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TRAFFICKING IN PERSONS REPORT

JUNE 2011







Dear Reader:

Last year, I visited a shelter for trafficking survivors. I was embraced by children who should have been in grade school, but were instead recovering from having been enslaved in a brothel. We know trafficking in persons affects every region and every country in the world, but looking into the eyes of those girls and hearing their stories firsthand brought home for me once again the very real and personal tragedy of modern slavery. That's why over the past decade the United States and the international community have made the solemn commitment to fight this scourge wherever it exists. Those girls, and the millions of people they represent around the world, are a call to action to deliver on the promises of the last decade.

The 2011 Trafficking in Persons Report includes more than 180 narratives that assess governments on their efforts to combat trafficking in persons. In keeping with the language and values of the UN Trafficking Protocol, which seek to guarantee prevention, prosecution, and protection for the maximum number of victims, the United States defines trafficking in persons to include all of the conduct involved in forced labor as well as the trafficking of adults and children for commercial sexual exploitation. As we assess ourselves and governments around the world, the true test of a country's anti-trafficking efforts is not just whether a government has enacted strong laws consistent with that approach, but whether these laws are being implemented broadly and effectively. In short, it's whether they deliver.

In this decade of delivery, we must ensure that our efforts continue to address all forms of trafficking, whether for sex or labor, internal or transnational, or affecting men, women, or children. We must prevent this crime by forging partnerships that will hold source countries responsible for exploitative recruiting and ensure that destination countries employ vigorous victim identification efforts and forcefully prosecute traffickers. We must work with industry leaders so that consumers can know that the products or services they buy come from responsible sources. And we must improve the capacity of governments to protect victims and hold traffickers accountable. Countries known for well-established adherence to the rule of law cannot just rest on their laurels, but must work to deliver the justice and services that trafficking victims deserve.

This annual Report embodies the United States' continued dedication to fighting traffickers no matter where they may be, because fighting slavery and standing up for human rights is part of our national identity. For the girls in the shelter – and for all those who have been victimized by this crime – we will remain steadfast in our efforts and truthful in our assessments. We must deliver on our promises to protect victims, punish abusers, and restore the lives of survivors so that someday they will have the opportunity to realize their God-given potential.

Sincerely,

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

Hillary Rodham Clinton



Dear Reader:

If the 2010 Trafficking in Persons (TIP) Report marked anniversaries and reflected on progress made, the 2011 TIP Report introduces a new era of truly comprehensive approaches to combating human trafficking. In the past decade, the community of nations has moved away from reflexive denial that this crime still exists and has adopted instead a wide range of policies and partnerships. This shift has been driven in no small part by the impact of the annual TIP Reports, the rapid acceptance of the United Nations' Palermo Protocol, and the insistence of civil society that this crime not be ignored.

Governments now acknowledge the modern methods used to compel service and the impact on its victims. There is broad consensus on the appropriate response; 142 countries have ratified the Palermo Protocol, and 128 countries have enacted laws prohibiting all forms of human trafficking. Each year sees advances in prosecutions, victim identification, and protection and prevention measures. And unlike a decade ago, the language of abolition has reached the upper echelons of government. The fact that a form of slavery still exists in the modern era and that it must be confronted is now spoken of by heads of state and CEOs, at shareholder meetings, in church groups, and around the blogosphere.

And yet modern slavery continues to be a reality for millions of people, rather than for an isolated few. And the only solution to it is for governments to step up. The responsibility of governments to prosecute traffickers and provide justice to trafficking victims cannot be outsourced to NGOs, and victim protection should not be. The systemic and structural steps needed to prevent human trafficking must reflect a cultural change that rejects modern slavery, addresses the demand that fuels this crime, and requires personal responsibility. But the foundations of such efforts must be found in government action.

This year's TIP Report focuses on how governments can move toward a more targeted, purposeful approach that fully addresses the minimum standards to fight trafficking in persons. It also addresses governmental systems and policies that contribute to human trafficking. For a maturing modern approach, it is fitting to move beyond mere adoption of laws. Rather, we must measure our success or failure by victims served, by traffickers punished, and by abuse averted. It is time to treat the "3P" paradigm as not just a rhetorical device: prosecution alone will not rid the world of this misery but must be fully complemented by protection and prevention. Every country — on every tier — can and must do more.

Just as we acknowledge the last 10 years as a decade of development, let us embrace the next 10 years as a decade of delivery.

Sincerely,

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

Ambassador Luis CdeBaca

IN MEMORIAM

Richard Holbrooke
(1941-2010)

"[E]nding this crime so monstrous is not a political issue; it is an American imperative, and a human responsibility. This is why there are still modern-day abolitionists. And this is why the rest of us should join them."

– Richard Holbrooke, 2008



Late last year, the State Department mourned the loss of Ambassador Richard Holbrooke, a man who exemplified the best in public service. Many are familiar with his storied history in Vietnam, his service as one of the youngest Assistant Secretaries in history, his central role in ending the Balkan wars, his service as Ambassador to the United Nations, and, finally, his work as Special Representative for Afghanistan and Pakistan. But few people know about Richard Holbrooke's heartfelt commitment to fighting modern slavery.

In 2009, while serving as Special Representative for Afghanistan and Pakistan, Ambassador Holbrooke learned of a group of workers in Pakistan who were being held in debt bondage. He did not dismiss their plight as a local dispute or beneath his notice. He did not write them off to an entrenched social system in Pakistan, or fear that raising the issue would introduce a discordant note into his critically important discussions with the Pakistani government. Rather, Ambassador Holbrooke did what he did best – he cajoled, worked the phones, convened meetings, and energized the bureaucracies of two countries through sheer force of will. The result of this whirlwind of a week? Almost 200 people who had been held captive through force and threats are now free because of Richard Holbrooke.

This was not an isolated incident. Throughout his career, Ambassador Holbrooke saw not only the geopolitical stakes and the back and forth of negotiations, but the people that mattered, even in a hidden issue like modern slavery. His own words express it best:

"One must never forget that slaves are first and foremost people. Their lives are filled with sorrow and injustice – but also . . . they are touched with humor and joy. Just like regular people. Just like free people."

Here at the State Department and at our embassies around the world, American diplomats strive to live up to his challenge, and his example. Whether it is engagement with the host governments, funding NGOs to provide front-line services, or even uncovering and responding to trafficking cases in the countries to which they are posted, our diplomats are making a difference. That's how we strive to honor the memory of Ambassador Holbrooke. That's how we try to live up to the expectations of the public we serve. We grieve for the victims, we mourn for the fallen, and through our reporting and diplomacy we recommit ourselves to be worthy of their example.



Ghana is the 10th largest producer of gold in the world. According to *Free the Slaves*, much of Ghana's mining industry is made up of artisanal miners, including some 10,000 children, who often operate in unregulated, illegal mines.

"Now, this report is very thorough. It has very specific recommendations. And some countries have listened and the results speak for themselves. Others have not. ... the easiest way to get out of the Tier 3 and get off the watch list is to really act."

U.S. Secretary of State Hillary Rodham Clinton

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

World Vision and PhotoVoice sponsored photo-advocacy workshops for youth in Romania, Armenia, Lebanon, and Pakistan. The participants, many of whom are street or working children, captured inside perspectives of their own vulnerability to exploitation.

VICTIMS' STORIES

The victims' testimonies included in this report are meant to be representative only and do not include 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. No country is immune. Many of the victims' names have been changed in this report. Most uncaptioned photographs are not images of confirmed trafficking victims, but they show the myriad forms of exploitation that define trafficking and the variety of cultures in which trafficking victims are found.

THE 2011 TRAFFICKING IN PERSONS (TIP) REPORT

DEFINITIONS AND METHODOLOGY

What Is Trafficking In Persons?

Over the past 15 years, “trafficking in persons” or “human trafficking” have been used as umbrella terms for activities involved when one person obtains or holds another person in compelled service. The Trafficking Victims Protection Act (TVPA) describes this compelled service using a number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.

Under the UN’s Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) and the TVPA, people may be trafficking victims regardless of whether they were born into a state of servitude or were transported to the exploitative situation, whether they once consented to work for a trafficker, or whether they participated in a crime as a direct result of being trafficked. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation.

Major Forms of Human Trafficking Include:

Forced Labor

Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice. Immigrants are particularly vulnerable, 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.

Sex Trafficking

When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking. All of those involved in recruiting,

transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking also can 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. It is critical to understand that a person’s initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

MOLDOVA-UAE

Olga, 23, came to Dubai from Moldova on a visitor visa after hearing about a job opportunity there. A Russian woman and an Indian man picked her up at the airport when she arrived. They took her to their apartment and told her she would instead be prostituted. When she refused, they beat her and threatened to kill her and bury her in the desert. They threatened to harm her if she did not pay them back for her travel expenses, and then sent Olga to a local hotel to meet customers and collect money from them. After two weeks, Olga met another woman from Moldova in the hotel and told her about her condition. The woman advised her to report her situation to the police, who raided the apartment and arrested the suspected traffickers.

Bonded Labor

One form of force or coercion is the use of a bond, or debt. Often referred to as “bonded labor” or “debt bondage,” the practice has long been prohibited under U.S. law by the term peonage, and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters

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.



According to Human Rights Watch, South Asian migrant workers in Bahrain often experience withheld wages, passport confiscation, unsafe housing, excessive work hours, and physical abuse. A May 2010 draft labor law would hopefully make it easier for migrant workers to seek redress for abuses.

unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers also may inherit debt in more traditional systems of bonded labor. In South Asia, for example, it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts.

Debt Bondage Among Migrant Laborers

Abuses of contracts and hazardous conditions of employment for migrant laborers do not necessarily constitute human trafficking. However, the imposition of illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country, can contribute to a situation of debt bondage. This is the case even when the worker's status in the country is tied to the employer in the context of employment-based temporary work programs.

