdictions continued to formulate responses to help decrease arrests of child victims and increase understanding of trafficked persons as victims. By December 2011, only eight states had passed laws that prevent charging children with prostitution, although under the TVPA minors induced to perform commercial sex acts regardless of force, fraud, or coercion are considered victims of trafficking.

Prevention

The U.S. government made progress on efforts to prevent trafficking, continuing efforts aimed at ensuring that government procurement of goods and labor services is free from forced labor, examining visa categories for vulnerabilities, and conducting public awareness activities. The cabinet-level President's Interagency Task Force to Monitor and Combat Trafficking in Persons continued coordination of federal efforts to combat trafficking in persons, supported by the Senior Policy Operating Group.

DOL carries out civil law worksite enforcement and its field investigators are often the first government authorities to detect exploitative labor practices. DOL's Wage and Hour Division (WHD) targets industries employing vulnerable workers, such as agriculture, garment, janitorial, restaurant, and hotel/motel. WHD does not collect enforcement data on trafficking in persons specifically. While DOL investigators assist law enforcement partners in their human trafficking investigations and coordinate with task forces, primarily helping to calculate restitution amounts for victims, they are not mandated to investigate human trafficking. Systematic trafficking-specific training for DOL inspectors was not implemented during the reporting period; however, some inspectors participated in interagency training. DOL focused on implementing tools to sharpen law enforcement efforts, which may include remedies for trafficking victims, such as issuing protocols for WHD to support certification requests for U visa applicants and hiring U visa coordinators in each region. The U.S. Equal Employment Opportunity Commission (EEOC), which investigates discrimination charges against employers, filed three lawsuits involving human trafficking issues in FY 2011. EEOC partnered with DOJ to strengthen cooperation with law enforcement and develop victim identification training for EEOC attorneys and investigators.

The U.S. government undertook multiple efforts to reduce the demand for commercial sex and forced labor in the reporting period. DHS and DOS deployed an online, interactive training

for the entire federal acquisitions workforce on combating human trafficking, as well as on factors contributing to human trafficking, such as the demand for commercial sex. The U.S. Agency for International Development (USAID) adopted a Counter-Trafficking in Persons Code of Conduct that prohibits all USAID personnel, contractors, and grantees during the period of performance of their employment, contracts, or awards from engaging in trafficking in persons, procuring commercial sex acts, or using forced labor. USAID began implementing the code in July 2011 through agency-wide counter-trafficking training. USAID launched a new Counter-Trafficking in Persons Policy in February 2012 that outlines concrete, measurable principles, and objectives to focus USAID's anti-trafficking efforts. DOD dishonorably discharged one service member for violating DOD's prohibition relating to the procurement of commercial sex. DOL published an updated list of 130 goods from 71 countries that it had reason to believe were produced by child labor or forced labor in violation of international standards. DOL also updated a list of products produced, mined, or manufactured with forced or indentured child labor, which requires any contractor to the federal government who supplies products on the list to certify they have made a "good faith effort" to determine that the products supplied were not made under these conditions. DHS continued to enforce the prohibition against importing such products under the relevant statute, the Smoot-Hawley Tariff Act of 1930, and during the reporting period ICE HSI continued to actively investigate alleged violations. NGOs and researchers reported the use of forced labor (including forced child labor) to make products, or components of products, that continue to be imported to the United States for sale. While many of these products are banned from U.S. commerce, U.S. law currently allows the importation of forced labor-produced products, such as cocoa, that are not produced domestically in sufficient quantity to meet U.S. consumer demand. Through a grant from DOS, an NGO developed a web- and mobile-based application that helps users understand how their lives intersect with modern slavery by demonstrating how consumer demand for cheap goods can drive markets for forced labor and calls on consumers to change their purchasing habits.

Allegations against federal contractors engaged in commercial sex and labor exploitation continued to surface in the media and became an issue of congressional interest. NGOs asserted the presence of trafficked individuals within the workforce of private contractors in countries such as Iraq and Afghanistan. In FY 2011, DHS suspended, proposed debarment of, or debarred five companies and eight individuals for involvement with forced labor. The inspectors general at DOS, DOD, and USAID continued their audits of federal contracts to monitor vulnerability to human trafficking and issued public reports of their findings and recommendations. DOD's Inspector General noted that DOD conducted at least two investigations into allegations of forced labor, which remained ongoing at the close of the reporting period. USAID continued its program to track contractor compliance proactively and ensure that all of its grants and contracts contained clauses authorizing USAID to terminate in the event its partners or their employees engage in trafficking or forced labor. USAID's Inspector General conducts routine audits and investigations and responds to all allegations of trafficking in persons abuse related to any USAID programs or activities. If trafficking violations have taken place, it will send a referral for suspension or debarment to the Compliance Division of the Office of Acquisition and Assistance. No USAID contracts or grants, however, were suspended or terminated during FY 2011.

In February 2010, DOL issued regulations under the H-2A program to enhance protections related to nonimmigrant temporary agricultural workers and U.S. workers who perform the same jobs. DOL's and DHS's H-2A regulations prohibit foreign recruiters from charging nonimmigrant temporary agricultural workers certain fees. NGOs reported that some recruiters adjusted their practices by charging fees related to workers obtaining their visas, levying charges under the guise of "service fees." DOL's WHD issued guidance under the H-2A program in May 2011 clarifying fees that may not be charged by employers or agents, and identifying those that may be charged by independent third-party facilitators.

NGOs reported that workers fear seeking assistance because of blacklisting and other retaliation methods used against workers who complain about their working conditions. DOL regulations address these issues by imposing on employers an obligation not to retaliate against employees who have grievances. Failure to comply with this obligation can result in removal from program participation.

NGOs noted vulnerabilities in the J-1 Summer Work Travel program that can be indicators for human trafficking, including reports of fraudulent job offers, inappropriate jobs, job cancellations on arrival, and housing and transportation problems. In September 2011, the ninth and final defendant in a human trafficking ring accused of trafficking women through the J-1 program to work in exotic dance clubs pled guilty and awaited sentencing at the close of the reporting period. In addition, numerous media reports highlighted vulnerabilities that are common indicators of human trafficking, including threats, intimidating practices, and irregular pay. In response, DOS undertook a process of fundamental reform of the program in 2011 that limited certain jobs, increased vetting of job offers and third parties, required implementing program sponsors to use extra caution when placing students in positions at employers in business that are frequently associated with trafficking in persons, and strengthened oversight and monitoring, thereby reducing participants' vulnerability to trafficking.

The U.S. government continued prevention efforts within its A-3 and G-5 visa categories, which allow persons to enter the United States as domestic workers employed by foreign diplomatic or consular personnel or by foreign employees of international organizations ("foreign mission personnel"). DOS continued its work to help protect these workers, including by requiring that foreign missions "pre-notify" DOS that their personnel intend to hire a domestic worker before such workers apply for A-3 and G-5 visas. DOS tracks workers' registration upon their arrival in the United States and requires that their salary payments be made by check or made directly into bank accounts that are set up in their own name; cash payments are prohibited. During the reporting period, there were five allegations of various forms of abuse and domestic servitude, including civil lawsuits against, and criminal investigations of, foreign mission personnel. DOS followed procedures to closely review and, where appropriate, to deny pre-notification approvals for A-3 and G-5 workers of foreign mission personnel in the United States against whom serious allegations of abuse had been lodged. Under U.S. law, a foreign mission will lose the ability to sponsor additional domestic workers if the secretary of state determines that there is credible evidence that a domestic worker was abused by foreign mission personnel and that the mission tolerated the abuse; no suspensions occurred within the reporting period.

A-3 and G-5 visa holders who filed civil lawsuits against their former employers were eligible for temporary immigration relief and work authorization.

The U.S. government continued measures to inform and educate the public, including potential victims, about the causes and consequences of human trafficking. DHS, in collaboration with DOS, created an online, interactive general awareness training on human trafficking, which is available to the public. HHS funded 11 projects to conduct outreach, public awareness, and identification efforts. HHS continued to fund an NGO to operate a national human trafficking hotline that received over 16,000 phone calls in FY 2011, a 43 percent increase from the previous fiscal year. U.S. embassies and consulates worldwide continued distribution of a "know your rights" pamphlet and verbal briefings for approved student or work-based visa applicants.

DHS continued international and domestic awareness campaigns, including through multilingual television and radio announcements, billboards, newspaper advertisements, online resources, victim assistance materials, and indicator cards for law enforcement and first responders. DOD produced a new public service announcement on combating trafficking in persons that aired on the network for the U.S. armed services. ED raised awareness of human trafficking and the commercial sexual exploitation of children and provided technical assistance to interested schools.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. DHS made three criminal arrests resulting in five indictments and eight convictions in child sex tourism cases in FY 2011. The DOS Bureau of Consular Affairs Passport Services took action during the reporting period to preclude issuance of passports in the case of two individuals who were convicted of child sex tourism crimes that subjected them to passport restriction.

U.S. Insular Areas

The U.S. insular areas consist of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Federal authority over these areas resides in the Department of the Interior (DOI). The insular areas are source, transit, and destination locations for men, women, and children subjected to forced labor, debt bondage, and sex trafficking. While the U.S. government has compacts of free association with Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, they are independent of the United States and thus discussed and ranked in separate narratives.

The territory of American Samoa is believed to be a transit and destination island for human trafficking. In FY 2011, there were no new reported human trafficking cases. The legislature in American Samoa did not pass a bill, introduced in October 2009, which would criminalize human trafficking as a felony offense.

CNMI is a source, destination, and transit island for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, the U.S. Attorney's Office charged two men with conspiracy to commit sex trafficking, and financially benefitting from a sex trafficking venture, involving Chinese women. In CNMI, DOI's Office

of Insular Affairs – Federal Ombudsman’s office referred matters it considers to constitute human trafficking to federal investigative agencies and the U.S. Attorney’s Office. The CNMI Human Trafficking Intervention Coalition (HTIC), along with representatives from Guam, sponsored a human trafficking regional training conference focused exclusively on human trafficking that was the first of its kind in the CNMI. Since the regional conference, the U.S. Attorney’s Office has sponsored additional human trafficking and immigration-related training to community stakeholders. The first civil rights conference, which included human trafficking training, was also held in September 2011.

The territory of Guam is a source and destination location for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, there were no new reported human trafficking cases. With local and federal partners, the U.S. Attorney’s Office held a two-day Pacific regional conference on trafficking in persons, which was the first of its kind. Since then, the U.S. Attorney’s Office has sponsored additional human trafficking and immigration related training to community stakeholders. The first civil rights conference, which included human rights training, was also held in Guam. Sentencing and forfeiture proceedings are pending for a 69-year-old Guam bar owner who was convicted in the previous reporting period for conspiracy, sex trafficking, and coercion and enticement to travel for purposes related to prostitution, for a scheme to force young women and one minor girl into prostitution at his bar.

The Commonwealth of Puerto Rico is a source, transit, and destination island for men, women, and children subjected to forced labor and sex trafficking. In Puerto Rico, women from the Dominican Republic are held in forced prostitution, particularly in the sex tourism industry, and in conditions of domestic servitude. Puerto Rican girls are subjected to commercial sexual exploitation. NGOs continued efforts to bring the issue to the attention of the legislature, law enforcement, service providers, and the public at large. Puerto Rico has no local anti-trafficking law, although an outstanding proposal to revise the penal code to include trafficking exists. In June 2011, federal law enforcement entities conducted a week-long training for Puerto Rican law enforcement and their counterparts from Mexico and Central America.

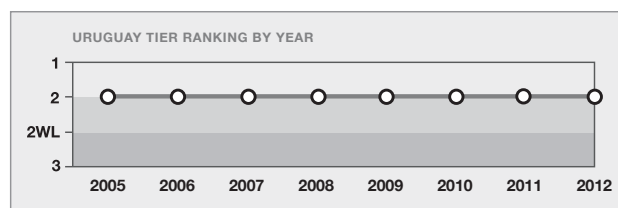
The U.S. Virgin Islands is a transit island for human trafficking. Traffickers use the island as a transit point for migrants from the Caribbean, who are then taken to the United States for commercial sexual exploitation. One case of Brazilian nationals attempting to use the U.S. Virgin Islands as a transit point for smuggling women into the United States and then forcing them into prostitution was stopped by U.S. authorities in June 2011.

URUGUAY (Tier 2)

Uruguay is a source country for women and children subjected to sex trafficking and forced labor. Most victims are women and girls exploited in sex trafficking within the country, particularly in urban and tourist areas. Lured by fraudulent employment offers, some Uruguayan women are forced into prostitution in Spain and Italy. Authorities uncovered a case of Uruguayan women and girls subjected to forced prostitution in Argentina after being recruited with false promises of a modeling career. There were isolated reports of foreign girls exploited in domestic

servitude, and officials and civil society organizations noted that foreign migrant workers in agriculture and domestic service were vulnerable to labor exploitation. Authorities continued to report that some cases of human trafficking were linked to local and international crime rings that smuggle narcotics and other contraband.

The Government of Uruguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its efforts to provide victim services in partnership with civil society, and initiated its first prosecution under the 2008 anti-trafficking statute. However, law enforcement efforts remained limited, authorities lacked formal procedures for identifying trafficking victims, and specialized services and shelter were inadequate. Anti-trafficking efforts are almost exclusively focused on sex trafficking.