Involuntary Domestic Servitude

A unique form of forced labor is the involuntary servitude of domestic workers, whose workplaces are informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as they can inspect 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

Most international organizations and national laws recognize children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labor, including bonded and forced labor of children, should be eradicated. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. 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 has the child 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 virtue of long-standing administrative responses to child labor practices.

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 – as combatants or for labor or sexual exploitation by armed forces. Perpetrators may be government 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.

"There are no quick fixes to human trafficking, forced labor, debt bondage, and child labor. Though I have documented these offences on all six continents, nothing I have seen anywhere approaches the scale of these crimes as I have seen in South Asia."

Siddharth Kara, author and human trafficking fellow at Harvard University

Child Sex Trafficking

According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial



A girl carries her sister as she breaks rocks into smaller pieces to be sold for construction purposes in Juba, South Sudan.

BANGLADESH-LIBYA

Mansur sold family land to pay a Dhaka employment agency that promised him well-paying work in Libya. When he and some 40 other Bangladeshi workers landed at the Tripoli airport, two men from the agency met them and immediately took away their passports. The agents then took the workers to an abandoned warehouse in a suburb of Tripoli and told them to wait there. They threatened to deport the men if they disobeyed. Not able to speak any language other than Bangla, Mansur and the others remained in that warehouse for two months, helpless and nearly starving. When the agents finally took the men to work, they deducted more than half of the promised monthly salaries for food and accommodation. When fighting erupted in Libya in February, Mansur and the group of Bangladeshi workers fled with whatever little money they had managed to save. The men were robbed and joined more than 10,000 other Asian and African migrant workers at a refugee camp near the Tunisia-Libya border, waiting to go home empty handed after years of toil.

sex trade is prohibited under both the Palermo Protocol and U.S. law as well as by legislation in countries around the world. There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. 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 possible death.

"The employers have paid so much to get the maids in, but when they run away, we have to pay again to get another maid. This is a big burden. How are we to restrict them from running?"

Malaysian employer of an Indonesian maid, on why employers should hold their maids' passports



Thousands of African and Asian migrant workers wait in line for food at a refugee camp, having fled from the violence in Libya. Fleeing workers reported document confiscation and debt bondage.

Methodology

The Department of State prepared this report using information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, research trips to every region, 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 2011 TIP Report onto one of three 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, although the latter is also an important factor. 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 404).

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.

Tier rankings and narratives in the 2011 TIP Report reflect 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



A child harvests coffee beans in Honduras.

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;
- victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which the victim 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 against victims' rights, dignity, or psychological well being;

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, 2010 and ending February 28, 2011.

According to 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 identified on 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, 2011 and effective throughout FY 2012, 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 2011 CSPA list consists of governments in the following countries:

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



A young boy leads al-Shabaab fighters as they conduct a military exercise in Mogadishu, Somalia. The country's continuous violence appears to have increased recruiting efforts – by all parties in conflict – of minors who can easily be indoctrinated.

- 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 including forced labor, 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 nongovernmental 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 development or law enforcement initiatives without a specific human trafficking focus.

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 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, 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



A boy sleeps with his begging bowl covering his face in an unfinished building which serves as both classroom and living space for a Koranic school in Dakar, Senegal. Senegal's government announced in August 2010 that it would crack down on the practice in which tens of thousands of Koranic students wander barefoot and swarm cars for change to meet quotas imposed by their teachers.

- 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.**

Tier 3

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

The TVPA lists additional factors through which 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.

In 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act included a provision 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 for the next year. This provision comes into effect for the first time in this year's report. The Secretary of State, through delegation, can 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. Governments subject to the automatic downgrade provision are noted as such within 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,

MAURITANIA

Mattalla spent most of his life as a slave. He often watched his owners beat his mother and sisters. When he protested, they beat him too. Matalla's job was to take care of livestock and make charcoal. His family lived in a small area of the owners' settlement surrounded by cloth. They were given no food except for the occasional leftovers and often cooked and ate lizards they caught in the desert. Escape in the Sahara would almost always lead to death by hunger or thirst or at the hands of slave owners who would find them. Mattalla was beaten if he lost a camel, if he sat on the same mat as his owners, or if he disobeyed them. When Mattalla met some soldiers on the road, he told them he'd rather be shot dead than return to his owners. The soldiers helped him escape and receive support from a local NGO. His family remained with the owners.

trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund (IMF) and the World Bank.

Imposed sanctions will take effect on October 1, 2011; 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 and every country can do more, including the United States. All countries must maintain and increase efforts to combat trafficking.



In a campaign with global reach, The Body Shop and ECPAT partner to combat child sex trafficking.

MOVING TOWARD A DECADE OF DELIVERY

Government Responsibility

Speaking on behalf of the nine anti-trafficking heroes honored in last year's TIP Report, Laura Germino from the Coalition of Immokalee Workers said, "We commit ourselves, our continued efforts, to our collective fight to wipe slavery off the face of this earth. We are fighting for Tier Zero."

Each year, heroes are driven not by tier rankings but by a vision for a world without slavery. Some work to combat root causes – to end the demand for commercial sexual exploitation, to end the constant downward price pressure that often connects corporate supply chains to the shackles of compelled service, and to provide options for women and girls so that risky migration is not their only choice. Others risk their safety and make it their life's work to fight for a more accountable justice system or to build back the trust of the men, women, and children victimized by human trafficking. They serve ably and nobly, filling gaps created by collective

failures of our humanity and governance, working for a world that no longer requires their heroism.

That is the vision of the emerging global abolitionist movement. What then is the vision of governments?

The UN's Palermo Protocol and the United States' TVPA have helped to guide governmental understanding of the tools required to fight this crime. The 2010 TIP Report covered in great detail the progress of the last decade: the rise of laws criminalizing all forms of human trafficking; the increase in public awareness and accountability for purchases of any product that could propagate the exploitation of another person; and the 142 parties to the Palermo Protocol and that adopted the "3P" paradigm of preventing trafficking, prosecuting traffickers, and protecting survivors.



Migrant salt workers in a vast area of arid land about 120 kilometers (about 75 miles) from Ahmadabad, India, have no access to safe drinking water, health services, education, and residential facilities, reports say.

THE TVPA AND THE PALERMO PROTOCOL

The Trafficking in Persons Report monitors countries' anti-trafficking efforts against minimum standards set forth in the U.S. Trafficking Victims Protection Act of 2000 (Div. A, Pub. L. 106-386), as amended (TVPA), not the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which supplements the UN Convention Against Transnational Organized Crime. The standards in the TVPA, however, are largely consistent with the framework for addressing trafficking set forth in the Palermo Protocol, both in form and content. Both define trafficking in persons as a set of acts, means, and purposes. Both emphasize the use of force, fraud, or coercion to obtain the services of another person. And both acknowledge that movement is not required, framing the crime around the extreme exploitation that characterizes this form of abuse.

Enacted just six weeks before the Palermo Protocol, the TVPA not only meaningfully effects the Thirteenth Amendment to the U.S. Constitution, but also reflects the norms of international anti-slavery law. Section 102(b)(23) of the TVPA explains:

[t]he international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; [and] the International Covenant on Civil and Political Rights...

The TVPA's minimum standards measure a country's efforts to combat trafficking under the "3P" paradigm: prosecution, protection, and prevention. Those three Ps are also themes in the first sentence of the preamble to the Palermo Protocol: "Declaring that effective action to prevent and combat trafficking in persons, . . . includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking" (emphasis added).

Indeed, this approach permeates both instruments:

- **Prosecution:** Article 5 of the Protocol requires that States Parties criminalize "trafficking in persons," as defined by the Protocol, and the first of the TVPA's four minimum standards measures whether countries prohibit and punish all "severe forms of trafficking in persons", as defined by the Act. These international and U.S. law definitions, although divergent in some respects, largely cover the same body of criminal conduct.
- In addition, Article 11 of the UN Convention Against Transnational Organized Crime, which applies to the provision of the Palermo Protocol *mutatis mutandi*, requires that States Parties ensure that criminal sanctions for trafficking in persons take into account the gravity of the offense, and the TVPA's second and third minimum standards similarly measure countries' punishments for trafficking.
- **Protection:** Articles 6 and 7 of the Palermo Protocol call on States Parties to adopt specific measures for victim recovery and to consider adopting measures to allow victims to remain in the country's territory in appropriate cases; likewise, one criterion relevant to the TVPA's fourth minimum standard – that a government makes serious and sustained efforts to eliminate trafficking – measures the strength of countries' victim protection efforts, including whether legal alternatives to removal exist.
- **Prevention:** Palermo Protocol Article 9 requires States Parties to establish "comprehensive policies" to prevent trafficking and adopt or strengthen measures to reduce demand that fosters exploitation; while three criteria relevant to the fourth minimum standard in the TVPA also measure governments' prevention and demand reduction efforts.

Thus, although each TIP Report presents assessments under American law, the standards they build from are firmly rooted in international law.

“... the TIP Reports (sic) are not displacing a potentially superior alternative or performing a function that could be better discharged by the international community. Without the Reports, our collective knowledge of trafficking-related exploitation would likely be less; individual governments would likely have greater control over the flow of information that properly belongs in the public domain; and even the most egregious failure on the part of a state to deal with trafficking-related exploitation would likely come at little reputational or other cost. For the committed multilateralist, such conclusions are cause for sober reflection.”

Anne Gallagher, international anti-trafficking expert

The first decade following the UN's adoption of the Palermo Protocol can be described as a time of building the framework and passing laws that focused largely on the criminalization of human trafficking and the creation of victim assistance mechanisms. Now is the time to build a robust global response rooted in increased implementation of this framework at the national level. Government responses need to trace trafficking to the points of exploitation and exert pressure where it will do the most good. This is in keeping with what governments do: they grant visas and regulate businesses, negotiate trade agreements, and oversee both social services and criminal justice responses. In a post-Palermo world, all of these functions must reflect the “3P” approach and the guarantee of freedom set forth in Article 4 of the Universal Declaration of Human Rights.

These principles are most fully set forth in the Palermo Protocol and in the minimum standards to combat trafficking established by the TVPA; the text of the minimum standards can be found on page 404. Governments can evaluate their compliance by asking three simple questions:

- Does the government criminalize all forms of trafficking and prescribe sentences commensurate with the gravity of the offenses?

BEYOND TIER 1

While Tier 1 is the TIP Report's highest ranking, it does not mean that a Tier 1 country has no human trafficking problem. Nor does it mean that a Tier 1 country has devised perfect solutions or has ended modern slavery within its borders. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and in so doing is meeting the TVPA's minimum standards.

All countries – especially those on Tier 1 – can make serious and sustained efforts that rise above the baseline minimum standards and the standards spelled out in the Palermo Protocol to put forth a truly comprehensive governmental response that includes:

- » Integration of policies to combat human trafficking at all levels of policymaking and implementation, i.e. national security, immigration, labor, procurement, and trade;
- » Adherence to international obligations, particularly those with regard for human rights and labor standards;
- » Intolerance of any form of sexual exploitation of children and adults;
- » Adoption of a robust labor inspection and enforcement regime and available criminal and civil remedies;
- » Education of the foreign and citizen workforce about their rights and how to access assistance;
- » Regulation of and collaboration with private industries to eradicate forced labor from their supply chains;
- » Programs to attack the demand for commercial sex that fuels trafficking;
- » Support for and collaboration with civil society to develop anti-trafficking responses;
- » Inclusion of human trafficking survivors in the development of anti-trafficking responses;
- » Availability of education, health care, and employment for trafficking survivors;
- » Labor law protections that cover all categories of workers;
- » Permeation of human trafficking knowledge and proactive investigations at all levels of law enforcement; and
- » Construction of and adherence to a victim rights system that sets forth the aid, assistance, and treatment of trafficking victims.

Consistent with the UN Convention Against Transnational Organized Crime, governments should prescribe maximum criminal penalties of no fewer than four years. Penalties prescribed for sex trafficking offenses should be equivalent to the penalties for rape and other serious crimes.

USA

Alissa, 16, met an older man at a convenience store in Dallas and after a few dates accepted his invitation to move in with him. But soon Alissa's new boyfriend convinced her to be an escort for him, accompanying men on dates and having sex with them for money. He took her to an area known for street prostitution and forced her to hand over all of her earnings. He made Alissa get a tattoo of his nicknames, branding her as his property, and he posted prostitution advertisements with her picture on an Internet site. He rented hotel rooms around Dallas and forced Alissa to have sex with men who responded to the ads. The man, who kept an assault rifle in the closet of his apartment, threatened Alissa and physically assaulted her on multiple occasions. The man later pled guilty to trafficking Alissa.

- Does the government use its laws to vigorously investigate and prosecute all forms of human trafficking that exist in the country?

Many countries fail to pursue prosecutions diligently or ignore certain types of human trafficking, such as the forced labor of men and boys. Some countries limit their enforcement efforts to either foreign trafficking victims or their own citizens. These shortcomings are noted in the narratives and reflected in the tier rankings.

And finally,

- Is the government doing what it can to protect victims and prevent trafficking?

Around the globe, governments have pledged to undertake victim protection, though victims continue to go unfound, or worse, they are found, unidentified, and further victimized. Robust victim identification and rehabilitation is what is most needed but is most lacking.

The answers to these questions highlight failures, successes, and emerging global lessons which are profiled throughout this introduction.

Prevention

As long ago as 1904, governments agreed to work together to prevent the "white slave traffic." More than 100 years later, traffickers continue to find new victims and, in many jurisdictions, operate with impunity. Public awareness of human trafficking – including awareness of warning signs and required responses – is critical and must be ongoing. But public awareness is just one component of prevention. There are systemic contributors within the control of governments that can and must be changed. For example, many governments in the developing world encourage labor migration as a means of fueling foreign exchange remittances, yet they do not adequately control private recruiters who exploit migrants and make them vulnerable to trafficking. Greater efforts to regulate and monitor such recruitment and other contributing practices can shut down traffickers' access to vulnerable populations as well as drive them out of their illegitimate businesses.

By acknowledging and addressing its own "slavery footprint," – government procurement of goods made and services provided on the backs of forced laborers – each government can drastically shift the economic policies that perpetuate modern slavery.

"I wish that every time a government official picked up that TIP report, all crisp and clean from the printer, that he would have to first look into the face of a mother whose husband disappeared and whose wages never came back and whose daughter was taken to be schooled but has never written home. Only then would he know what human trafficking ... really means."

Nikki Junker, Executive Director of With More Than Purpose

Government: Focusing on Demand

The demand for cheap goods, services, labor, and sex opens opportunities for the exploitation of vulnerable populations. And it is on this demand that human trafficking thrives. People are bought and sold as commodities within and across borders to satisfy demand from buyers. Poverty, unemployment, lack of opportunity, social upheaval, and political instability facilitate traffickers' ability to recruit victims, but they do not in themselves cause trafficking. The economic reality is that human trafficking is driven by profits. If nobody paid for sex, sex trafficking would not exist. If nobody paid for goods produced with any amount of slavery, forced labor in manufacturing would be a thing of the past. Increasingly, anti-trafficking actors are looking to combat modern slavery from the demand side rather than focusing on arrests and prosecutions (the supply side) alone.

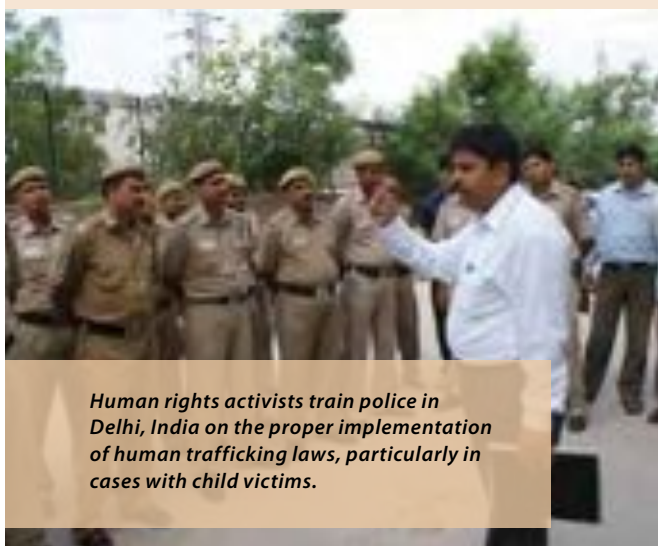
Governments have a duty to bring traffickers to justice and help victims, but they are also large consumers, spending hundreds of billions of dollars each year on goods and services ranging from construction and weaponry to office supplies and technology equipment. As such, they can have an immediate impact on demand. Governments should review their procurement supply chains and seek to significantly reduce the exploitation of vulnerable populations.

Governments can go a long way toward tackling demand. They can, for example, require that government contractors and subcontractors ensure that employees are not hired or recruited through fraudulent means or the use of excessive fees. Such policies would increase transparency and make it more difficult for unscrupulous labor brokers to use debt bondage as a means of providing cheap labor for government contracts. This is particularly important for third-country nationals, who are often imported for large construction projects and who are more susceptible to exploitation due to distance and isolation, language barriers, and dependence on the employer for visas or work permits, among other factors. Public-private partnerships that create transparency in supply chains can have a significant impact on demand reduction, helping to make freedom the business of both governments and the private sector.

KEY PROCUREMENT GUIDELINES

As some of the world's largest employers, governments can have a major impact on eradicating slavery by employing best practices to reduce the exploitation of vulnerable populations. Such measures could begin with incorporating mandatory "zero-tolerance," anti-trafficking clauses into all government contracts (prohibiting both forced labor and the procurement of commercial sex for all contracted and subcontracted personnel), which would include:

- » Prohibiting the withholding of workers' passports or inhibiting their free movement as a means of keeping them in a situation of compelled service;
- » Prohibiting the use of physical force or threat of force to compel labor, services, or sexual activity from any worker;
- » Prohibiting employers from using sponsorship for work permits and immigration benefits as leverage to compel service;
- » Empowering workers by providing in their native languages the standard labor contracts and the contractor's policies on wages, overtime, allowances, salary increases, the contract term, leave accrual, and other personnel matters;
- » Briefing employees on their rights under local labor laws; and
- » Reporting publicly on recruitment practices.



Human rights activists train police in Delhi, India on the proper implementation of human trafficking laws, particularly in cases with child victims.

IDENTIFYING LOCAL DEMAND FOR COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

From Brazil to Cambodia, anti-trafficking experts and advocates have attempted for years to gain a better understanding of demand sources for the commercial sexual exploitation of children. In countries where this crime is prevalent such as Cambodia, Thailand, the Philippines, India, Brazil, Jamaica, and Kenya, popular perception attributes the main source of demand to foreign and predominantly Western child sex tourists. In Cambodia, for example, the media focus on sex crimes committed by foreigners, leading to a misconception that there are fewer local offenders. Such a perception leads to a disproportionate focus on addressing the issue of child sex tourism as opposed to the equally significant issue of child prostitution.

In a 2010 study conducted by End Child Prostitution and Trafficking (ECPAT) in Cambodia, all but one of 43 prostituted children surveyed in the Cambodian capital of Phnom Penh said their regular purchasers were Cambodian men. Of the 13 prostituted children who reported having been sold as a virgin, eight said their rapists had been Cambodian.

A recent UNICEF study found that in Kenya, it is Kenyans who make up the majority of purchasers of children in prostitution. A 2008 ILO study found that there was widespread local tolerance in Central America and the Dominican Republic for the commercial sexual exploitation of teenage girls. Sixty percent of the survey's respondents attributed responsibility for the crime to the victim or the victim's family, rather than to the purchaser.