Recommendations for Uruguay: Intensify efforts to investigate and prosecute all forms of trafficking and convict and sentence trafficking offenders; fund specialized services for trafficking victims, particularly outside the capital; increase training for law enforcement officials, labor inspectors, prosecutors, judges, and social workers on how to identify and assist victims of sex and labor trafficking; increase resources for the organized crime court in Montevideo; establish a formal mechanism to identify trafficking victims among vulnerable populations, including people in prostitution and migrant workers; implement a data collection system to maintain official statistics on trafficking cases; consider enacting an action plan or protocol to enhance interagency coordination; incorporate measures against forced labor into guidelines governing the employment of foreign workers in Uruguay; and raise awareness of all forms of trafficking, including forced labor and domestic servitude.

Prosecution

The Government of Uruguay maintained law enforcement efforts against sex trafficking offenders during the reporting period. Article 78 of the immigration law, enacted in 2008, prohibits all transnational forms of trafficking, prescribing penalties of four to 16 years’ imprisonment; these penalties are increased if the victim is a child or if the trafficker uses violence, intimidation, or deceit, and are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. For forced labor offenses occurring within Uruguay’s border, authorities can use Article 280 of the penal code, which prohibits “reducing a person to slavery,” and prescribes sentences between two and six years’ imprisonment; or Article 281, which prohibits “imprisonment for the purposes of profiting from the coercive use of the victim’s services,” and prescribes sentences of six to 12 years’ imprisonment. In the past, Uruguayan courts have convicted trafficking offenders under statutes on sexual exploitation or pimping; however, these statutes prescribe lesser sentences and some

can be commuted to community service or fines. Two judges in the specialized court on organized crime in Montevideo have jurisdiction over trafficking cases, as well as other cases involving sexual exploitation and organized crime. However, this court lacked sufficient human and material resources and faced an enormous caseload, and there was no systematic data collection on trafficking offenses. There was no specialized law enforcement unit dealing with human trafficking crimes, and local police lacked adequate training on how to identify human trafficking cases, raising concerns that not all cases were properly referred to the organized crime court.

Uruguayan officials investigated at least three sex trafficking cases in 2011, and authorities identified 40 cases of children in prostitution during the year, but it is unclear how many of these cases were sex trafficking. Authorities initiated at least two prosecutions during the reporting period, including the first prosecution using the 2008 trafficking-specific statute. Authorities achieved one conviction for sexual exploitation of a minor in a case where a mother prostituted her daughter; the mother received a sentence of five years' imprisonment. In comparison, during the previous reporting period, the Government of Uruguay convicted one trafficking offender and sentenced four offenders under statutes prohibiting the sexual exploitation of children. The government updated training materials for identifying and assisting trafficking victims for members of its diplomatic service, and partnered with international organizations to train law enforcement officials, although it did not provide specialized training on forced labor to its labor inspectors. Authorities conducted a cooperative investigation with Argentine officials during the year. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials for trafficking-related offenses.

Protection

The Uruguayan government continued to provide limited protection to trafficking victims, although few specialized services were available, and international donors provided the bulk of funding for these services. The government did not develop or implement formal procedures for identifying trafficking victims among vulnerable populations, such as adults in prostitution or undocumented migrants. Uruguayan officials did not maintain statistics regarding the number of victims identified or assisted. During the reporting period, the government's National Institute for Adolescents and the Women's Institute in the Social Development Ministry partnered with an NGO to provide services to sex trafficking victims through a pilot program funded by a foreign donor; the government reportedly designated funding to maintain this program once its foreign funding ends in August 2012. Through this program, one NGO provided psychological care and assistance to 18 adult sex trafficking victims, some of whom were deported from European countries where they were exploited. There are no specialized shelters for trafficking victims in the country. Uruguayan authorities referred child victims of trafficking to government shelters for at-risk youth for care; however, these shelters were not always prepared to provide specialized services needed for trafficking victims. The government operated general shelters accessible to adult female victims of abuse, including trafficking victims, and sought to provide them with legal, medical, and psychological care, although it is unclear how many adult trafficking victims, if any, received services at these shelters. Victim care services were uneven outside the capital, and shelters

in the capital could not accommodate the demand. An NGO assisting trafficking victims housed victims in a variety of spaces, as there was limited availability in these shelters. Government-operated shelters did not detain adult trafficking victims involuntarily. There were no specialized services for male trafficking victims. The government failed to budget adequate funding to fulfill victim assistance mandates, and, as a result, many victims relied on NGO and family support. The government encouraged, but did not require, victims to assist in the investigation and prosecution of their traffickers. During the year, there were no reports of identified trafficking victims being jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. Beyond access to general asylum, the government offered no specific legal alternatives to trafficking victims' removal to countries where they face retribution or hardship.

Prevention

The Uruguayan government sustained prevention efforts during the reporting period; most of these efforts focused on sex trafficking. The Ministry of Social Development continued to chair an interagency committee that coordinated government anti-trafficking efforts; it met on a monthly basis in 2011. This committee focused almost exclusively on sex trafficking of adult women, and it reportedly drafted a protocol to establish an interagency framework for action. Another committee on the commercial and non-commercial sexual exploitation of minors met every other week. Authorities forged a partnership with an NGO to train 30 journalists on human trafficking, and the Ministry of Tourism continued an awareness campaign at the airport and border control stations on commercial sexual exploitation of girls. There were no known efforts to address the demand for forced labor. Authorities provided anti-trafficking training to Uruguayan troops prior to their deployment on international peacekeeping missions during the year.

UZBEKISTAN (Tier 2 Watch List)

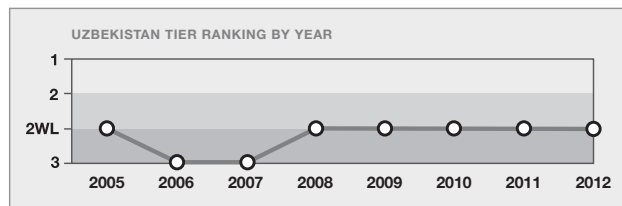
Uzbekistan is a source country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Domestic labor trafficking remains prevalent during the annual cotton harvest, when many school-age children as young as 10 years old, college students, and adults are victims of government-organized forced labor. There were reports that, during the cotton harvest, working conditions included long hours, insufficient food and water, exposure to harmful pesticides, verbal abuse and inadequate shelter. The use of forced mobilization of adult laborers and child laborers (over 15 years of age) during the cotton harvest was higher than in the previous years. A UNICEF pilot project during the reporting period reduced forced child labor in one region, including by ensuring that schools were kept open.

Uzbek men and women who have emigrated in search of work are forced to labor in Kazakhstan, Russia, and – to a much lesser extent – Ukraine, in domestic servitude and agriculture and in the construction and oil industries. Women and children are subjected to sex trafficking, often through fraudulent offers of employment, in the United Arab Emirates, India, Kazakhstan, Russia, Turkey, Thailand, Malaysia, Republic of Korea, Japan, China, Indonesia, and also within Uzbekistan. In 2011, small numbers of victims from Uzbekistan were identified in the

United States, Turkmenistan, Tajikistan, Belarus, and Georgia. Tajik and Kyrgyz victims were identified in Uzbekistan in the reporting period. In 2011, shelter administrators in Uzbekistan noticed an increase in the number of victims who were targeted due to a mental handicap or learning disability.

The Government of Uzbekistan does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking over the previous year; therefore, Uzbekistan is placed on Tier 2 Watch List for a fifth consecutive year. Uzbekistan was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

The Uzbek government continued to force children and adults to pick cotton. As in previous years, the government set a quota for national cotton production and paid farmers artificially low prices for the cotton produced, making it almost impossible for farmers to pay wages that would attract a voluntary workforce. Provincial mayors and governors were held personally responsible for ensuring that the quota was met; they in turn passed along this pressure to local officials, who organized and forced school children, university students, faculty, and other government employees to pick cotton. The government continued to refuse to allow the ILO to monitor the cotton harvest and denied that forced labor of children or adults in the cotton sector exists in Uzbekistan. The government identified fewer sex trafficking and transnational labor trafficking victims during the reporting period.



Recommendations for Uzbekistan: Take substantive action to end the use of forced labor during the annual cotton harvest; investigate and prosecute government officials suspected to be complicit in trafficking, particularly those who forced children and adults to pick cotton during the annual harvest, and convict and punish complicit officials; allow international experts, such as the ILO, to conduct an independent assessment of the use of forced labor during the annual cotton harvest; provide financial support and continue to provide in-kind support to anti-trafficking NGOs to assist and shelter victims; continue efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders; and work to ensure that identified victims are not punished for acts committed as a result of being trafficked.

Prosecution

The Government of Uzbekistan demonstrated mixed law enforcement efforts, including efforts to combat sex and international labor trafficking and a lack of efforts to address forced labor in the cotton harvest during the reporting period. Article 135 of the criminal code prohibits both forced prostitution and forced labor, and prescribes penalties of three

to 12 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. Law enforcement data is opaque in Uzbekistan. In 2011, law enforcement agencies reported conducting 951 trafficking investigations, compared with 529 investigations in 2010. Authorities reported prosecuting 444 trafficking cases in 2011, compared with 632 trafficking cases in 2010, and claimed convictions of 636 trafficking offenders in 2011, compared with 736 and 1,198 offenders purportedly convicted in 2010 and 2009, respectively. The government reported that 434 convicted trafficking offenders were sentenced to time in prison, compared with approximately 476 convicted offenders reportedly sentenced to time in prison in 2010. In 2011, the government reported facilitating and funding four workshops on combating sex trafficking and transnational labor trafficking for law enforcement officials. The government reportedly shared data with several foreign law enforcement agencies to assist in criminal cases against suspected traffickers.

In June 2011, the prime minister reportedly demanded an abundant cotton harvest and threatened jail time for those local administrators who fail to produce state quotas. Authorities applied varying amounts of pressure on governmental institutions, schools, and businesses to organize schoolchildren, university students, teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton. Local government officials in regions where cotton is grown closed rural schools and forced children to go to the fields to pick cotton. There were some reports of government officials threatening students with retaliation if they did not work or achieve designated quotas. Teachers were often held accountable by local officials for student cotton quotas; there continued to be reports that students and adults who did not make their quotas were subject to ridicule or abuse by local administrators or police. There were reports that government officials threatened to withhold social benefit payments to the elderly until they picked cotton. The government did not report law enforcement efforts regarding official complicity of forced labor in the cotton harvest.

There were reports of official complicity in other forms of trafficking. Border guards and low-level police officers were reportedly involved in the fraudulent issuance of exit visas, and there were allegations of individual police officers accepting bribes from traffickers. The Office of the Prosecutor General reported that an officer in the city of Tashkent's Criminal Investigation Department received a sentence of nine years in prison on trafficking-related charges, and that an official of the police department in the city of Tashkent is under investigation for similar charges, but did not report additional details to confirm how the activities involved trafficking. By comparison, last year, media reports indicated that some Ministry of Labor officials were convicted for coordinating illegal employment overseas.

Protection

The Government of Uzbekistan demonstrated mixed efforts to identify, assist, and protect victims of trafficking – including efforts to assist victims of sex and international labor trafficking – though it demonstrated no efforts to assist victims of forced labor in the cotton harvest. The government reported that it identified 1,635 victims through *ad hoc* means in 2011 – a decrease from 2,325 and 4,660 victims

purportedly identified in 2010 and 2009, respectively. Police, consular officials, and border guards referred potential female trafficking victims returning from abroad to an NGO for services. The government operates a shelter for male, female, and child trafficking victims that assisted 336 victims in 2011, compared with 225 victims assisted in 2010. Victims are not detained in the shelter; they may freely enter and leave. The government provided shelter and office space to two NGO-run shelters, and victims were eligible for medical assistance from the government. The government continued to provide a small amount of assistance to repatriated child victims of trafficking. A leading NGO identified and assisted 204 victims in 2011. NGOs report that victims who cooperate with law enforcement receive some protection during the trial process. Some victims were penalized for acts committed as a result of being trafficked; victims were sometimes charged with illegal border crossing when they returned to Uzbekistan from abroad. NGOs reported that when they appealed immigration charges against victims, these charges were often dropped; however these charges were less likely to be dropped if the victim refused to cooperate with a trafficking investigation.

Prevention

The government continued public awareness efforts on transnational sex and labor trafficking. Through a pilot project with UNICEF, one provincial leader in the Ferghana valley issued orders that children were not to be used in the cotton harvest and that schools should remain open; UNICEF and local activists reported that all schools remained open in that region during the harvest season. The government did not respond to the international community's calls for an independent assessment of the use of both forced adult and forced child labor during the 2011 cotton harvest. It again permitted UNICEF to conduct observations of forced child labor during the harvest in every region. The Ministry of Labor required all regional leaders to sign an agreement stating that they would keep schools open and not mobilize children, but this was not enforced. There were reports that human rights activists who independently monitored the cotton harvest were detained by government officials. State media showed programs on sex trafficking and transnational labor trafficking. The government continued to provide venues for NGO training programs and awareness-raising activities. In addition, ostensibly in an effort to combat human trafficking, the country introduced regulations that required male relatives of women aged 18 to 35 to submit a statement pledging that the women would not engage in illegal behavior, including prostitution, while abroad; evidence suggests restrictions on migration have a negative effect on preventing human trafficking. Officials in the city of Jizzakh reduced the demand for commercial sex by arresting and prosecuting clients of prostitution. In 2011, the government began issuing biometric passports to all its citizens, in a program scheduled for completion in 2015.