Law enforcement responses to the commercial sexual exploitation of children often reflect popular perception, leading to a lack of efforts to focus on local demand for child prostitution. In a few parts of the world, however, law enforcement actions are starting to reflect the realities of local demand. In Cambodia, a country where numerous foreign pedophiles have been prosecuted locally or extradited for prosecution in the United States and elsewhere, law enforcement officials are beginning to recognize the need to improve on this record. In Central and South America, law enforcement statistics already show that many trafficking-related convictions involve cases of local demand for child prostitution. While foreign sex tourists are still a source of demand for child prostitution and must be held accountable, they are often not the main source. Governments must ensure that in targeting sex tourists, they are not also ignoring sources of local demand.



Governments can attack demand for commercial sex by establishing “zero tolerance” policies for government employees and contractors who participate in trafficking or procure commercial sex acts. Such policies should make clear that contracting and subcontracting companies are responsible for notifying employees of the prohibited behavior, and they should provide penalties for violations as severe as termination of the contract and/or debarment from future government contracting. This gives companies, many of whom stand to lose multimillion dollar contracts if penalized, a major incentive to ensure that their employees and subcontractors are in no way contributing to the demand that contributes to sex trafficking.

Although prohibiting trafficking in all government contracts is an important first step, without appropriate follow up, new policies can be meaningless. Governments must provide resources for training, technical assistance, and auditing to ensure that trafficking is fully eradicated from their supply chains.

Watch What You Eat: Slavery and Food

The dusty images of slaves working on plantations line bookshelves and museum walls, but the demand for cheap goods in a globalized economy sustains slavery today in fields and farms. Transcontinental slavery and the Triangle Trade drove the bygone mercantile empires of Europe and the Americas. But the International Labour Organization (ILO) estimates 60 percent of child labor worldwide is in agriculture, and agricultural products comprise the largest category of items on the List of Goods Produced by Child Labor or Forced Labor published by the U.S. Department of Labor (DOL).



From the cocoa farms of West Africa to the cotton fields of Uzbekistan to the tomato fields of the United States, this modern form of slavery remains common in the agricultural industry and is marked by techniques that are anything but modern. According to DOL, there may be more forced child laborers in farming than in manufacturing. In some countries, particularly in South Asia, families of farmers continue to inherit the debts of their ancestors that, in many cases, have been passed down for generations. And slavery reportedly extends into the oceans, with forced labor rampant in the commercial fishing industries in some regions.

PERU

Karina was 19 when Nestor, an acquaintance from her neighborhood, offered her a job at a restaurant in the capital. Karina thought it was a great opportunity for her to leave her small town and earn her own income. She went to Lima with Nestor and began to work as a waitress in a seafood restaurant. She soon fell in love with Nestor's friend Edy, who, after gaining Karina's trust, forced her to have sex with men in various Lima nightclubs. Edy then moved Karina around among nightclubs in various cities, including one in her own home town, for two years. With a friend's help, Karina managed to escape and returned to her family. Edy continued to call her with threats and demands. He also started threatening the friend who helped Karina escape. Although she has filed a police report against Edy and has the support of a public attorney, Karina continues to live in fear, without any protection for herself or her family.

Businesses and governments both have important roles to play in eradicating slavery in supply chains. In this age of increasingly aware customers, companies will have to be more thorough in tracing their raw materials and monitoring their supply chains. Governments must be more diligent in enforcing existing laws and regulations. With the passage of new laws, raw material traceability is shifting from a voluntary best practice into a legal obligation. Companies in all industries are facing growing pressure to understand the conditions under which their raw materials were attained.

OPTIMAL REGULATORY APPROACH FOR LABOR RECRUITING:

- » Ensure that private recruitment agencies have a recruitment fee limit in an amount that can cover minimal expenses. For example no more than one month's wages abroad for a 12-month contract, or 4.2 percent of the wages expected to be earned under a 24-month contract.
- » Ensure competition among private recruitment agencies to foster the lowest recruitment fees and the best services offered to potential migrants.
- » Enact criminal laws that penalize fraudulent recruitment or usurious fees.
- » Impose sanctions on private recruitment agencies that break the law and include compensation mechanisms for the affected workers.
- » Vigorously investigate and prosecute recruitment agencies or brokers who willfully do not register in order to avoid worker protections.
- » Establish adequate complaint procedures to identify and examine allegations of violations, including representative employers', workers', and migrants' organizations in the complaint process.



Amnesty International has urged Malaysia to end appalling treatment of migrant workers, saying that many were abused, unpaid, and endured conditions "close to bonded labour."

Promulgating Business Standards

In today's globalized economy, there are often complex intersections between legal business operations and illegal human trafficking. Increasingly, the private sector is acknowledging its role in eradicating human trafficking, both in preventative measures to ensure that corporations are not fueling demand for forced labor and in proactive initiatives to alleviate or ameliorate such abuses. There is also growing public interest to know where and how goods and foods are produced, manufactured, processed, and distributed. Consumers, activists, and investors are urging companies to sign and implement ethical codes of conduct.

Businesses play a crucial role in ensuring that forced labor does not contribute to the products we buy. Given the complexity of today's supply chains, however, the most effective solutions for ending forced labor will come from collaboration among governments, corporations, civil society, and consumers. Some recent examples of multi-stakeholder approaches to addressing slavery in supply chains have shown great promise.

"This crime is inhumane and directly affects not only the integrity of human beings but also the integrity and image of [Aruba] if we do nothing."

Arthur Dowers, Justice Minister of Aruba, which appears in the TIP Report for the first time this year

The Consultative Group (CG) to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products was established by the 2008 Farm Bill to make recommendations to the U.S. Secretary of Agriculture regarding guidelines to reduce the likelihood that agricultural products coming into the United States contribute to slavery. The CG consists of members of government, industry, civil society, and higher education and research institutions. Their combined expertise helped craft a set of voluntary industry guidelines that outline best practices for independent third-party monitoring and verification, remediation efforts, and transparency. The guidelines can be found at http://www.fas.usda.gov/info/Child_labor/Childlabor.asp.

THE ATHENS ETHICAL PRINCIPLES AND LUXOR IMPLEMENTATION GUIDELINES

In January 2006, CEOs from the private sector and representatives of NGOs, international organizations, and governments came together in Athens, Greece to share their expertise and develop business measures to counter human trafficking. The group adopted the Athens Ethical Principles against human trafficking and launched a campaign to promote private-sector endorsement of these principles. The Athens Ethical Principles contain seven core values, the first of which is a zero-tolerance policy on human trafficking. More than 12,000 companies have pledged to abide by these principles.

With time, there has been recognition that concrete guidelines are needed to direct the implementation of these broad-based, aspirational principles. In December 2010, the Luxor Implementation Guidelines to the Athens Ethical Principles were established as a result of an international human trafficking forum in Luxor, Egypt. The guidelines provide concrete ways for businesses to operationalize each anti-trafficking principle through policy, public awareness, strategic planning, supply chain tracing, government advocacy, and strengthened transparency. The overarching goal is for businesses to incorporate codes of conduct, anti-trafficking measures, and self-regulatory mechanisms into both daily business activity and long-term strategy. The guidelines call on corporations to encourage their business partners and suppliers to apply ethical principles against human trafficking. Corporations also are asked to leverage their market power by obtaining raw materials and locating manufacturing facilities in certain countries as a reward to governments that have strong anti-trafficking records. Companies are already embracing these guidelines in hopes that consumers will respond favorably to their commitment to the eradication of slavery.

The California Transparency in Supply Chains Act of 2010 requires retail sellers and manufacturers in California to publicly disclose their efforts to eradicate slavery and human trafficking throughout their direct supply chains. The legislation applies to retailers and manufacturers with more than \$100 million in annual worldwide gross receipts. It affects more than 3,000 companies doing business in California. These companies represent approximately 87 percent of economic activity in the state, which has the eighth largest economy in the world. Beginning in January 2012, companies affected by the act will have to post on their websites what policies they have in place to ensure that their supply chains are free of slavery and human trafficking. These policies can include evaluating and addressing the risk of human trafficking, auditing suppliers, and training employees and management on human trafficking and slavery. The text of the California law can be found at <http://go.usa.gov/D8n>.



In Pattaya, Thailand, young girls and brokers work the street in front of open-air bars for sex clients, which offer "menus" of sexual positions available for order.

HONDURAS-USA

Maira was 15 when two well-dressed men driving a nice car approached her and two friends in a small Honduran village. They told the girls they were businessmen and offered to take them to the United States to work in a textile factory. Maira thought it was the perfect opportunity to help her single mother, who struggled to support seven children.

But upon arriving in Houston, the girls were held captive, beaten, raped, and forced to work in cantinas that doubled as brothels. Men would come to the cantina and choose a beer and a girl, sometimes as young as 12. They would pay for the beer and sit with the girl while she drank it. If they wanted to have sex with the girl, they would take her to the back and pay cash for a mattress, paper towels, and spermicide. The captors beat the girls daily if they did not make enough money.

After six years, Maira was able to escape the cantina and return to her mother with the help of a kind American family. Her two friends remain missing.

People are Not Collateral

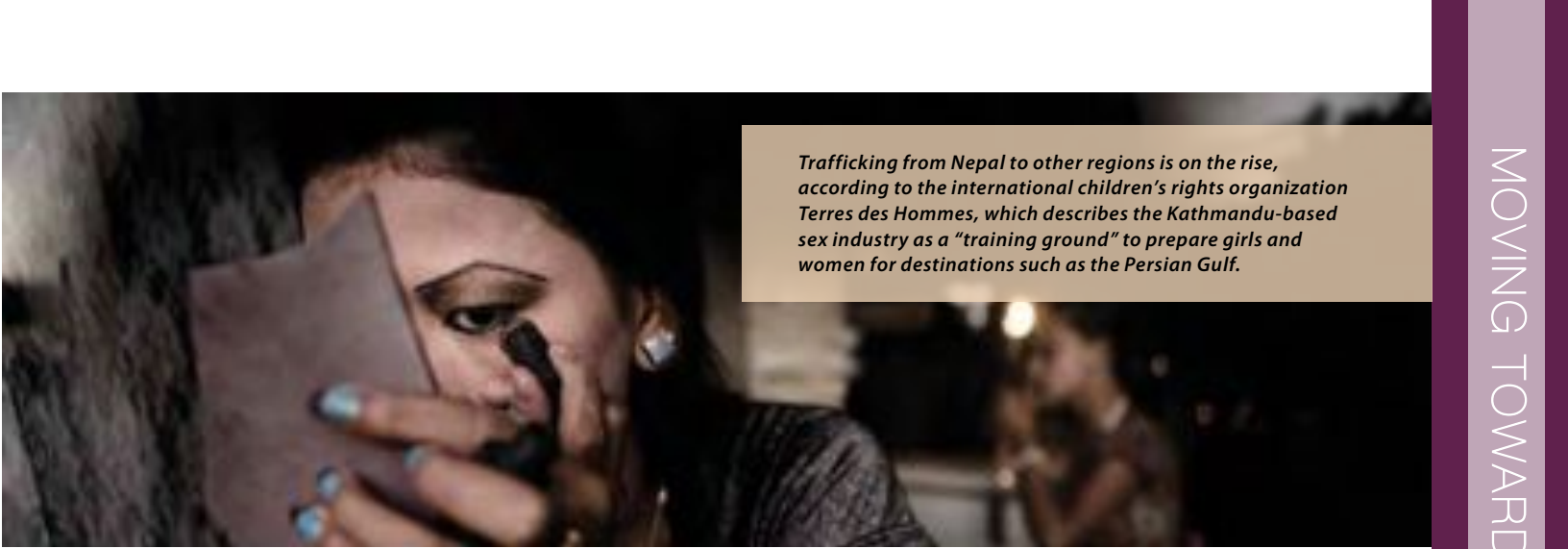
One of the most common assumptions about “average” trafficking victims is that they come from the poorest, most isolated communities. Studies of populations in countries of origin for transnational and internal trafficking have shown that the incidence of trafficking is highest among those who have become empowered

enough to aspire to a better life but have few good options for fulfilling those aspirations. They have attended a girls’ school and now realize they are overeducated for the few options in their villages. They have seen someone return home with money to provide for their families. They have watched a television show that depicts the excitement of city life, or they simply have enough courage to try and make a better life for themselves, if only they knew where to start.

That’s where the traffickers come in. Exploiting the information gap, they offer to make that connection – to a good job, a better life, a transportation option. They prey on their victims’ innate hope and ability to conceive of some opportunity for a better life. They exploit their victims’ trust and confidence in their own ability to succeed. They find people who have nothing and coerce them into using their lives and freedom as collateral to guarantee a better future. While broad-based economic initiatives cannot automatically be construed as anti-trafficking prevention activities, governments must recognize the inequality of access to capital when considering efforts to reduce vulnerability to modern slavery. Migrant workers should not need to incur debt from labor brokers to secure jobs overseas. Instead, governments could provide small-scale loans to cover travel costs and protect workers’ rights while they are abroad. Entire villages should not be trapped in bonded labor because of debts inherited from previous generations. Instead, governments could provide legal alternatives for credit and enforce decades-old laws banning generational debt bondage.

One of the poorest countries in Europe and a source of sex slaves, Moldova has seen countless cases of missing women in recent years. The book and photo exhibit ‘not Natasha’ documents the lives of Moldovan sex trafficking survivors.





Trafficking from Nepal to other regions is on the rise, according to the international children's rights organization Terres des Hommes, which describes the Kathmandu-based sex industry as a "training ground" to prepare girls and women for destinations such as the Persian Gulf.

TECHNIQUES OF CONTROL USED BY SEX TRAFFICKERS AND PIMPS

A sophisticated understanding of the realities on the ground is necessary to ensure that sex trafficking victims are not wrongly discounted as consenting adults. Too often, police, prosecutors, judges, and policymakers assume a victim has free will if she has the physical ability to walk away. This assumption is wholly inconsistent with what is known about the nature of pimping and sex trafficking. The use of force, fraud, and coercion is pervasive but often overlooked. In its most obvious manifestation, a pimp will physically restrain a prostituted person's movements and use physical violence to ensure the customers' satisfaction. While this is undoubtedly a severe form of trafficking as set forth in the TVPA, there are other more subtle forms of fraud and coercion that also prevent a person from escaping compelled servitude.

A prostituted person may have initially consented, may believe that she is in love with her trafficker, may not self-identify as a victim, may have traveled away from the pimp, or may have been away from his physical control with what seemed to be ample opportunity to ask for help or flee. She may have a criminal record and refuse to tell her story. She may have started in prostitution as an adult or as a child. None of these factors, taken alone or in sum, means that she is not a victim of a severe form of trafficking; rather, if such facts are prejudicial at all, they should move law enforcement to consider that they may not have the whole story. And all of these concerns are just as valid for men and boys in prostitution as they are for women and girls. Indeed, male victims may be less likely to admit that they were held through fear or threats.

The TVPA's modern approach recognizes the power of psychological coercion. Research and field experience suggest that violence and restraint – though hallmarks of the commercial sex industry – are far from the most effective means of control. Pimps use a variety of psychological methods, sometimes referred to as "seasoning" or "grooming," to gain full control. They recruit vulnerable women or girls, pretend to be in love with them, ply them with alcohol or drugs, build their dependencies for basic needs or chemical escapes, place other women in supervisory roles over them and encourage them to compete for affection and favor, use an interlocking system of reward and punishment reminiscent of a battering relationship, and threaten their recruits with the shame of their families and a punitive, rather than protective, law enforcement response.

In this context, it is little wonder why anti-trafficking efforts may be received skeptically by a woman who has been told – and maybe even shown – that law enforcement would not protect her and that the only people who care about her are her pimp and his entourage.

It is the government's responsibility to protect those caught in compelled service, to take the time and build the expertise to identify victims, even when victims can't or won't identify themselves. Governments should identify victims whether they are enslaved in a legal or an illegal activity. Governments should be judged not on their response to the most "deserving" of victims, but on their perseverance with the most challenging.

Modern history has proven that microcredit and microfinance can improve the status of women, promote better nutrition, increase access to healthcare and education, and broaden communities' access to credit. When combined with targeted anti-trafficking programming, microfinance initiatives can act as liberators, providing opportunities without risk and rehabilitation with a money-backed future. And micro-lending is not the only solution – putting traffickers in prison and distributing their ill-gotten gains to their victims is the ultimate debt forgiveness program.

Sending and Receiving: The Challenge of Labor in a Global Society

Migrants are vulnerable to modern slavery. Women travel with dreams of better lives and jobs as waitresses or maids, only to be enslaved in prostitution or domestic servitude. Workers are trapped in debt bondage – in myriad ways, as a result of the costs of migration, such as recruitment fees. And it is not just illegal migration; the 2011 reporting year saw cases around the world where the victims traveled to their destination country through legal means, only to be enslaved after arrival.

According to the World Bank and the International Organization for Migration, the number of international migrants in the world today has increased rapidly over the last few decades: 215 million in 2010, up from 191

“My advice is that whenever you see someone promising excess profit, it is important for one to ask yourself whether you are not being targeted by fraudsters. We should all be very careful.”

Christopher Bizimungu, Rwandan commissioner for criminal investigations, during a televised talk show on human trafficking and cyber crime

million in 2005. In 2010, worldwide remittance flows are estimated to have exceeded \$440 billion (compared with \$275 billion in 2005), with developing countries receiving \$325 billion in remittances (compared with \$192 billion in 2005). In 2009, the share of remittances in GDP for some smaller countries was extremely large: Tajikistan recorded a remittance/GDP ratio of 36 percent; Tonga, 28 percent; Lesotho, 25 percent; Moldova, 31 percent; and Nepal, 23 percent.

While migration is an important tool for economic development from the individual level to the national level, there is an urgent need to strengthen international cooperation and standards to manage labor migration. According to the IOM, most countries in the world – and not just in the developing world – lack the capacity to manage effectively the international mobility of people today. The increased flows and the dramatic growth of a profit-minded recruitment industry that operates across borders mean that today's migrants are vulnerable to a wide range of abuses, including situations of forced labor and sex trafficking.

International migration is relatively unregulated. At best, it is dominated by a handful of bilateral agreements – with varying degrees of implementations – and nonbinding bilateral memoranda of understanding or regional arrangements. At worst, it is controlled by unscrupulous private recruiters whose deceit and surcharges can quickly place migrants in debt bondage.

Even when policies are in place to allow for legal labor migration, governments must act to ensure the protection of migrants throughout the process. Where there are government-to-government agreements (increasingly common between sending and destination countries), they do not diminish the need for worker protections in “sponsorship” or “guestworker” programs. Much needs to be done to prevent migrant laborers from subsequent exploitation under

MIDDLE EAST-UK

Amita came to London from the Middle East as a domestic servant for a family that treated her well and paid her decently. When her employer moved into a high-level job that provided house staff, the family no longer needed Amita. They helped her find work with another family. Amita's new employers took her passport as soon as she arrived and made her sleep on the floor in the living room to prevent her from stealing things and hiding them in her room. They did not pay her or allow her out of the house, and they threatened to report her to the police as an illegal if she tried to run away. Amita worked in the family's house from 6 a.m. to 8 p.m. After that, she was taken to clean various office buildings until midnight or early morning. One night, the employer's son and his friends were drunk in the house and attempted to rape Amita. After that, she decided to run away and managed to escape with the help of a security guard.