VENEZUELA (Tier 2 Watch List)

Venezuela is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Venezuelan women and girls are found in conditions of sex trafficking within the country, lured from poor interior regions to urban and tourist centers, such as Caracas, Maracaibo, and Margarita Island. Victims are often recruited through false

job offers. In June 2011, a Venezuelan official reported that trafficking victims from Colombia, Peru, Haiti, China, and South Africa were exploited in Venezuela, although it was unclear when these victims were identified. Some Venezuelan children are forced to work as street beggars or as domestic servants, and Ecuadorian children, often from indigenous communities, are subjected to forced labor, particularly in Caracas. Some Venezuelan women are transported from coastal areas by small boats to Caribbean islands, particularly Aruba, Curacao, and Trinidad and Tobago, where they are subjected to forced prostitution. Organized crime is widely believed to be involved in facilitating sex trafficking in Venezuela.

The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment of the government's significant efforts is based largely or in part on the government's commitment of future actions over the coming year, Venezuela is placed on Tier 2 Watch List. During the year, the National Assembly approved reforms that will strengthen Venezuela's legal framework against trafficking. Authorities reported convicting two traffickers and identifying and assisting 38 trafficking victims. The government also undertook public information campaigns and training of law enforcement, port and airport staff, and tourism service personnel to identify and prevent trafficking. However, prosecution and conviction efforts appeared to remain weak, and specialized victim services were lacking. The Government of Venezuela did not provide information on its efforts to combat human trafficking for this report, and there was limited public information regarding the nature of the trafficking problem or government efforts to fight it.



Recommendations for Venezuela: Amend existing trafficking laws to prohibit and adequately punish all forms of human trafficking; intensify efforts to investigate and prosecute cases of sex trafficking and forced labor, and convict and punish trafficking offenders; fund specialized services to trafficking victims, in partnership with civil society organizations; implement formal and proactive procedures for identifying trafficking victims among vulnerable populations, such as people in prostitution; enhance interagency cooperation, perhaps through forming a permanent anti-trafficking working group; provide publicly-available information regarding government efforts to combat human trafficking; consider strengthening the government anti-trafficking framework through enacting a national plan; and improve data collection for trafficking crimes.

Prosecution

The Government of Venezuela maintained limited anti-trafficking law enforcement efforts over the last year. Venezuelan law prohibits most forms of human trafficking through its 2007 Organic Law on the Right of Women to a Violence-Free Life. Article 56 of this law prohibits the trafficking of women and girls for the purposes of sexual exploitation, forced labor,

slavery, irregular adoption, or organ extraction, prescribing punishments of 15 to 20 years' imprisonment. Articles 46 and 47 prohibit forced prostitution and sexual slavery, and prescribe penalties of 10 to 20 years' imprisonment. Article 16 of the Organic Law against Organized Crime, enacted in 2005, prohibits transnational sex and labor trafficking, and prescribes penalties of 10 to 18 years' imprisonment. The above penalties are sufficiently stringent, and commensurate with those for other serious crimes, such as rape, but do not address the internal trafficking of men or boys. Although prosecutors could use Venezuela's Child Protection Act and various articles of the penal code to prosecute the internal trafficking of boys, there were no publicly available reports of convictions for this crime during the reporting period and many of these statutes prescribe inadequate penalties – typically a maximum of three months in jail or fines.

In January 2012, the National Assembly adopted a reform of the Organic Law against Organized Crime and Terrorist Financing. This reform does not limit the definition of human trafficking to women and girls and increases penalties against anyone who “promotes, encourages, facilitates, or executes” human trafficking as part of an organized crime group to 20-25 years' imprisonment or to 25-30 years in cases involving minors. A separate draft Organic Law against Trafficking in Persons, written in consultation with civil society organizations, was re-introduced to the National Assembly during the reporting period, but was not passed. In addition to increasing penalties for trafficking crimes and prohibiting the internal trafficking of men and boys, the draft law would establish provisions on victim protection and interagency coordination.

The government reportedly investigated and arrested individuals in several sex trafficking cases. In 2011, authorities initiated two prosecutions for sex trafficking crimes. During the reporting period, a Caracas court convicted two women of sex trafficking crimes; they were each sentenced to five years' imprisonment, but were granted parole, conditional on court appearance every eight days. In comparison, in 2010 there were no publicly available reports of convictions of human trafficking offenders. Authorities reported training thousands of law enforcement officers and immigration officials on how to identify and assist trafficking victims and how to investigate trafficking cases, sometimes collaborating with international organizations. There were no public allegations that Venezuelan government officials were complicit in human trafficking, and the Venezuelan government did not report any investigations, prosecutions, convictions, or sentencing of public officials.

Protection

The government sustained limited efforts to assist trafficking victims during the reporting period. There was no public information regarding the government's development or implementation of formal procedures for identifying trafficking victims among vulnerable populations and referring them to victim services. The government did not operate shelters or provide other services specifically for trafficking victims, but provided limited funding to some NGOs operating shelters, and government shelters for victims of domestic violence or at-risk youth reportedly were accessible to trafficking victims. NGOs provided the majority of specialized services. Authorities reported assisting 38 trafficking victims in 2011, including three Ecuadorian girls who had been subjected to forced labor. In comparison, during the previous year

the government did not publicly report on the number of victims it assisted, although the media reported on a case involving 11 girls exploited in sex trafficking. Government-provided psychological and medical examinations reportedly were available to trafficking victims, but NGOs reported that additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, remained lacking.

There was no information publicly available about whether the government encouraged victims to assist in the investigation and prosecution of their traffickers. Also, there were no reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Foreign victims who faced retribution if returned to their country of origin could apply for refugee status; however, the government did not report whether any trafficking victims applied for or received this status over the past year. There were no publicly available reports of government assistance to repatriated Venezuelan trafficking victims during the reporting period.

Prevention

The Venezuelan government engaged in efforts to prevent human trafficking over the year by raising public awareness through anti-trafficking campaigns and by training airport and tourism service personnel in tourist destinations, including Nueva Esparta, Anzoategui, and Zulia states. Most of these efforts focused on sex trafficking and child sex tourism. The government continued to operate a national 24-hour hotline through which it received trafficking complaints; however, NGOs reported that it was of limited use. The Interior and Justice Ministry's directorate of crime prevention is responsible for coordinating anti-trafficking law enforcement efforts. Officials reported on anti-trafficking efforts to the media on an *ad hoc* basis. There were no publicly-available reports of new investigations, prosecutions, or convictions for child sex tourism during the year. No specific activities to reduce the demand for commercial sex acts or forced labor were reported during the year.

VIETNAM (Tier 2)

Vietnam is a source and, to a lesser extent, a destination country for men, women, and children subjected to sex trafficking and conditions of forced labor. Vietnam is a source country for men and women who migrate abroad for work either on their own or through predominantly state-affiliated labor export companies in the construction, fishing, agriculture, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, the Republic of Korea (South Korea), Laos, the United Arab Emirates, and Japan, as well as in China, Thailand, Cambodia, Indonesia, the United Kingdom (UK), the Czech Republic, Cyprus, Sweden, the Trinidad and Tobago, Costa Rica, Russia, Libya, Saudi Arabia, Jordan, and elsewhere in the Middle East and North Africa; some of these workers subsequently face conditions of forced labor. Vietnamese women and children subjected to sex trafficking throughout Asia are often misled by fraudulent labor opportunities and sold to brothels on the borders of Cambodia, China, and Laos, with some eventually sent to third countries, including Thailand and Malaysia. Some Vietnamese women are forced into prostitution in Thailand, Malaysia, Singapore, and in Europe.

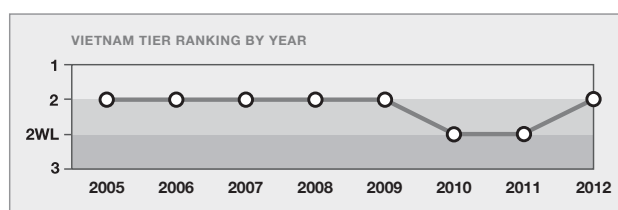
Vietnam's labor export companies, most of which are affiliated with state-owned enterprises, as well as unlicensed middlemen brokers, have been known to charge workers in excess of the fees allowed by law for the opportunity to work abroad. This forces Vietnamese workers to incur some of the highest debts among Asian expatriate workers, making them highly vulnerable to debt bondage and forced labor. A study on migration trends conducted in 2010 of 1,265 Vietnamese migrants from three northern districts who had gone abroad for work found that nearly all faced high recruitment fees that put them in a state of debt bondage for years; the majority of those that had to return to Vietnam early – after one to two years – were not able to earn enough to pay off those debts. Upon arrival in destination countries, some workers find themselves compelled to work in substandard conditions for little or no pay despite large debts and with no credible avenues of legal recourse. Some of Vietnam's recruitment companies reportedly did not allow workers to read their contracts until the day before they were scheduled to depart the country, after the workers had already paid significant recruitment fees, often incurring debt. Some workers reported signing contracts in languages they could not read. There also have been documented cases of recruitment companies being unresponsive to workers' requests for assistance in situations of exploitation.

Vietnamese and Chinese organized crime groups are involved in the forced labor of Vietnamese children on cannabis farms in the UK, where they were subject to debts of up to \$32,000. Reports indicate that many of these Vietnamese victims flew with an agent to Russia, were transported via trucks through the Ukraine, Poland, the Czech Republic, Germany, France, and then arrived in the UK. In 2011, a number of Vietnamese women were trafficked to Thailand to act as surrogate birth mothers for foreigners. There are also reports of some Vietnamese men, women, and children subjected to forced labor within the country as well as abroad. In both sex and labor trafficking, debt bondage, confiscation of identity and travel documents, and threats of deportation are commonly utilized to intimidate victims. Some Vietnamese women moving to China, Taiwan, Hong Kong, Macau, and increasingly to South Korea as part of internationally brokered marriages are subsequently subjected to conditions of forced labor (including as domestic servants), forced prostitution, or both. There are reports of trafficking of Vietnamese, particularly women and girls, from poor, rural provinces to urban areas, including Hanoi, Ho Chi Minh City, and newly developed urban zones, such as Binh Duong. While some individuals migrate willingly, they may subsequently be sold into forced labor or commercial sexual exploitation.

Vietnamese children from rural areas are subjected to commercial sexual exploitation. Children also are subjected to forced street hawking, forced begging, or forced labor in restaurants in the major urban centers of Vietnam, although some sources report the problem is less severe than in years past. Some Vietnamese children are victims of forced and bonded labor in urban family-run house factories and rural privately-run gold mines. NGOs report that traffickers' increasing use of the Internet to lure victims has led to a rising number of middle-class and urban-dwelling Vietnamese to fall prey to human trafficking. There are reports that individuals who failed to meet work quotas were punished through beatings and other physical abuse. Vietnam is a destination for child sex tourism with perpetrators reportedly coming from Japan, South Korea, China, Taiwan, the UK, Australia, Europe, and

the United States, although this problem is not believed to be widespread.

The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government issued a decree laying out responsibilities for drafting circulars and decrees on protection, prevention and prosecution to fully implement Vietnam's new, comprehensive anti-trafficking law, which was adopted in March 2011 and took effect in January 2012. During 2011, the government used existing laws to criminally prosecute some labor trafficking offenses; in many cases prosecutors relied on Article 139, "Appropriating Properties Through Swindling." Rehabilitation centers for drug users and people in prostitution, run by the Vietnamese government, continued to subject residents to forced agricultural, construction, and manufacturing labor – a form of human trafficking – despite international criticism. The Government of Vietnam failed to provide adequate remedies to overseas workers who experienced debt bondage or other forms of forced labor. During the reporting period, the government drafted new victim identification procedures. In 2011, the government finalized and disseminated a five year (2011-2015) national action plan on human trafficking and announced the allocation of the equivalent of \$15 million to implement this plan, which covers all forms of trafficking and coordinates the government's anti-trafficking responses through the National Steering Committee on Human Trafficking chaired by Deputy Prime Minister Nguyen Xuan Phuc. Although police officials acknowledged that internal trafficking and trafficking of men may constitute significant segments of the country's trafficking problem, the government took no discernible actions to increase efforts to address these particular forms of trafficking during the year.



Recommendations for Vietnam: Issue required guidance to fully implement the new anti-trafficking law, including through the application of stringent criminal penalties for all forms of trafficking; train front-line officers and judicial officials on the provisions of the anti-trafficking law, with a specific focus on recognizing victim exploitation as the essential element of trafficking crimes; criminally prosecute those involved in forced labor, the recruitment of persons for the purpose of forced labor, or fraudulent labor recruitment and apply stringent penalties to convicted offenders; immediately cease the practice of forcing Vietnamese citizens into commercial labor in government-run drug rehabilitation centers; adopt policies for the proactive identification of victims among vulnerable groups, such as Vietnamese migrant workers who have been subjected to forced labor and ensure that they are provided with victim services; develop formal procedures to this end, using internationally recognized indicators of forced labor, such as the confiscation of travel documents by employers or labor brokers, and train relevant officials in the use of such procedures, including internationally recognized indicators of forced labor such as the confiscation of travel documents by employers or labor brokers; continue efforts

to protect Vietnamese workers going abroad through memoranda of understanding and agreements with additional destination countries that include measures to protect Vietnamese workers; take measures to protect victims of labor trafficking to ensure that workers are not threatened or otherwise punished for protesting labor conditions or for leaving their place of employment; improve interagency cooperation on anti-trafficking efforts; in order to monitor and evaluate efforts to implement the national plan of action, improve data collection and data sharing at the national level on trafficking prosecutions, particularly labor-related prosecutions; and implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade.