DRC

The Lord's Resistance Army (LRA), an armed group that originated in northern Uganda 20 years ago, now operates in the border areas of the Democratic Republic of the Congo (DRC), South Sudan, and the Central African Republic. When the group attacked Josephine's village, she and her family had too little time to flee. A group of about 80 LRA men surrounded her house. They tied up the family and shot and killed Josephine's grandfather in front of her. They took Josephine and her three brothers into the bush. After an hour of walking, the men separated the children into pairs. Josephine and her 14-year-old brother Patrick never saw their other two brothers again. Josephine remained on the move with the LRA for eight months, never staying in one place for more than a week. She was forced to carry heavy loads, find food, and cook. She and other girls, some as young as 12, were forced to become LRA "wives." Josephine was assigned to a boy who had also been kidnapped and forced to be an LRA fighter. She watched as the men forced him to kill another boy by striking him on the back of the head with a machete. Josephine managed to run away one day when she was sent out to look for food. She walked 40 km and found safety in a village in Sudan. Her brother Patrick escaped two months later during a Ugandan army attack on the LRA.

these programs. The high level of documented exploitation of low-skilled workers – particularly domestic workers – throughout the Middle East, for example, is proof of this vulnerability.

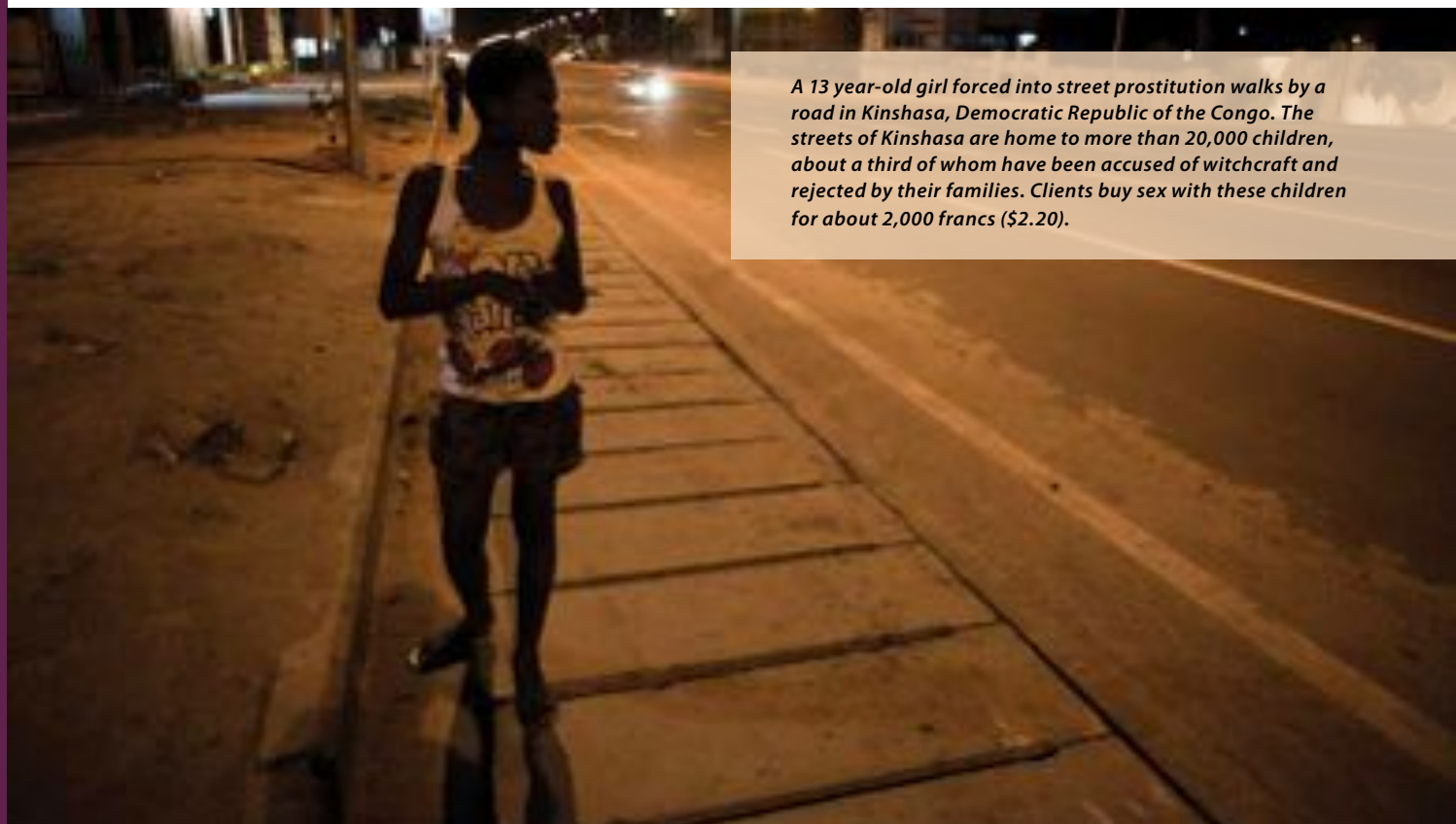
As the 2010 TIP Report highlighted, migrant labor flows worldwide have become increasingly feminized, and as women are emigrating to search for jobs that currently exist outside of normal labor protections, such as domestic service. The mass migration of female domestic workers from places such as Indonesia and Nepal to Gulf states and Malaysia is intrinsically perilous, with physical and sexual abuse of domestic workers commonplace and protections for abused maids scarce.

Reflecting, at least in part, these concerns over the abuse of migrants, countries have moved to restrict Asian workers from working in the Middle East and East Asia. These cases do not occur simply because there is an abusive boss on the other side. Many of the problems are structural. International labor migration is increasingly dominated by labor recruiters – both licensed and unlicensed. Rather than fostering competition and efficiencies that are passed onto potential workers or employers,

the dramatic expansion of this market has had a predatory effect.

Exorbitant recruitment fees are all too common, as are bait-and-switch scenarios that trick workers into jobs that are substantially different than what was promised or jobs that simply do not exist. In the worst cases, this exploitation can metastasize into a situation of forced labor, with restrictions on workers' movements, nonpayment of wages, threats, and physical or sexual abuse, all within the context of a burdensome recruitment fee.

The 2011 reporting period showed a disturbing trend: cases in which domestic servant guestworkers who had suffered sexual abuse in the home were then turned over by their bosses to third parties for prostitution, unable to seek help because of restrictive guestworker laws and the debts that they owed.



A 13 year-old girl forced into street prostitution walks by a road in Kinshasa, Democratic Republic of the Congo. The streets of Kinshasa are home to more than 20,000 children, about a third of whom have been accused of witchcraft and rejected by their families. Clients buy sex with these children for about 2,000 francs (\$2.20).

"If there is a heart of darkness, I believe without question that the unrelenting, unpunished, and craven exploitation of millions of human beings for labor, sex, and hundreds of sub-categories thereof is simply the most appalling and damaging expression of so-called human civilization we have ever seen."

Robert Bilheimer, director of "Not My Life", a documentary on human trafficking around the world

These abuses are possible because the normal employer-employee relationship is skewed by the financial pressure of recruiting fees that are out of balance with the services rendered or that represent much of the money the migrants would earn if everything went perfectly. Sometimes, the most effective threats by employers who want to keep foreign employees fearful and working are threats not to allow them to work. Because guestworkers are often restricted from obtaining outside employment, being banned from the workplace does not represent freedom but can be, in itself, the coercion that the Palermo Protocol seeks to preclude. For example, when workers attempt to claim the salary they've earned or even

just to get enough food to live, employers often threaten to confine them to a dormitory, where they will be unable to seek outside employment and forced to watch their debt mount.

Governments must enforce tighter controls over private recruiters. Associations of private labor recruitment agencies – such as BAIRA in Bangladesh and ACRA in Cambodia – must be held to their assurances that they provide the workers with safe and regulated migration experiences. If the government is the labor broker, safeguards against corruption are necessary, as well as mechanisms to ensure that police or security services back home will not be used to force workers into compliance while they are overseas. National legislation and law enforcement agencies should enforce regulations that balance the interests of the private recruitment agents with the rights of the workers, especially the right to report abuse without having to fear deportation or retaliation. And violations should not be addressed exclusively by remedies that can be absorbed into the cost of doing business, such as just suspension or administrative fines, but with criminal penalties as well.

Two models are often cited by international organizations as best practices. In the Philippines, recruitment agencies cannot legally solicit employees for overseas work without the authorization from the Philippine Overseas Employment Administration (POEA).

POEA, which has authority to place agencies on probation, includes trafficking awareness training in its pre-employment orientation seminars and pre-departure counseling programs for overseas employment applicants. In the last year, recruiters have been prosecuted in the Philippines, even when the abuse happened overseas. South Korea uses a labor trafficking prevention model, in which the government itself recruits workers from 13 countries, requires training and awareness-raising, and locates migrant worker resource centers near workplaces. But even with these examples, national and bilateral approaches to labor migration management are at best a patchwork.