Prosecution

The Government of Vietnam continued its law enforcement efforts to combat trafficking. In March 2011, the National Assembly passed a comprehensive anti-trafficking law, which expands the definition of trafficking in persons to include forms of trafficking not prohibited in the penal code under articles 119 and 120 and includes provisions for victim care and trafficking prevention. This law went into effect in January 2012, although criminal penalties for the newly enumerated trafficking offenses have not yet been established. In order to hold perpetrators criminally accountable for trafficking crimes prohibited under the anti-trafficking law, the Supreme People's Court must issue detailed guidance establishing the criminal penalties for the new crimes. The law's expansion of the definition of trafficking in persons was not applied during the reporting period despite the law's coming into effect in January 2012 because the government has yet to issue the necessary guidance.

The government reported the majority of traffickers were prosecuted under articles 119 and 120 of the penal code, which can be used to prosecute some forms of trafficking, including labor trafficking. These articles prescribe sufficiently stringent punishments of two to seven years' imprisonment, which are commensurate with penalties prescribed for other serious offenses, such as rape. Judicial officials have interpreted the penal code provisions on human trafficking to apply only to cases that involve a third-party exchange of payment, and this led to some trafficking cases being criminally prosecuted as human smuggling. Other cases were administratively punished under the country's labor laws, which do not provide criminal penalties for labor trafficking. These penal code provisions, unlike the new law, do not criminalize an attempt to commit a trafficking offense.

In September 2011, authorities rescued 23 children in bonded labor in a small privately-owned garment workshop; because recruitment and exploitation of the children was performed by the same individual, authorities reported the case could not be prosecuted under articles 119 or 120 and instead chose to adjudicate this trafficking case as a labor violation with an administrative fine and an official warning. In December 2011, the court sentenced two individuals, convicted for transporting 33 victims to China and attempting to exploit them, to 30 and 36 months' probation human smuggling for a offense under the penal code. Authorities reported this cases could not be prosecuted under articles 119 and 120 because the traffickers had not succeeded in receiving payment for the victims in China, thus highlighting the drawback to reliance on these penal code provisions.

Vietnam's central data collection systems remained inadequate to provide law enforcement statistics, such as trafficking prosecutions and convictions during the year segregated by type of trafficking. The Supreme People's Procuracy reported that between December 1, 2010 and November 30, 2011, authorities prosecuted 153 cases of trafficking and related offenses, the same number of cases reported during the previous year. Exact numbers of convictions were not available, but National Steering Committee 130, the government's anti-trafficking coordinating body, estimated the government convicted more than 350 offenders under articles 119 and 120 of the country's penal code, compared with 274 convictions in the previous year. The government reported convicting seven offenders and sentencing them to prison terms ranging from four to 18 years under these articles for labor trafficking during the year; as in the past, however, the government did not provide details of the nature of these cases to substantiate the claim that they constituted labor trafficking. The government continued primarily to pursue prosecutions in international sex trafficking cases, and overall law enforcement efforts were inadequate to address all forms of human trafficking in Vietnam.

Contract disputes between Vietnamese workers and their Vietnam-based labor recruitment companies or companies overseas – including for fraudulent recruitment and conditions that are indicative of forced labor – are left largely to the labor export recruiting company to resolve. Although workers have the legal right to take cases to court, in practice few have the resources to do so, and there is no known record of a Vietnamese labor trafficking victim successfully achieving compensation in court; thus, in practice, workers are left without reasonable legal recourse in such cases. The government continued to work with international organizations during the year to train law enforcement officials, border guard officials, and social workers on trafficking.

Many NGOs indicated that trafficking-related corruption continued to occur at the local level, where officials at border crossings and checkpoints accepted bribes from traffickers, and, where at times, officials opted not to intervene on victims' behalf when family relationships existed between traffickers and victims. Since October 2010, the government reported two convictions of public officials for trafficking related offenses under Article 120 of the penal code; however, due to design of the Supreme Court's database, it could not be determined whether these convictions were obtained during the current reporting year, nor were details on the convictions available. Investigation was ongoing in a case against a local official, initiated during the previous reporting period, suspected of accepting bribes to illegally register marriages between foreign men and Vietnamese women, some of whom may have been trafficking victims.

Government and NGO sources report that lack of financial resources, inadequately trained personnel, cumbersome mechanisms for interagency cooperation, poorly coordinated enforcement of existing legal instruments across the country, and the current legal structure that is ill-suited to supporting the identification and prosecution of trafficking cases remain obstacles to greater progress in the country's anti-trafficking efforts.

Protection

The Vietnamese government made sustained efforts to protect victims, primarily those subjected to transnational sex trafficking, but it did not make efforts to adequately identify victims among vulnerable populations or protect victims of labor trafficking or internal trafficking. Victim protection plans outlined in the anti-trafficking law have not yet been implemented. The government did not develop or employ systematic nationwide procedures to proactively and effectively identify victims of trafficking among vulnerable populations, such as women arrested for prostitution and migrant workers returning from abroad, and victim identification efforts remained poor across all identified migration and trafficking streams.

Credible figures for the number of trafficking victims identified during the year were not available, but Vietnam's National Steering Committee on Trafficking in Persons reported that 430 Vietnamese trafficking victims were identified by Vietnamese authorities, 250 victims were identified and repatriated by foreign governments or NGOs, and 120 victims self-identified. These estimated statistics include some cases in which children were abducted and sold for adoption. The majority of identified victims were women and children, although the border guard reported rescuing and assisting at least eight adult male trafficking victims. An NGO reported all 27 victims it assisted in repatriating to Vietnam during the year had been exploited in Malaysia or Thailand, but information about additional repatriated victims – such as countries they had been exploited in – was unavailable; this included details for the 48 victims the government reported assisting in 2011 at embassies overseas. At a minimum, Vietnamese embassies provided documentation for the victims to be repatriated. Support for the victims was provided on a case-by-case basis and varied from temporary shelter to financial and administrative support based upon their needs. Financial assistance was provided through the Fund for Assisting Overseas Vietnamese.

The government continued to act as a perpetrator of forced labor, subjecting drug users and persons formerly in prostitution to forced labor in treatment centers. During the year, an international NGO documented a limited number of cases in which individuals in such shelters who failed to meet work quotas were punished through beatings and other physical abuse. The government reported stopping the construction of new centers, but current regulations mandate the use of “therapeutic labor” for residents within these existing government-run centers. While authorities have formal procedures for receiving victims and referring them to care, the referral system is recognized to have significant deficiencies, failing to identify victims who do not return via official border crossings and victims who do not want to be identified by authorities due to social stigma or other reasons. The government did not provide adequate legal protection from forced labor or assistance to victims in Vietnam or abroad. During the year, more than 88,000 Vietnamese workers traveled abroad to work through official contracts, and the total number of Vietnamese migrant workers in 40 countries and territories is estimated to be approximately 500,000. In November 2011, Vietnam signed a bilateral agreement with the Belarusian government to facilitate the employment of Vietnamese workers in Belarus and is reportedly in the process of drafting a similar agreement with Israel; it is unclear whether agreements signed with governments of labor demand countries had provisions to prevent human trafficking and

protect trafficking victims. Vietnam maintains labor attaches in the nine countries receiving the largest number of Vietnamese migrant workers; however, it does not maintain embassies in some countries where there are reports of trafficking. In some places where there are embassies, diplomatic personnel responded weakly to protect migrant workers; the government acknowledged that its diplomats lacked sufficient training and oversight. Government regulations do not prohibit private employers from withholding the passports of workers in destination countries, and Vietnamese companies were known to withhold workers' travel documents, a known contributor to trafficking. The government did not publish data about individual cases where consular or other officials identified or assisted Vietnamese workers subjected to forced labor abroad. Although workers have the right in principle to sue labor export companies, there has been no indication of victims receiving legal redress in Vietnamese courts for such claims.

The government's Vietnamese Women's Union (VWU), in partnership with NGOs and with foreign donor funding, continued to operate three trafficking shelters in Vietnam's largest urban areas; the shelters provided counseling and vocational training to female sex trafficking victims. The VWU and border guards also operate smaller shelters that provide temporary assistance to migrants in need at some of the most heavily used crossing points. At times victims were housed in Ministry of Labor Invalids, and Social Affairs (MOLISA) social protection centers that provide services to a wide range of vulnerable groups, although officials acknowledged that victims were better served in trafficking-specific shelters. In many areas shelters are rudimentary, underfunded, and lack appropriately trained personnel. The government has allocated the equivalent \$1,600,000 over five years for victim protection efforts; in February 2012, it issued guidelines for the use and management of these funds, but it is not known whether any funds were distributed. In 2011, the government took preliminary action to implement a set of National Minimum Standards for service provision to trafficking victims. MOLISA trained staff in 13 provinces on these standards; however, formal nationwide implementation of the guidelines remains on hold pending issuance of the relevant decrees and circulars governing victim protection in the anti-trafficking law. There are no shelters or services specifically dedicated to assisting male victims, child victims, or victims of labor trafficking, although existing shelters reportedly provided services to some male and child victims. NGOs report some victims opt not to stay at a victim support facility or receive social services due to a fear of social stigma from identifying as a trafficking victim. Trafficking victims are eligible for a cash subsidy of up to the equivalent of \$50, paid through local authorities; the government did not provide statistics on the number of victims who received this benefit, but it estimated approximately 60 percent of identified victims received the subsidy. The government continued to provide contributions of office space and personnel to international organizations conducting anti-trafficking projects.

The government reportedly encourages victims to assist in the prosecution of their traffickers, although the Vietnamese government generally does not provide police-assisted witness protection to victims of crime. NGOs reported that 44 victims participated in criminal proceedings in 2011. Victims were often reluctant to participate in investigations or trials due to social stigma, particularly as it relates to prostitution, fear of retribution in their local communities, and lack of incentives for participation. Victims sometimes received

modest compensation from traffickers, but no data were available to determine how often this occurred. Vietnamese law protects trafficking victims from facing criminal charges for actions taken as a direct consequence of being trafficked; however, inadequate efforts to identify victims among vulnerable populations may have led to some victims being treated as law violators. There were no legal alternatives to the removal of foreign victims to countries where they face retribution or hardship.

Prevention

With assistance and cooperation from international organizations, NGOs, and foreign donors, the Vietnamese government increased efforts to prevent trafficking in persons. In August 2011, the prime minister gave final approval to a five-year national plan of action on human trafficking passed earlier in the year. In December 2011, the Ministry of Foreign Affairs (MFA) launched an online migration website providing prospective migrants with access to information about the legal guidelines governing recruitment companies; however, the government did not increase efforts to enforce these regulations, and overall efforts to regulate recruitment companies and marriage brokers remained weak. MOLISA reported that in 2011, the government investigated 38 labor recruiting companies and issued minimal fines ranging from the equivalent of \$750 to \$2,000 to 15 companies for a number of administrative violations; some violations, such as charging excessive recruitment fees, were indicative of human trafficking, but no trafficking cases were identified from these efforts and no criminal prosecutions were initiated against labor recruitment companies. The government organized two training workshops for tourism operators to raise awareness of child sex tourism. Authorities did not report any other efforts to reduce the demand for commercial sex or forced labor. Vietnam is not a party to the 2000 UN TIP Protocol.

YEMEN (Tier 3)

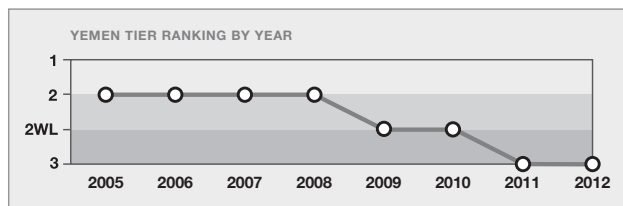
Yemen is a country of origin and, to a much lesser extent, a transit and destination country for men, women, and children subjected to forced labor and sex trafficking. Some Yemeni children, mostly boys, migrate to the Yemeni cities of Aden and Sanaa, or travel across the northern border to Saudi Arabia and, to a lesser extent, to Oman where they end up working in forced labor in domestic service, small shops, or as beggars. Some of these children are forced into prostitution by traffickers, border patrols, other security officials, and their employers once they arrive in Saudi Arabia. Some parents may have refrained from sending their children to Saudi Arabia for fear of them encountering violence in northern Yemen, while other Yemeni children attempting to reach Saudi Arabia were abducted by rebel groups to serve as combatants. A Saudi study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. The Yemeni government and international NGOs estimate that there are approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom are subjected to conditions of forced labor. In addition, some sources report that the practice of chattel slavery still exists in Yemen; while no official statistics exist detailing this practice, sources report that there could be 300 to 500 men, women, and children sold or inherited as slaves in Yemen, including in the Al-Zohrah district of Al-Hudaydah Governorate, west of Sanaa, and the Kuaidinah

and Khairan Al-Muharraq districts of the Hajjah Governorate, north of the capital.

To a lesser extent, Yemen is also a source country for girls subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 are exploited for commercial sex in hotels and clubs in the governorates of Sanaa, Aden, and Taiz. The majority of child sex tourists in Yemen originate from Saudi Arabia, with a smaller number possibly coming from other Gulf nations. Yemeni girls who marry Saudi tourists often do not realize the temporary and exploitative nature of these agreements, and some are subjected to sex trafficking or abandoned on the streets of Saudi Arabia. Yemen is a transit and destination country for women and children from the Horn of Africa. UNHCR estimated that nearly 103,000 refugees and asylum-seekers from the Horn of Africa crossed the Gulf of Aden to reach Yemen during 2011, twice the number from 2010. Ethiopian and Somali women and children travel voluntarily to Yemen with the hope of working in other Gulf countries, but some are subjected to sex trafficking or domestic servitude in Yemen. Others migrate based on fraudulent offers of employment as domestic servants in Yemen, but upon arrival are subjected to sex trafficking or forced labor. Some female Somali refugees are forced into prostitution in Aden and Lahj governorates, and Yemeni and Saudi gangs traffic African children to Saudi Arabia. Smugglers capitalize on the instability in the Horn of Africa to subject Africans to forced labor and prostitution in Yemen.

Despite a 1991 law that stipulates that recruits to the armed forces must be at least 18 years of age, credible reports indicate that children as young as 11 have been conscripted into official government armed forces – as well as into government-allied tribal militias and militias of the Houthi rebels – since the sixth round of the intermittent war in Sa'ada from August 2009 to January 2010. A local NGO estimated that children may make up more than half of some tribes' armed forces, both those fighting with the government and those allied with the Houthi rebels. The number of child soldiers reportedly increased during this reporting period as pro- and anti-government military units recruited tribesmen directly into their ranks.

The Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Throughout 2011, Yemen faced prolonged political, economic, and security crises, leading to the nearly complete collapse of government services. Following the signing of a Gulf Cooperation Council-sponsored political transition deal in November 2011, the creation of a new government in December 2011, and the election of a new president in February 2012, the government still faced severe challenges through the end of the reporting period. Due to these prolonged crises, the Government of Yemen's anti-trafficking efforts, including dedicating resources and attention to the issue, were severely curtailed during this reporting period. The Government of Yemen was unable to provide law enforcement data to contribute to this report, and it did not institute formal procedures to identify and protect victims of trafficking or take steps to address trafficking for commercial sexual exploitation.



Recommendations for Yemen: Increase law enforcement efforts against trafficking in persons, including trafficking of women, men, and children for sex trafficking and forced labor; take measures to investigate and eradicate the practice of chattel slavery in Yemen, including by enforcing the prohibition against slavery, including against slave “owners”; expand victim protection services, including rehabilitation of victims of forced prostitution; make greater efforts to stop the forcible recruitment of child soldiers and provide protection services to demobilized children; institute a formal victim identification mechanism to identify and refer trafficking victims to protection services; implement educational and public awareness campaigns on trafficking to include information on the sex trafficking of children and adults; and adopt and dedicate resources to a national plan of action to combat trafficking.

Prosecution

The Government of Yemen reported no progress in enforcing laws against human trafficking during the reporting period. Article 248 of Yemen’s penal code prescribes up to 10 years’ imprisonment for anyone who “buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him.” Although this statute’s prescribed penalty is commensurate with that prescribed for other serious crimes, such as rape, its narrow focus on transactions and movement means that many forms of forced labor and forced prostitution are not criminalized. Article 161 of the Child Rights Law specifically criminalizes the prostitution of children. The government did not report official statistics on its efforts to investigate, prosecute, convict, or sentence trafficking offenders. The Ministry of Interior operated women’s and children’s units during part of the reporting period that could be used to investigate trafficking offenses; however, the unit effectively shut down in early 2011. The government made no known efforts to investigate or punish the practice of chattel slavery. There was no evidence of prosecutions or punishments of government officials for complicity in trafficking during the reporting period.

Protection

The Yemeni government’s efforts to protect victims decreased during the reporting period. The government continues to lack formal victim identification procedures to proactively identify and assist victims of trafficking among vulnerable groups, such as women arrested for prostitution or individuals detained for illegal immigration. As a result, the Government of Yemen did not ensure that victims of trafficking were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Although the government, in partnership with UNICEF and NGOs, operated two reception centers to rehabilitate child labor trafficking victims in Sanaa and Harath, it is unknown whether these

centers continued to operate during the political crisis or how many children – if any – were assisted in these centers during the reporting period. The government does not provide protection services to adult victims of either forced prostitution or forced labor. The government did not encourage victims to assist in investigations or prosecutions of their traffickers. The government did not provide assistance to its nationals who were repatriated as victims of trafficking. Although the government acknowledged the use of child soldiers, it took no measures to provide protective or rehabilitation services to child soldiers.

Prevention

The Yemeni government made no efforts to prevent trafficking during the reporting period. It was not clear if the government’s interministerial anti-trafficking committee met during the year. Although the government formulated a national action plan on trafficking in 2008, the government made no progress implementing the plan during the last year. Government-funded anti-trafficking public awareness and education campaigns halted because of the political crisis. Moreover, the government did not take any measures to reduce the demand for commercial sex acts or address the problem of child sex tourism. In 2010, the Ministry of Interior’s Women and Children Unit and the Ministry of Justice developed and implemented a program for taxi and bus drivers to identify and report potential trafficking victims witnessed in their modes of transportation; however, it is unknown if this program continued throughout the entire reporting period. The government has not yet developed a universal birth registration system and many children, especially in rural areas, were never registered or registered only after several years, depriving them of a key identity document and consequently increasing their vulnerability to trafficking. It was unknown whether the government enforced its 2009 decree aimed at preventing trafficking through “temporary marriages.” The government made no significant efforts to prevent the recruitment of child soldiers, as demonstrated in the observed increase of child soldiers in pro- and anti-government military units during the reporting period. The peacekeeping unit in the Yemeni armed forces receives regular pre-deployment training on severe forms of human trafficking. Yemen is not a party to the 2000 UN TIP Protocol.

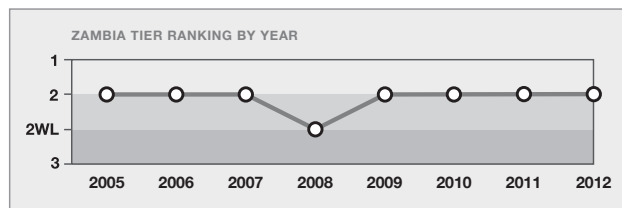
ZAMBIA (Tier 2)

Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurred within the country’s borders and involved women and children from rural areas exploited in cities in domestic servitude or other types of forced labor in the agriculture, textile, and construction sectors, as well as in small businesses such as bakeries; there are also reports of Chinese, Indian, and Lebanese nationals in forced labor in textile factories and bakeries. Zambian boys and girls are recruited into prostitution by women who formerly engaged in prostitution. Children are also brought from villages and made to serve as guides for groups of blind beggars. While orphans and street children are the most vulnerable, children of affluent village families are also vulnerable to trafficking, because sending children to the city for work is perceived to confer status. Zambian trafficking victims have been identified in South Africa, the Democratic Republic of the

Congo, and Namibia; Zambian boys are taken to Zimbabwe for prostitution.

To a lesser extent, Zambia is a destination for migrants from Malawi and Mozambique who are forced into labor or prostitution after arriving in Zambia. The transnational labor trafficking of Indians and Bangladeshis through Zambia for use in construction continued, and was linked to criminal groups based largely in South Africa. Congolese children and Somali nationals are also smuggled through Zambia; some may become victims of trafficking after reaching South Africa. An increasing number of Chinese and Indian men recruited to work in Chinese- or Indian-owned mines in Zambia's Copperbelt Province are reportedly kept in conditions of forced labor by mining companies.

The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government completed upgrades to one shelter and more than quadrupled the national anti-trafficking budget from the equivalent \$3 million to \$13 million. It prosecuted four suspected trafficking offenders and conducted training for officials in both Zambia and neighboring countries. The government, however, did not dedicate adequate law enforcement attention to internal trafficking, including forced labor in the mining sector, child prostitution, or domestic servitude. Although government-provided protection for victims remained weak, officials identified 120 potential trafficking victims and provided services to 68 of them through its continued partnerships with international organizations and NGOs. Shelter space remained insufficient, and the government held victims in jail alongside traffickers for extended periods. The government has yet to develop and implement systematic procedures for the identification of trafficking victims and their referral to care; in some cases, when unable to locate a trafficking offender, the government deported potential victims.



Recommendations for Zambia: Implement the 2008 anti-trafficking act by ensuring the use of a broad definition of human trafficking that does not rely on evidence of movement, but rather focuses on exploitation, consistent with the 2000 UN TIP Protocol; amend the trafficking law so that force, fraud, or coercion are not required for cases involving children under the age of 18 to be considered sex trafficking crimes; staff and convene the National Committee, as required by the 2008 anti-trafficking act; investigate and prosecute internal trafficking cases, including companies and individuals who use forced labor in the mining sector; continue to train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes; differentiate the process of victim identification from the prosecution of cases, delinking the identification and protection of trafficking victims from the successful prosecution of a trafficker; develop bilateral agreements for cooperation with additional governments in the region, including the DRC and South Africa; formalize

and implement victim identification and referral procedures; screen children accused of crimes for evidence of coercion by traffickers; continue to improve government services for trafficking victims through the establishment of additional shelters; increase the number of labor inspectors; institute a unified system for compiling information on human trafficking cases and trends for use by all stakeholders; and continue to conduct public awareness campaigns.

Prosecution

The Government of Zambia maintained strong anti-trafficking law enforcement efforts during the reporting period through the prosecution of four trafficking offenders and the first-ever allocation of trafficking-specific funding to law enforcement entities. It did not, however, convict any trafficking offenders. Although the Anti-Human Trafficking Act of 2008 criminalizes human trafficking, it requires the use of threat, force, intimidation, or other forms of coercion for a child to be considered a sex trafficking victim. The Act prescribes penalties ranging from 20 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government increased its anti-trafficking budget from the equivalent of \$3 million to \$13 million, which included the first-ever allocation of trafficking-specific funding to the Zambia Police Service's Victims Support Unit (VSU). In 2011, the VSU revised its intake forms to include trafficking as a reportable offense.

In 2011, the government investigated several potential trafficking cases and prosecuted four suspected offenders; one led to an acquittal, and three prosecutions remained ongoing at the close of the reporting period. After Zambia Immigration intercepted their illegal transport of foreign nationals in fall 2011, authorities charged two alleged offenders with attempted trafficking; these two cases remain pending trial. The government failed to dedicate adequate attention to internal trafficking cases, including child prostitution, domestic servitude, and forced labor in the mining sector. Authorities reported investigating only one case of internal trafficking, in which they charged a suspect under the 2008 anti-trafficking act with forcing a 14-year-old Zambian girl to perform domestic labor; although the suspect was released from prison, the investigation is ongoing. Although the government expressed interest in addressing well-documented problems of forced labor in the mining sector, and the Minister of Mines threatened to revoke the license of a Chinese-run coal mine over poor safety standards, the government did not take tangible steps to address specific instances of reported forced labor in the sector.

Building on a foreign donor-funded train-the-trainer program, Ministry of Home Affairs (MHA) officials led two trainings for 50 law enforcement officials in Northern and Copperbelt Provinces. Specific anti-trafficking training is included in all law enforcement courses at the police training academy, covering the 2008 anti-trafficking act, investigation techniques, identification of victims, and protection of victims and witnesses. The government increased its partnerships in the region by concluding anti-trafficking cooperation memoranda of understanding with Angola and Namibia in March 2012. In summer 2011, Zambian immigration officers traveled to Malawi to train immigration officers on human trafficking.

Protection

The government increased its capacity to provide victim protection during the reporting period through the completion of upgrades to one shelter. It continued, however, to rely on international organizations and local NGOs to provide the majority of victim care, without affording any direct financial assistance to such entities. Zambia Immigration Service and the VSU identified a total of 70 potential victims and referred 18 to IOM or a local NGO for care. The Ministry of Community Development, Mother and Child Health (MCDMCH) referred 50 children in prostitution to an NGO for care. The government continued to increase the availability of shelter options for victims; during the reporting period, it identified four shelters in need of repair and completed such upgrades to one shelter in Luapula Province, which will have a capacity to provide care for 40 victims.

Given a continued shortage of adequate shelter, the government jailed trafficking victims alongside their traffickers for months at a time. The government provided some direct services, including medical care and counseling, to an unknown number of trafficking victims through both the government-run University Teaching Hospital in Lusaka and NGO-run community response centers, which are staffed by VSU officials. While existing NGO shelters offered limited accommodation for women and children, no services were available for men. Additionally, efforts to identify and refer victims remained *ad hoc*. The MCDMCH and the MHA collaborated with the UN Joint Program on Human Trafficking on a three-day workshop in Eastern and Western Provinces in January 2012 to provide training on local implementation of an anti-trafficking action plan and development of an effective outreach strategy.

The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; during the reporting period, Zambian Immigration provided temporary residency and a travel document to one Rwandan victim of sex trafficking identified by UNHCR and assisted by IOM. The MCDMCH drew on existing social assistance programs to repatriate at least one Zambian and one foreign victim during the year. Without proper procedures for the identification of victims and adequate shelter space, the government arrested, jailed, and penalized victims for unlawful acts committed as a direct result of being trafficked, including children accused of crimes; for example, when authorities were unable to locate the trafficking offenders in trafficking cases under investigation, victims were routinely deported without receiving victim services. Officials encouraged victims to assist in the investigation and prosecution of traffickers; during the reporting period, the government provided sign-language interpretation and other assistance to three speech- and hearing-impaired Zambians to facilitate their testimony in court.