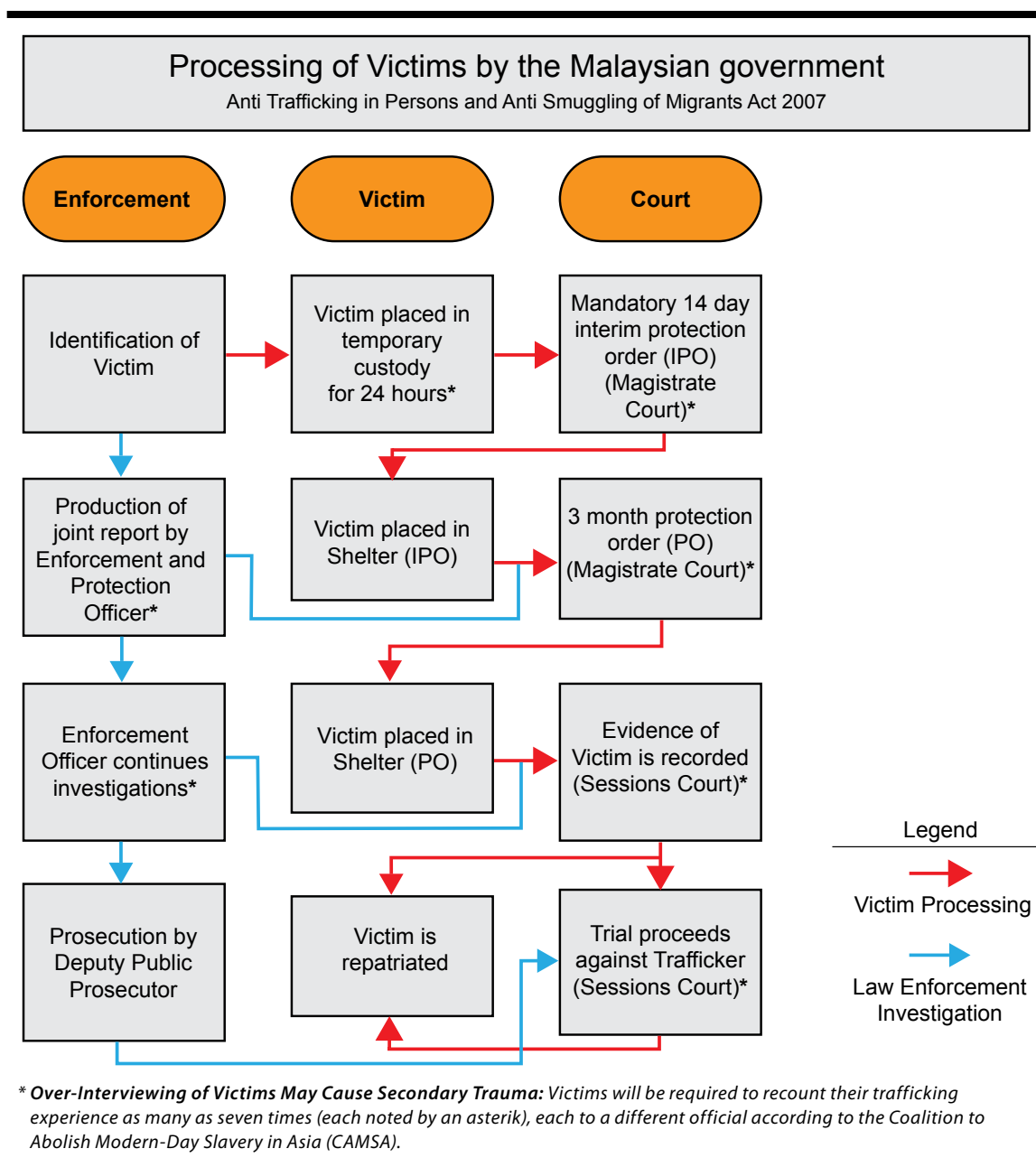
Continued identification of trafficking victims among migrant populations underlines the need for a strong international framework to manage labor migration. Migration governance must focus on facilitating humane and orderly migration policies for the benefit of all. This must be done at the national, regional, and international levels, as suggested by the ILO's Multilateral Framework on Labor Migration. Without an adequate framework, the exploitation and abuse of migrant workers will become increasingly dire as labor migration continues to grow.

FRANCE

Sabine was 23 when her parents gave her to another family as partial payment for a used car. The family who took Sabine used her as a domestic slave for three years, making her look after their seven children and hiring her out to other men for sex. They burned her with an iron and cigarettes and beat her with iron bars and sticks, took her identity papers and claimed her unemployment benefits for themselves, and chained her up in a squalid shed at night to prevent her from escaping. They threw scraps of food on the ground for her to eat, treating her worse than an animal. When Sabine fell ill, the family dumped her outside a Paris hospital. She had no teeth and weighed less than 84 lbs. Her nose and ears had been mutilated, and she needed corrective surgery. A French court sentenced Sabine's parents to 30 years in prison, the maximum sentence under French law. Ten other defendants received prison sentences of between two and 25 years.



Police attack a child garment worker while suppressing demonstrations in Dhaka, Bangladesh. Police fired tear gas and used water cannons to disperse at least 15,000 workers, who sewed clothes for some of the top names in Western retail.



Prosecution

The majority of the world's countries have ratified the Palermo Protocol, which requires the prohibition and punishment of human trafficking crimes. Most of these countries have enacted adequate legislation to criminalize trafficking in persons as defined by the Palermo Protocol. Although 62 countries have yet to achieve a trafficking conviction, the aggregate number of prosecutions and convictions has been steadily rising over the last three years – from 5,212 prosecutions and 2,983 convictions obtained globally in 2008, to 6,017 prosecutions and 3,619 convictions in 2010.

Sadly, the number of prosecutions is far outweighed by the number of arrests and

investigations. And successful prosecutions of sex trafficking offenses far outnumber successful forced labor prosecutions. Confronting labor trafficking can be more difficult, both politically and socially. Unlike sex trafficking, labor trafficking crimes are often committed by persons perceived as respected members of society or accomplished business leaders, who are less likely to be investigated than unsavory characters involved in organized crime or living unlawfully off the proceeds of the commercial sex trade. Despite this obstacle, an increasing number of countries have been able to identify, prosecute, and criminally punish forced labor cases. These successes are driven by commitments of political will, ongoing law enforcement training, and a fuller understanding of trafficking as a crime of modern slavery. These successes can



In Malaysia, male victims of labor trafficking are kept confined in handcuffs while awaiting resolution of the prosecution of their traffickers.

be intensified by publicity that opens the public's eyes to the full scope of this crime and outreach that assures vulnerable groups that they will be protected if they seek help.

"A key to stemming demand is that local and multinational companies, as well as end consumers, must take responsibility and investigate whether they are purchasing maid services, sexual services, or goods made by trafficked persons."

Stimson report, 2010

Interviewing Trafficking Victims: A Little Goes a Long Way

Building a successful prosecution against a trafficker will typically require some level of assistance and cooperation from the victim. By employing careful interviewing strategies, law enforcement officials are more likely to gain victims' trust, thereby increasing the odds of their participation in the criminal justice process.

TAJIKISTAN-RUSSIA

Farshad, 22, signed a contract with an employment agency in Dushanbe that promised him a well-paid construction job in Russia. The agency also promised to provide housing and three meals a day. The agency's lawyer traveled on the train with Farshad and about 50 other young men, who gave the lawyer money for train tickets, bribes for the customs officials, and migration cards. In four days of travel, the men were given only water. When they arrived in Russia, the lawyer abandoned the group, and the men learned that the agency had not organized any work for them there. Another agency that the men found offered help but then confiscated their passports and sold the men to a local factory director. When the factory director found out some of the workers were planning to escape, he returned their passports only after they agreed to sign statements absolving the firm of any forced labor. Farshad and the others were once again stuck in Russia without work or money to return home.

SLAVERY AND FOOD SECURITY: THE FISHING FLEET

About 3,000 miles east of Jakarta, the remote island of Tual has become a depository for hundreds of exploited Burmese fishermen who are no longer deemed useful or who have escaped the boats on which they were held in servitude. This is just the most dramatic manifestation of a subset of modern slavery that continues to plague the high seas – the men of the Pacific and Indian Ocean fisheries.

IOM indicates most crew members on Thai-owned long-haul fishing vessels are undocumented Burmese and Cambodians, many of whom are forced or deceived into working grueling hours for many months, even years, before being allowed off the boats. Filipino seafarers fall into debt bondage and are victims of confinement after being recruited in the Philippines to work aboard long-haul fishing boats that dock in Southeast Asian ports, including Singapore. The fishing boats are often flagged in Taiwan or other major fishing economies.

Slavery at sea, first highlighted in this report in 2007, remains prevalent and may have increased. Capitalizing on unclear jurisdictions and the difficulty of inspecting boats in deep water, some owners of Asian fishing fleets and seafood companies that depend on their catches are relying on forced labor to harvest ever-diminishing fish stocks. As Thai boats have overfished their country's own territorial waters and Thai seafarers have largely abandoned the Thai fishing industry in favor of better jobs on land, the Thai fishing fleets use undocumented foreign migrants and have headed out to Burmese, Indonesian, and Malaysian waters.

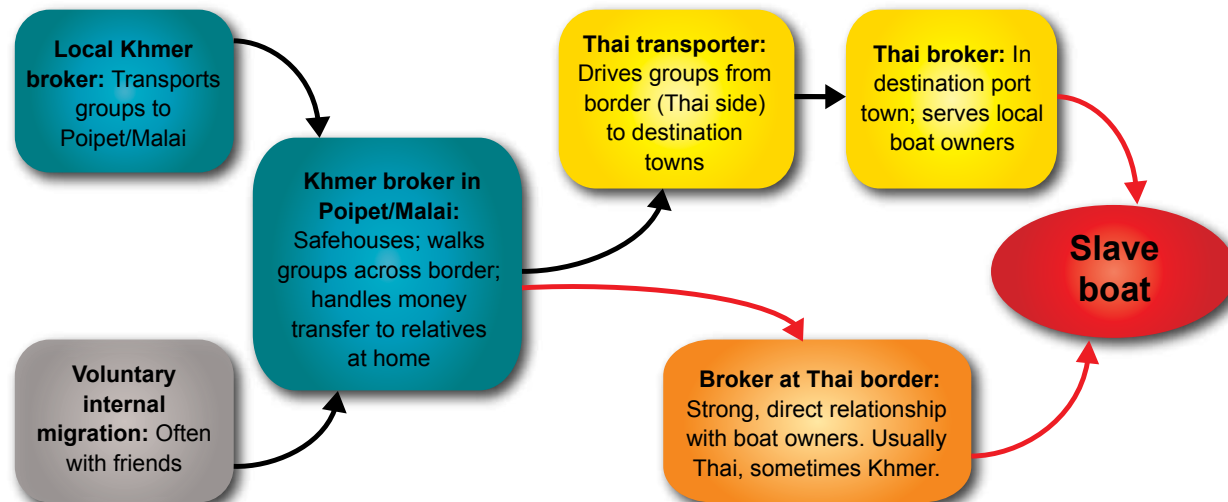
The UN Environmental Program warns that continued fishing at current levels, particularly in South and Southeast Asia, the Pacific Islands, and even in West Africa, is not sustainable and will threaten global food security. Furthermore, an IOM report released in early 2011 and research done by the United Nations' Inter-Agency Project on Human Trafficking (UNIAP) indicate that much of this unsustainable fishing is even more tainted – by modern slavery. UNIAP surveyed Burmese workers exploited on such boats and found that 59 percent have witnessed their Thai boat captains murdering one of their colleagues. IOM reports that most of the more than 700 Thai boats fishing in Indonesian waters are not registered with the Indonesian government and do not abide by a 2006 agreement between the Indonesian and Thai governments requiring that a percentage of fish caught in Indonesian waters be offloaded and processed in Indonesian ports. They also violate Indonesian law requiring that all fishing boat crew members carry adequate documentation.