Prevention

The Zambian government maintained its efforts to prevent trafficking during the reporting period. In 2011, the government continued implementation of its 2011-2012 National Action Plan and drafted a 2012-2015 plan in March 2012. The government's efforts are coordinated through the National Secretariat; the National Committee, a higher-level policy-making body, remains under formation, awaiting one final appointment. The six members of the Secretariat met monthly and held meetings on specific cases as necessary. The government continued strong partnerships with IOM,

the ILO, and UNICEF through the UN Joint Program on Human Trafficking, enabling targeted prevention activities during the year, including the "Break the Chain of Human Trafficking" campaign that brought trafficking awareness to urban centers and rural areas in 2011 and early 2012. In January 2011, the government passed Statutory Instrument 3 establishing minimum wages and conditions of employment for domestic workers and granting labor inspectors access to inspect informal establishments, including private homes, to detect exploitation; there is no evidence the government began implementation of the instrument during the year. As part of the implementation of the National Action Plan, the Ministry of Information, Broadcasting, and Labor (MIBL) trained 50 labor officers on the 2008 anti-trafficking act, the labor act, and the 2011-2012 national action plan and partnered with the ILO to train an additional 154 staff during the year. In November 2011, the MIBL also trained recruitment agencies on trafficking; currently, the MIBL is investigating allegations of fraudulent recruitment for employment. Nonetheless, effective action to combat labor trafficking was hampered by an inadequate number of labor inspectors; while the government claims that 81 inspectors are necessary to carry out an adequate inspection schedule across Zambia, the MIBL currently employs only 13. The MIBL launched 10 district-level Labor Networks in November and December 2011, and appointed a Labor Network Coordinator to oversee these efforts; the networks, comprised of labor, immigration, police, and social welfare officers, will prevent and track cases of labor trafficking. The government did not make efforts to reduce the demand for commercial sex acts during the reporting period. The Ministry of Home Affairs and Ministry of Defense provided anti-trafficking training to Zambian troops prior to their deployment abroad on international peacekeeping missions.

ZIMBABWE (Tier 3)

Zimbabwe is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Women and girls from Zimbabwean towns bordering South Africa and Zambia are subjected to prostitution in brothels that cater to long-distance truck drivers. Some victims of forced prostitution are subsequently transported across the border to South Africa where they suffer continued exploitation. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in rural areas, as well as domestic servitude and sex trafficking in cities and towns. Family members often recruit children and other relatives to travel from rural areas to cities, where they are subjected to domestic servitude or other forms of forced labor after arrival; some children, particularly orphans, are lured with promises of education or adoption. Additionally, the practice of *ngozi*, or giving of a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. The individuals given to the wronged family, often girls, are sometimes forced to labor or to marry a member of the new family. Children are forced to carry out illegal activities, including drug smuggling. Although security forces still control access to the diamond-producing Marange district, NGO sources indicate that forced labor abuses have ended, including previously reported allegations of Zimbabwean security services forcing young men and boys to mine for diamonds.

Zimbabwean men, women, and boys migrate illegally to South Africa, where some are forced to labor for months on farms, in mines, or in construction without pay before their employers report them to authorities for deportation; reports indicate employers use the pretense of regularization to withhold passports. Many Zimbabwean women and some children willingly migrate to South Africa, often with the assistance of taxi drivers who transport them to the border at Beitbridge or nearby; some of the migrants are transferred to criminal gangs that subject them to violent attacks, rape, deception, and, in some cases, sex trafficking in Musina, Pretoria, Johannesburg, or Durban. Zimbabwean women and men are lured into exploitative labor situations in Angola, Mozambique, the United Arab Emirates, Malaysia, Nigeria, and South Africa with false offers of employment in agriculture, construction, information technology, and hospitality; some subsequently become victims of forced labor or forced prostitution. Women and girls are also lured to China, Egypt, the United Kingdom, and Canada under false pretenses, where they are subjected to prostitution. Men, women, and children from Bangladesh, Somalia, India, Pakistan, the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia are trafficked through Zimbabwe *en route* to South Africa. Chinese nationals reportedly are forced to labor in restaurants and mines in Zimbabwe. Women and children from border communities in neighboring countries are trafficked to Zimbabwe for forced labor, including domestic servitude, and prostitution. Also, one Chadian child in domestic servitude was identified in Zimbabwe.

The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While high-level officials, including the president, showed increased interest in trafficking issues during the year, tangible efforts to combat trafficking in persons remained minimal. The government failed to finalize or submit its draft anti-trafficking legislation to the cabinet, which is the first step in introducing it for parliamentary consideration. As trafficking is not defined by Zimbabwean law, the government lacks a legal framework to anti-trafficking law enforcement efforts. The government did not provide evidence that it investigated or prosecuted trafficking offenses in 2011. It continued to rely on IOM to provide law enforcement training, identify and protect victims, and lead prevention efforts.



Recommendations for Zimbabwe: Finalize and pass draft anti-trafficking legislation in line with the 2000 UN TIP Protocol; prosecute, convict, and punish trafficking offenders under existing legislation; formalize procedures for identifying victims and transferring them to the care of appropriate governmental or non-governmental service providers; incorporate trafficking crimes into police procedures for recording and reporting crime data; and launch a broad awareness-raising campaign on the nature of trafficking and the availability of assistance for victims.

Prosecution

The Government of Zimbabwe undertook no discernible anti-trafficking law enforcement efforts during the year. It did not investigate or prosecute trafficking offenders, and neither finalized nor introduced a comprehensive anti-trafficking bill to the Cabinet. Zimbabwean law does not prohibit all forms of trafficking in persons. The Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years' imprisonment; these penalties are not sufficiently stringent. The Criminal Law (Codification and Reform) Act also prohibits procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe, but prescribes less than stringent penalties of up to two years imprisonment. If the victim is under 16, the sentence can be up to 10 years imprisonment. The Act also prohibits coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years imprisonment. Pledging a female for forced marriage or to compensate for the death of a relative or any debt or obligation, is punishable under the Act, with penalties of up to two years imprisonment. None of these penalties are commensurate with penalties prescribed for other serious crimes, such as rape. The Ministry of Home Affairs (MHA) and Ministry of Justice failed to finalize or submit the draft anti-trafficking bill to the Cabinet, which is the first step in introducing it for parliamentary consideration.

The government did not investigate or prosecute forced labor or forced prostitution offenses during the reporting period. The Zimbabwe Republic Police's (ZRP) Victim Friendly Unit (VFU) has responsibility for investigating cases involving women and children, which may include trafficking victims, and the referral of victims to support services. Although NGOs and IOM referred the cases of eight trafficking victims to authorities, the VFU did not report investigating these cases. The January 2011 appeal to the high court by a Chinese construction company which allegedly exploited seven Zimbabweans in forced labor in Angola was not finalized during the reporting period. In December 2011, IOM held a three-day anti-trafficking workshop for 10 legislators from the Portfolio Committee on defense and home affairs. Following the workshop, the legislators conducted a fact finding mission at the Beitbridge and Plumtree border posts. The government did not provide funding or in-kind support for anti-trafficking trainings held by international donors and did not make efforts to independently train its staff. IOM and the MHA began drafting a memorandum of understanding to establish cooperation on training and capacity building on a variety of issues, including trafficking. Overall corruption in law enforcement and the judiciary remained serious and unaddressed problems. Victims refused to report or pursue cases of trafficking because they fear that their traffickers could bribe police or judges. There was anecdotal evidence of limited government involvement in or tolerance of trafficking on a local level and at border crossing points. There were no reports of trafficking offenses committed by Zimbabwean peacekeepers deployed abroad.

Protection

The Zimbabwean government made negligible efforts to protect trafficking victims during the year, continuing to rely on NGOs and IOM to identify victims and provide care. During the reporting period, IOM and NGOs identified and assisted at least eight trafficking victims, providing them

with safe shelter, psycho-social support, family tracing, and reunification. Despite the existence of a government process for referring trafficking victims, the Zimbabwean police and department of social services again failed to refer any victims to IOM or NGOs for care in 2011. Government-run shelters and programs were in place to assist and provide counseling and long-term shelter to vulnerable and orphaned children, including trafficking victims; it is not known whether they provided any services to trafficking victims during the year. At its centers at Beitbridge and Plumtree border crossings, trained Department of Social Welfare staff worked closely with IOM and NGOs to ensure the protection of vulnerable children. The department of immigration continued to require all deportees from South Africa and Botswana to attend an IOM briefing on safe migration, which includes a discussion of trafficking. With the exception of deportees from South Africa and Botswana, the government's law enforcement, immigration, and social services authorities did not have formal procedures with which to proactively identify victims of trafficking among vulnerable populations, such as women in prostitution and irregular migrants. The lack of systematic victim identification procedures impaired the government's ability to ensure that trafficking victims were not inappropriately incarcerated or otherwise penalized for unlawful acts committed as a direct result of being trafficked. For example, the Department of Immigration reported the arrest and deportation of 100 Nigerian and Chinese nationals, some of whom may have been trafficking victims. However, in 2011, the department of immigration offered temporary residency to one victim and assisted in their repatriation during the year.

Prevention

The government demonstrated minimal efforts to prevent trafficking during the reporting period. The inter-ministerial task force on trafficking, made up of senior government officials, did not meet during the reporting period, did not execute any anti-trafficking programming, and continued to lack a national plan of action. The government did not launch any anti-trafficking awareness campaigns during the reporting period. The government did not provide information on any efforts it may have made to ensure that its military personnel deployed abroad on international peacekeeping missions did not facilitate or engage in human trafficking. The government did not make efforts to reduce the demand for commercial sex acts. In his September 2011 speech at the opening of Parliament, President Mugabe emphasized the need for Parliament to become a party to and domesticate the 2000 UN TIP Protocol. The cabinet sent a motion to accede to the protocol to Parliament in December 2011, where it was reviewed and later returned to the MHA for revision; however, the cabinet has not submitted a revised motion to Parliament.

SOMALIA (Special Case)

Somalia remains a Special Case for a tenth consecutive year due to the lack of a viable central government. Control of its geographic area is divided among the self-declared independent Republic of Somaliland and the semi-autonomous region of Puntland, with the remainder of the country nominally under the control of the Transitional Federal Government (TFG). Somalia currently lacks a national governing structure that could assume responsibility for addressing the country's human trafficking problem. During the reporting period,

fighting continued between TFG troops, allied militias, and African Union forces against anti-TFG forces and the terrorist group al-Shabaab. The TFG remained preoccupied with the task of securing government representatives and installations from attacks by such elements and completing key tasks required for a transition to a representative government by the August 20, 2012 deadline. The government was, therefore, not able to address human trafficking in any organized manner. In addition, the TFG currently lacks the necessary means to identify, investigate, and address systemic issues in Somalia, including those related to forced labor and forced prostitution. Its capacity to address human trafficking will not significantly increase without tangible progress in re-establishing governance and stability in Somalia.

Scope and Magnitude: Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source and transit country for men, women, and children subjected to forced labor and sex trafficking. As in previous years, trafficking victims were primarily trafficked within the country from Somalia's south and central regions to the Puntland and Somaliland regions in the north. Somali women and girls may be subjected to sex trafficking in Garowe, Las Anod (Sool region), and pirate towns such as Eyl and Harardheere. Girls are reportedly taken from coastal regions, particularly Bossaso, Puntland and placed in pirates' homes to be exploited in domestic and sexual servitude. Trafficking offenders reportedly used drugs to render victims unconscious during transport. In Somali society, certain groups are traditionally viewed as inferior and are marginalized, hence Somali Bantus and Midgaan are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders. Due to an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or sex trafficking. While most child laborers work within their households or family businesses, some children may be forced into labor in agriculture, herding livestock, or in the construction industry.

Human smuggling is widespread in Somalia, and evidence suggests that smugglers use the same networks and methods as those used by trafficking offenders. Men, women, and children in internally displaced persons (IDP) camps or congregated along coastal areas hoping to be smuggled to nearby African countries, Europe, or the Middle East remained particularly vulnerable to trafficking. There were reports of trafficking offenders preying on young women and children, mostly IDPs from south and central Somalia, at marketplaces and in the streets, falsely promising them lucrative jobs outside Somalia. Dubious employment agencies facilitate human trafficking, targeting individuals desiring to migrate to the Gulf states for employment. Somali women are smuggled, sometimes via Djibouti, to destinations in the Middle East, including Yemen and Syria, as well as to Sudan, Kenya, and South Africa where they are subjected to conditions of domestic servitude and forced prostitution. Somali men are subjected to conditions of forced labor as herdsmen and menial workers in the Gulf states. Somali children are reportedly smuggled to Saudi Arabia through Yemen and then placed into forced begging. Members of the Somali diaspora use fake offers of marriage to lure unsuspecting victims, many of whom are relatives, to Europe or the United States, where they are forced into prostitution and domestic servitude. Ethiopian women are

smuggled through Somalia to Yemen and onward to other destinations in the Middle East where they are subsequently forced into domestic servitude and prostitution.

According to the UN, the recruitment and use of children in Somalia's armed conflict has been increasing over the past years, particularly among al-Shabaab, which is estimated to have abducted as many as 2,000 children for military training in 2010 alone (the last year in which reporting is available). UN sources documented 46 incidents of unlawful recruitment and use of child soldiers by the TFG and its allied militia in July and August 2011, and observers recorded that the number of children wearing TFG uniforms in Mogadishu increased during the reporting period; this is believed to be due largely to a lack of systematic and stringent age screening procedures. During the reporting period, the TFG publicly reiterated its policy of not recruiting children into the Somali National Security Forces. New recruits for TFG forces were screened for child soldiers (including a medical screening) before inclusion in Uganda-based training programs. Children were included in Somalia's numerous clan and other militias and, without established birth registration systems, it remained difficult to determine the exact age of persons conscripted into armed groups.

During the reporting period, the terrorist group al-Shabaab used systematic force and deception to target vulnerable children, sometimes as young as eight years old, for membership in their militias. Al-Shabaab reportedly increased recruitment at Koranic and general schools and other educational facilities and threatened to punish teachers and parents who refused to send their children to the training camps. Al-Shabaab continued to use children for direct participation in hostilities and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, carrying out assassinations, portering, domestic servitude, and serving as human shields during incursions. The UN reported al-Shabaab's recruitment of over 180 boys and girls in Lower Juba in May and June 2011 and another 168 boys in July and August. Al-Shabaab also continued to forcibly recruit young girls who were then "married" to its militia leaders and used for sexual servitude, logistical support, and intelligence gathering.

Government Efforts: The respective authorities operating in Somalia's three regions made few concrete efforts to address human trafficking during the reporting period; anti-trafficking efforts were weak on all fronts – prosecution, protection, and prevention – in all regions of Somalia. There is a severe lack of capacity in every part of the country to adequately address the problem. Understanding of human trafficking and how to identify and address it remained low among government officials and the general population. None of the three regions have laws that specifically prohibit human trafficking, although the pre-1991 penal code outlawed forced and compulsory labor, and local laws prohibited forced labor, involuntary servitude, and slavery in Somaliland. In December 2010, the Puntland Parliament enacted provisions under Islamic law prohibiting the death of smuggled or trafficked persons and prescribing punishments of between one and five years' imprisonment. In April 2012, Puntland courts sentenced a Somali man to 12 years' imprisonment for attempting to traffic nine children between the ages of seven and 14 from southern Somalia to Yemen, via Puntland, for forced labor. The court transferred custody of the children to a local UNICEF-funded NGO until their parents could be identified. In 2012, Puntland's anti-

trafficking unit intercepted five children in Galkacyo who they identified as potential trafficking victims. There were no known investigations or prosecutions of suspected trafficking crimes in Somaliland or TFG-controlled areas during the reporting period. No governments provided protective services to victims of trafficking, although IOM and local organizations provided rented houses and reintegration services to rescued trafficking victims in Puntland and Somaliland. These facilities were dedicated to trafficking victims and accessible to male and female Somali and foreign victims. These organizations also placed child victims with families for care. During the reporting period, IOM and its local partners provided medical and psychological assistance, food, clothes, vocational training, and seed money for establishing small businesses to 27 victims of trafficking – five in Puntland and 22 in Somaliland. IOM reported that clan elders referred a total of 68 suspected trafficking victims in Somaliland and Puntland to its attention, including five in Puntland, 62 in Somaliland, and one in Kenya. Neither the governments of Puntland, TFG, nor Somaliland provided financial or in-kind assistance to these organizations. During the reporting period, Somaliland immigration officials, the Crime Investigation Department within the police, and social services providers began using an IOM-developed screening checklist to refer potential trafficking cases to IOM. Officials from Puntland and Somaliland governments also formalized a referral process to guide officials in transferring trafficking victims detained, arrested, or placed in protective custody to NGOs that provided care. In July 2011, TFG forces arrested and jailed three boys (12, 13, and 14 years of age) for association with military activities. Despite requests made by local elders, the TFG refused to release the boys.

No governments made known efforts to prevent trafficking in persons, neither conducting anti-trafficking information or education campaigns nor making any discernible efforts to reduce the demand for commercial sex acts. IOM facilitated the formation of Counter Trafficking Task Forces (CTTF) in both Puntland and Somaliland, which were comprised of representatives from several ministries. It also provided two months of training for the task force members to develop action plans to combat trafficking; however, due to a lack of project funding and ministry turn-over in both governments, the action plans were not completed during the reporting period. In November 2011, the TFG entered into negotiations to finalize a UN-sponsored action plan to address the recruitment and use of child soldiers. In December, the TFG's Chief of Staff of the National Security Force appointed two child protection points of contact. The TFG agreed to allow third-party monitoring of its training facilities located in Uganda. Somalia is not a party to the 2000 UN TIP Protocol.



RELEVANT INTERNATIONAL CONVENTIONS

Country	UN Protocol to Prevent, Suppress & Punish Trafficking in Persons		ILO Convention 182, Elimination of Worst Forms of Child Labor	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography		Optional Protocol to the Convention on the Rights of the Child in Armed Conflict		ILO Convention 29, Forced Labour	ILO Convention 105, Abolition of Forced Labour
	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
Afghanistan			X		X(a)		X(a)		X
Albania	X	X	X		X(a)		X(a)	X	X
Algeria	X	X	X		X(a)		X(a)	X	X
Angola			X		X(a)		X(a)	X	X
Antigua & Barbuda		X	X	X	X			X	X
Argentina	X	X	X	X	X	X	X	X	X
Armenia	X	X	X	X	X	X	X	X	X
Australia	X	X	X	X	X	X	X	X	X
Austria	X	X	X	X	X	X	X	X	X
Azerbaijan	X	X	X	X	X	X	X	X	X
Bahamas	X	X	X					X	X
Bahrain		X(a)	X		X(a)		X(a)	X	X
Bangladesh			X	X	X	X	X	X	X
Barbados	X		X					X	X
Belarus	X	X	X		X(a)		X(a)	X	X
Belgium	X	X	X	X	X	X	X	X	X
Belize		X(a)	X	X	X	X	X	X	X
Benin	X	X	X	X	X	X	X	X	X
Bolivia	X	X	X	X	X		X(a)	X	X
Bosnia & Herzegovina	X	X	X	X	X	X	X	X	X
Botswana	X	X	X		X(a)	X	X	X	X
Brazil	X	X	X	X	X	X	X	X	X
Brunei			X		X(a)				
Bulgaria	X	X	X	X	X	X	X	X	X
Burkina Faso	X	X	X	X	X	X	X	X	X
Burma		X(a)			X(a)			X	
Burundi	X		X		X(a)	X	X	X	X
Cambodia	X	X	X	X	X	X	X	X	X
Cameroon	X	X	X	X		X		X	X
Canada	X	X	X	X	X	X	X		X
Cape Verde	X	X	X		X(a)		X(a)	X	X
Central African Rep.		X(a)	X	X		X		X	X
Chad		X(a)	X	X	X	X	X	X	X
Chile	X	X	X	X	X	X	X	X	X
China (PRC)		X(a)	X	X	X	X	X		
Colombia	X	X	X	X	X	X	X	X	X
Comoros			X		X(a)			X	X

Country	UN Protocol to Prevent, Suppress & Punish Trafficking in Persons		ILO Convention 182, Elimination of Worst Forms of Child Labor	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography		Optional Protocol to the Convention on the Rights of the Child in Armed Conflict		ILO Convention 29, Forced Labour	ILO Convention 105, Abolition of Forced Labour
	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
Congo, Rep. of	X		X		X(a)		X(a)	X	X
Congo (DRC)		X(a)	X		X(a)	X	X	X	X
Costa Rica	X	X	X	X	X	X	X	X	X
Cote d'Ivoire			X		X(a)		X(a)	X	X
Croatia	X	X	X	X	X	X	X	X	X
Cuba				X	X	X	X	X	X
Cyprus	X	X	X	X	X	X	X	X	X
Czech Republic	X		X	X		X	X	X	X
Denmark	X	X	X	X	X	X	X	X	X
Djibouti		X(a)	X	X	X	X	X	X	X
Dominican Republic	X	X	X		X(a)	X		X	X
Ecuador	X	X	X	X	X	X	X	X	X
Egypt	X	X	X		X(a)		X(a)	X	X
El Salvador	X	X	X	X	X	X	X	X	X
Equatorial Guinea	X	X	X		X(a)			X	X
Eritrea					X(a)		X(a)	X	X
Estonia	X	X	X	X	X	X		X	X
Ethiopia			X			X		X	X
Fiji			X	X		X		X	X
Finland	X	X(A)	X	X		X	X	X	X
France	X	X	X	X	X	X	X	X	X
Gabon		X(a)	X	X	X	X	X	X	X
Gambia, The	X	X	X	X	X	X		X	X
Georgia	X	X	X		X(a)		X(a)	X	X
Germany	X	X	X	X	X	X	X	X	X
Ghana			X	X		X		X	X
Greece	X	X	X	X	X	X	X	X	X
Guatemala		X(a)	X	X	X	X	X	X	X
Guinea		X(a)	X		X(a)			X	X
Guinea-Bissau	X	X	X	X	X	X		X	X
Guyana		X(a)	X		X(a)		X(a)	X	X
Haiti	X	X	X	X		X		X	X
Honduras		X(a)	X		X(a)		X(a)	X	X
Hungary	X	X	X	X	X	X	X	X	X
Iceland	X	X	X	X	X	X	X	X	X
India	X	X		X	X	X	X	X	X
Indonesia	X	X	X	X		X		X	X

Country	UN Protocol to Prevent, Suppress & Punish Trafficking in Persons		ILO Convention 182, Elimination of Worst Forms of Child Labor	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography		Optional Protocol to the Convention on the Rights of the Child in Armed Conflict		ILO Convention 29, Forced Labour	ILO Convention 105, Abolition of Forced Labour
	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
Iran			X		X(a)	X		X	X
Iraq		X(a)	X		X(a)		X(a)	X	X
Ireland	X	X	X	X		X	X	X	X
Israel	X	X	X	X	X	X	X	X	X
Italy	X	X	X	X	X	X	X	X	X
Jamaica	X	X	X	X	X	X	X	X	X
Japan	X		X	X	X	X	X	X	
Jordan		X(a)	X	X	X	X	X	X	X
Kazakhstan		X(a)	X	X	X	X	X	X	X
Kenya		X(a)	X	X		X	X	X	X
Kiribati		X(a)	X					X	X
Korea (DPRK)									
Korea, Rep. Of	X		X	X	X	X	X		
Kuwait		X(a)	X		X(a)		X(a)	X	X
Kyrgyz Republic	X	X	X		X(a)		X(a)	X	X
Laos		X(a)	X		X(a)		X(a)	X	
Latvia	X	X	X	X	X	X	X	X	X
Lebanon	X	X	X	X	X	X		X	X
Lesotho	X	X	X	X	X	X	X	X	X
Liberia		X(a)	X	X		X		X	X
Libya	X	X	X		X(a)		X(a)	X	X
Lithuania	X	X	X		X(a)	X	X	X	X
Luxembourg	X	X	X	X	X	X	X	X	X
Macedonia	X	X	X	X	X	X	X	X	X
Madagascar	X	X	X	X	X	X	X	X	X
Malawi		X(a)	X	X	X	X	X	X	X
Malaysia		X(a)	X		X(a)		X(a)	X	
Maldives, The				X	X	X	X		
Mali	X	X	X		X(a)	X	X	X	X
Malta	X	X	X	X	X(a)	X	X	X	X
Marshall Islands									
Mauritania		X(a)	X		X(a)			X	X
Mauritius		X(a)	X	X		X	X	X	X
Mexico	X	X	X	X	X	X	X	X	X
Micronesia (FSM)		X(a)		X		X			
Moldova	X	X	X	X	X	X	X	X	X
Mongolia		X(a)	X	X	X	X	X	X	X

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	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
Montenegro		X(a)	X		X(a)		X(a)	X	X
Morocco		X(a)	X	X	X	X	X	X	X
Mozambique	X	X	X		X(a)		X(a)	X	X
Namibia	X	X	X	X	X	X	X	X	X
Nepal			X	X	X	X	X	X	X
Netherlands, The	X	X(A)	X	X	X	X	X	X	X
New Zealand	X	X	X	X	X	X	X	X	X
Nicaragua		X(a)	X		X(a)		X(a)	X	X
Niger	X	X	X	X	X		X(a)	X	X
Nigeria	X	X	X	X	X	X		X	X
Norway	X	X	X	X	X	X	X	X	X
Oman		X(a)	X		X(a)		X(a)	X	X
Pakistan			X	X	X	X		X	X
Palau									
Panama	X	X	X	X	X	X	X	X	X
Papua New Guinea			X					X	X
Paraguay	X	X	X	X	X	X	X	X	X
Peru	X	X	X	X	X	X	X	X	X
Philippines	X	X	X	X	X	X	X	X	X
Poland	X	X	X	X	X	X	X	X	X
Portugal	X	X	X	X	X	X	X	X	X
Qatar		X(a)	X		X(a)		X(a)	X	X
Romania	X	X	X	X	X	X	X	X	X
Russia	X	X	X			X	X	X	X
Rwanda	X	X	X		X(a)		X(a)	X	X
St. Lucia			X	X		X		X	X
St. Vincent & the Gren.	X	X	X		X(a)		X(a)	X	X
Saudi Arabia	X	X	X		X(a)		X(a)	X	X
Senegal	X	X	X	X	X	X	X	X	X
Serbia	X	X	X	X	X	X	X	X	X
Seychelles	X	X	X	X		X	X	X	X
Sierra Leone	X		X	X	X	X	X	X	X
Singapore			X			X	X	X	
Slovak Republic	X	X	X	X	X	X	X	X	X
Slovenia	X	X	X	X	X	X	X	X	X
Solomon Islands				X		X		X	
Somalia						X		X	X

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	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
South Africa	X	X	X		X(a)	X	X	X	X
South Sudan									
Spain	X	X	X	X	X	X	X	X	X
Sri Lanka	X		X	X	X	X	X	X	X
Sudan			X		X(a)	X	X	X	X
Suriname		X(a)	X	X		X		X	X
Swaziland	X		X					X	X
Sweden	X	X	X	X	X	X	X	X	X
Switzerland	X	X	X	X	X	X	X	X	X
Syria	X	X	X		X(a)		X(a)	X	X
Tajikistan		X(a)	X		X(a)		X(a)	X	X
Tanzania	X	X	X		X(a)		X(a)	X	X
Thailand	X		X		X(a)		X(a)	X	X
Timor-Leste		X(a)	X		X(a)		X(a)	X	
Togo	X	X	X	X	X	X	X	X	X
Tonga									
Trinidad & Tobago	X	X	X					X	X
Tunisia	X	X	X	X	X	X	X	X	X
Turkey	X	X	X	X	X	X	X	X	X
Turkmenistan		X(a)	X		X(a)		X(a)	X	X
Uganda	X		X		X(a)		X(a)	X	X
Ukraine	X	X	X	X	X	X	X	X	X
United Arab Emirates		X(a)	X					X	X
United Kingdom	X	X	X	X	X	X	X	X	X
United States	X	X	X	X	X	X	X		X
Uruguay	X	X	X	X	X	X	X	X	X
Uzbekistan	X	X	X		X(a)		X(a)	X	X
Venezuela	X	X	X	X	X	X	X	X	X
Vietnam			X	X	X	X	X	X	
Yemen			X		X(a)		X(a)	X	X
Zambia		X(a)	X	X		X		X	X
Zimbabwe			X		X(a)			X	X

WARNING NOTICE

HUMAN TRAFFICKERS OPERATE HERE

Human trafficking is a serious problem in this area. Children, women and men are being brought here and forced to work as slave labour in the sex industry, domestic servitude, street crime and in the production of drugs. They are mentally and physically abused, deprived of their basic human rights and allowed little or no contact with the outside world.

This is why a local community group has been established. We need to make it harder for traffickers to hide their activities and their victims. For more information or to get involved, visit www.stophettraffik.org

**IF YOU THINK YOU MIGHT HAVE SEEN EVIDENCE OF HUMAN TRAFFICKING
IN THE AREA, PLEASE REPORT IT TO CRIMESTOPPERS ON 0800 555 111**

STOP THE TRAFFIK.
PEOPLE SHOULDN'T BE BOUGHT & SOLD

TRAFFICKING VICTIMS PROTECTION ACT: MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS

Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.

(A) Minimum standards

For purposes of this chapter, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for victims of severe forms of trafficking are the following:

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(B) Criteria

In determinations under subsection (a)(4) of this section, the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

- (1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered as an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on

June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

- (2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.
- (3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards.
- (4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.
- (5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).
- (6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the

vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

- (7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone such trafficking. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
- (8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
- (9) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.
- (10) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.
- (11) Whether the government of the country has made serious and sustained efforts to reduce the demand for
 - (A) commercial sex acts; and
 - (B) participation in international sex tourism by nationals of the country.

Two boys in Ghana prepared to cast a net into Lake Volta. From the shores of Central America to the South Pacific, enslavement on the seas is growing problem within the world's fishing fleet.



STOPPING HUMAN TRAFFICKING, SEXUAL EXPLOITATION, AND ABUSE BY INTERNATIONAL PEACEKEEPERS

In response to a Congressional mandate, this section summarizes actions taken by the United Nations (UN), the North Atlantic Treaty Organization (NATO), and the Organization for Security and Co-operation in Europe (OSCE) to prevent trafficking in persons or the exploitation of victims of trafficking.

UNITED NATIONS (UN)

The United Nations continues to implement its 2003 zero-tolerance policy “Special Measures for Protection from Sexual Exploitation and Sexual Abuse” (ST/SGB/2003/13), which applies to approximately 120,000 uniformed personnel (troops, military observers, and police), international and national staff members, contractors, consultants, and volunteers serving in peacekeeping and humanitarian missions around the world. During the reporting period, there were 60 allegations of sexual exploitation and abuse against UN peacekeeping personnel, compared with 85 such allegations in 2010. The majority of the allegations affected the UN missions in the Democratic Republic of the Congo, Cote d’Ivoire, Liberia, Haiti and Sudan. Twenty-two allegations involved children under 18 years of age, and in 14 other cases the age could not be determined. The UN completed 23 investigations and deemed 10 of the allegations credible; 56 cases were still under investigation in 2011. No comprehensive information is available on the number of cases of disciplinary action such as suspension, dismissal, censure, demotion, and referral to employers. The UN reports that in 2011 it followed up 60 times with affected Troop Contributing Countries, but only received 26 responses concerning the outcomes of disciplinary actions. In late 2011, the Conduct and Discipline Unit at UN Headquarters launched a review of current practices and procedures in peacekeeping missions to prevent sexual exploitation and abuse; there is no information on when the review will be completed. While all UN Missions have established victim assistance mechanisms, there is no data available on the number of alleged or confirmed victims receiving assistance through these mechanisms during the reporting period.

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

The North Atlantic Treaty Organization’s anti-trafficking policy was adopted in 2004 and updated in 2007. Provisions include training for personnel of NATO-led missions, support for host country law enforcement in anti-trafficking investigations, guidelines prohibiting contractors from engaging in trafficking, and evaluations of implementation of efforts as part of ongoing reviews. Since 2007, NATO’s Assistant Secretary General for Defense Policy and Planning has served as the Senior Coordinator on Counter-Trafficking in Human Beings. However, this is a collateral-duty position and there is no information on any new anti-trafficking activities in 2011. NATO has six ongoing missions involving the deployment more than 135,000 troops. During the reporting period, there were no reports of NATO personnel or units engaging in or facilitating human trafficking.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

The Organization for Security and Cooperation in Europe’s Code of Conduct for Staff and Mission Members prescribes general conduct of officials and staff while on mission, with specific instruction on preventing human trafficking. In a direct response to the OSCE Action Plan, the organization’s human resources department issued guidance reiterating the high standards of behavior expected for all OSCE officials in mission areas, as well as for OSCE staff attending conferences and other official events. During the reporting period there were no reports of OSCE personnel engaging in or facilitating human trafficking.

Make the Call, Save Lives.
1-888-373-7888

Everyday Heroes Needed



Truckers are the eyes and ears of our nation's highways. Young girls forced into sexual slavery need your help. If you see a minor working the lot or suspect pimp control, call 1-888-373-7888 and report what you know.



www.truckersagainsttrafficking.com

INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS

Organization	Framework Document Relevant to TIP	TIP Focal Point
United Nations www.un.org www.unodc.org www2.ohchr.org/english/bodies/chr/special/themes.htm www.ilo.org http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (A/RES/55/25) (2000) United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293) (2010) ILO Conventions: -C29 Forced Labour Convention, 1930 -C105 Abolition of Forced Labour Convention, 1957 -C182 Worst Forms of Child Labour Convention, 1999 -C189 Domestic Workers Convention, & R201, 2011	Special Rapporteur on Trafficking in Persons, Especially Women and Children Special Rapporteur on Contemporary Forms of Slavery Special Rapporteur on the sale of children, child prostitution and child pornography
African Union (AU) www.africa-union.org/	Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) AU Commission Initiative against Trafficking Campaign (AU.COMMIT)	N/A
Association of Southeast Nations (ASEAN) www.aseansec.org www.aseansec.org/4966.htm	ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, 2004	N/A
Commonwealth of Independent States (CIS) www.cis.minsk.by/ www.cis.minsk.by/page.php?id=18806 (in Russian only)	Agreement on the Cooperation of the CIS Member States in Combatting Trafficking in Persons, Human Organs and Tissues, 2005 Programme of Cooperation of the Member States of the Commonwealth of Independent States in combating Human Trafficking, 2011-2013	N/A
Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) www.no-trafficking.org/index.html	COMMIT Memorandum of Understanding on Cooperation Against Trafficking in Greater Mekong Sub-Region (2004) Second COMMIT Sub-Regional Plan of Action, 2008-2010	UN Inter-Agency Project on Human Trafficking (UNIAP)
Council of the Baltic Sea States (CBSS) www.cbss.org/Civil-Security-and-the-Human-Dimension/creating-a-safe-and-secure-region www.childcentre.info/egcc/	A Vision for the Baltic Sea region by 2020, CBSS Summit 2010 Expert Group for Cooperation on Children at Risk: Priority paper, 2011 - 2013	Task Force against Trafficking in Human Beings with Focus on Adults (TF-THB) Expert Group on Children at Risk
Council of Europe (COE) www.coe.int www.coe.int/t/dghl/monitoring/trafficking/default_en.asp	COE Convention on Action Against Trafficking in Human Beings (2005)	Group of Experts on Action Against Trafficking in Human Beings (GRETA)

Organization	Framework Document Relevant to TIP	TIP Focal Point
Economic Community of West African States (ECOWAS) www.ecowas.int Economic Community of Central African States (ECCAS) www.ceeac-eccas.org/	Declaration on the Fight against Trafficking in Persons, 2001 ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003), extended until 2011 Joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children (2006-2008)	Anti-Trafficking Unit
European Union (EU) http://ec.europa.eu/anti-trafficking/index.action	Brussels Declaration on Preventing and Combating Trafficking in Human Beings, 2002 Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims	European Union Anti-Trafficking Coordinator
League of Arab States (LAS) www.arableagueonline.org/las/index.jsp (in Arabic only)	Arab Framework Act on Combating Trafficking in Persons (2008) Arab Initiative to Combat Trafficking in Persons, 2010	N/A
Organization of American States (OAS) www.oas.org/en/default.asp www.oas.org/dsp/english/cpo_trata.asp	Work Plan to Combat Trafficking in Persons in the Western Hemisphere 2010-2012 (AG/RES. 2551 (XL-O/10))	Coordinator Against Trafficking in Persons
Organization of Islamic Conference (OIC) http://www.comcec.org/TR/Yeni_Site_Dokumanlar/ana_dokumanlar/IKT_Sarti.pdf	Charter of the Organisation of the Islamic Conference, 2008	N/A
Organization for Security and Cooperation in Europe (OSCE) www.osce.org/ www.osce.org/cthb	OSCE Action Plan to Combat Trafficking in Human Beings, 2003 Platform for Action Against Human Trafficking, 2007	Special Representative and Co-ordinator on Trafficking in Human Beings
Regional Conference on Migration (RCM) (Puebla Group) www.rcmvs.org/	Regional Conference on Migration Plan of Action	N/A
Southern African Development Community (SADC) www.sadc.int/ www.sadc.int/index/browse/page/531	SADC Regional Plan of Action on Trafficking in Persons, 2009-2019	N/A
South Asian Association for Regional Cooperation (SAARC) www.saarc-sec.org/ http://www.saarc-sec.org/userfiles/conv-trafficking.pdf	SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002	Regional Task Force

GLOSSARY OF ACRONYMS

ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
ILO	International Labour Organization
ILO-IPEC	International Labour Organization, International Program for the Elimination of Child Labour
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
NGO	Non-Governmental Organization
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNODC	United Nations Office on Drugs and Crime
2000 UN TIP Protocol (Palermo Protocol)	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

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A decisão de viajar é sua:

AS CONSEQUÊNCIAS TAMBÉM!

Seus direitos viajam com
você aonde quer que você vá!

CAMPANHA DE PREVENÇÃO AO TRÁFICO DE PESSOAS

PARA MAIS INFORMAÇÕES: **Ligue 180** (para mulheres, com informações sobre migrações) **Ligue 100** (para denunciar violações de direitos humanos)



Departamento de
Polícia Federal

Secretaria Nacional
de Justiça

Ministério da
Justiça



A CLOSING NOTE



To us and to many readers, names like Prum and Yusril seem as distant as their rural Cambodian and Indonesian homelands, and we may seem equally distant to them. Yet this Report ties these men inextricably to us, for their enslavement aboard fishing vessels represents a part of the international fishing industry that has for too long gone overlooked. In Yusril's case, his enslavement met the demand for cheap fish exports to the U.S. market – exported to otherwise reputable retail chains that sell slave-caught seafood just blocks from this office. Yet what's so remarkable is just how unremarkable these experiences are to thousands of Burmese, Cambodia, Indonesia, and Vietnamese men who are the expendable fodder for this global fishing industry every day. Two fathers who only wanted to support their families, they found slavery instead. They and others like them suffer hellish conditions for years confined on boats – sometimes witnessing others thrown overboard when too weak to work further. As this Report has shown in recent years, when they do escape, they find themselves on unfamiliar shores, from Central America and West Africa to the South Pacific and the Indian Ocean.

Avoiding responsibility or turning away because abuse happened farther than 12-kilometers from shore does not honor Prum and Yusril's suffering. The zones of impunity that their experiences highlight are not found only on the open water, but onshore as well. The zone of impunity is not just created by a toxic nexus of corruption and collusion, but also when consumers and businesses fail to act. Keeping product chains free of slavery is not just a moral imperative; it's smart business. Identifying slavery in seafood product chains helps reward responsible buyers while holding the unscrupulous accountable.

When slaveryfootprint.org asks you the question "How many slaves work for you?", remember that these are not statistics, but people with hopes and dreams and courage. They are Prum and Yusril. We dedicate this Report to them and to the thousands of others they represent.

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Slavery Footprint



How many slaves work for you?

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