Seeking to avoid catch restrictions, taxes on fish catches, and the possible escape or rescue of enslaved crew, the Thai fishing boats have taken to off-loading catches and on-loading fuel and supplies off the Indonesian coast without docking on dry land, allowing the boats to remain at sea for extended periods and eliminating the one chance the men might have to escape. Without a coordinated effort by governments in the region, the enslavement of foreign migrants in the East Asian waters will continue to contribute to an impending food security crisis.

*"I don't want to see the sun go down, I want it to stay forever"
says the text in this drawing by Cambodian trafficking victim
Prom Vannak Anan, who was sold to a Thai commercial fishing
fleet and endured three years of exploitation and abuse.*

Pathways to slavery. Broker/trafficker networks feeding exploitative long-haul fishing boats.

**Red arrows indicate clear linkages to exploitation. The yellow and orange pathways were about evenly represented in the sample. Enforcement responses should focus on the links to exploitation.*



United Nations Inter-Agency Project on Human Trafficking, 2009

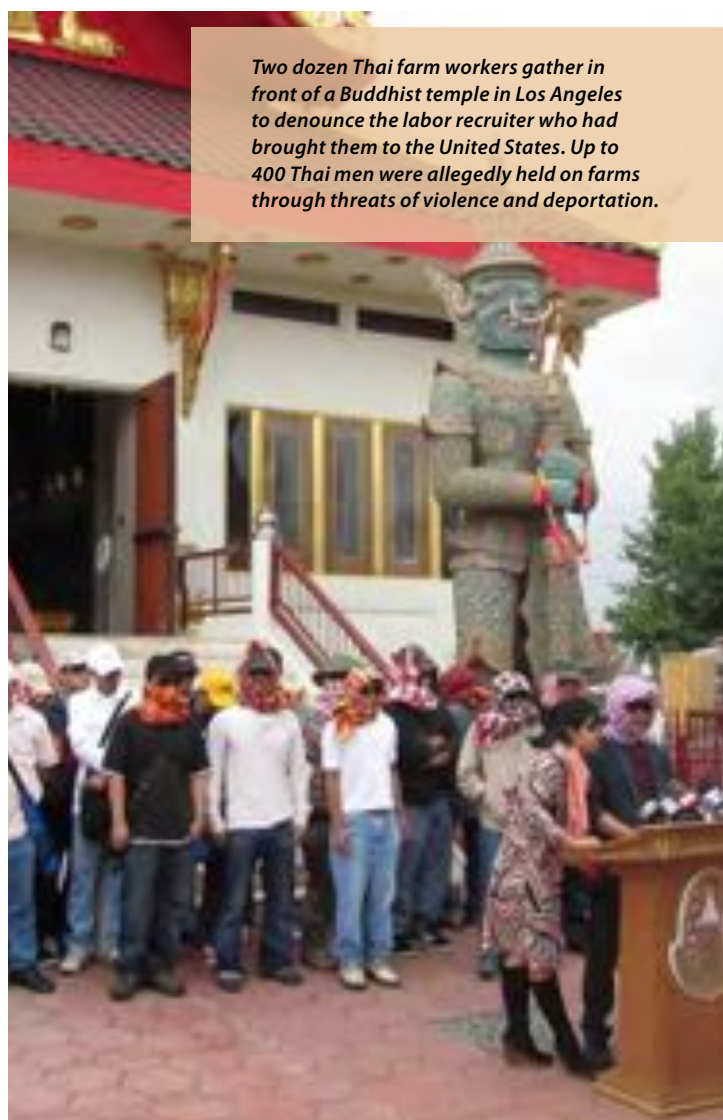
Many trafficked persons have suffered months or years of physical and psychological abuse, displacement from familiar surroundings, and negative interactions with law enforcement or other government officials. Law enforcement officials must consider the fear the victim may be experiencing, the victim's fragile emotional state, and the victim's physical needs, and they must adapt the interview accordingly.

While specialized police or prosecution units can focus on cultivating interviewing expertise, everyone can benefit from the following basic victim-centered interview techniques.

Allay fears. Traffickers often hold victims in servitude through fear of their arrest and deportation by police and immigration authorities. Once identified by law enforcement, victims' first thoughts are often not of rescue, but of the trauma of a raid and fear of arrest, deportation, and potential retaliation by the trafficker. They may have been provided with a cover story by their captors. Thus, their initial statements are often either incomplete or even falsely exculpate the trafficker.

To help avoid this situation, the following techniques have proven effective:

- Hold the interview in a non-threatening and comfortable location;



About 250 runaway housemaids who escaped abuse by their Kuwaiti sponsors lived in a makeshift shelter inside the Philippines embassy in Kuwait City, awaiting a chance to go home.

- Hold the interview outside the presence of others swept up in the operation that freed the victim (even other potential victims can have a negative effect, not to mention enforcers or accomplices who have blended in with the victim population);
- Never interview the victim within sight of the trafficker;
- Explain that the focus of the investigation is the trafficker, not the victim;
- Describe the victim's rights, the interview process, and the roles of everyone involved;
- Express prior knowledge and experience with similar cases;
- Cross-reference information from other interviews being conducted and incorporate facts into the questions, giving the victim the feeling that the interviewer has done a sophisticated investigation into the traffickers' operation and that the traffickers will not be released or able to retaliate;
- Make it known that a non-governmental service provider will arrange shelter, medical care, and food for the victim; and
- Ask if the victim has any questions or fears.

PHILIPPINES-USA

Maria came to the United States with some 50 other Filipino nationals who were promised housing, transportation, and lucrative jobs at country clubs and hotels under the H2B guest worker program. Like the others, Maria dutifully paid the substantial recruitment fees to come to the United States. But when she arrived, she found that there was no employment secured for her. She did not work for weeks, but the recruiters seized her passport and prohibited her from leaving their house. She and other workers slept side-by-side on the floors of the kitchen, garage, and dining room. They were fed primarily chicken feet and innards. When the workers complained, the recruiters threatened to call the police or immigration services to arrest and deport them. A federal grand jury indicted the two defendants for conspiracy to hold the workers in a condition of forced labor.

Demonstrate care and respect. Counteracting the victim's preconceptions or fear of law enforcement can put survivors at ease and encourage candor. Police and prosecutors can use the following simple techniques to emphasize that they are trying to assist rather than arrest:

- Wear street clothes without obvious signs of law enforcement status, such as weapons;

NEW MEDIA FOR A NEW FIGHT

As shown in the recent events in the Middle East and North Africa, the growing reach of new and social media platforms has empowered grassroots activists with an unprecedented means to disseminate information and foster popular movements. For a movement such as the fight against modern slavery, which draws much of its strength from grassroots efforts, new media may emerge as powerful tools for identifying victims and bringing their traffickers to justice. Just as modern slavery crosses borders through migrant populations and globalized supply chains, new media can provide international tools for raising awareness, sharing best practices, and demanding government action.

New media is already seeing good use on websites such as www.change.org, which launches petitions and shares news and information to draw attention to human trafficking issues. Whether through issue-specific media, or far-reaching platforms such as Facebook and Twitter, the growing capacity of new media allows concerned parties around the world to connect and share information with a speed and breadth of access unimaginable at the start of the modern anti-slavery movement just a decade ago.

But for the anti-trafficking movement to realize the full potential of new media, it cannot just be a tool for NGOs and civil society to disseminate information. New media must also be a resource for helping governments strengthen their anti-trafficking efforts. Many U.S. government programs focus on capacity-building for law enforcement and criminal justice systems. Harnessing new media presents an opportunity to enhance such efforts by using a global network to share training materials, intelligence, and success stories. Because of this global capacity, new media can serve to track modern slavery as it crosses borders, helping countries work together with shared information so that anti-trafficking efforts are not isolated as individual domestic concerns.

As the modern anti-slavery movement enters its second decade, and more knowledge emerges about supply chains, demand, and the international nature of trafficking, new media will play a critical role in bringing together those committed to this fight.

- Provide food and drink, and incidentals including tissues, regular breaks, and a place where the victim can gain their composure;
- Use a professional interpreter who signed a confidentiality agreement to ensure accurate communications and to ensure that the trafficker's associates are not involved and that the victim's community is not informed of the crime;
- Be knowledgeable about the victim's cultural background including social etiquette, religious observances, societal status, ethnic ties, clothing, and attitudes toward prostitution;
- Accommodate, when appropriate, the victim's preference for an interviewer and interpreter of a specific gender or culture.

Meet physical needs. If immediate basic needs such as medical care, food, and housing are not met, it may be difficult for a victim to engage fully in an interview process. To overcome this potential impediment, law enforcement could conduct a brief initial interview and then plan

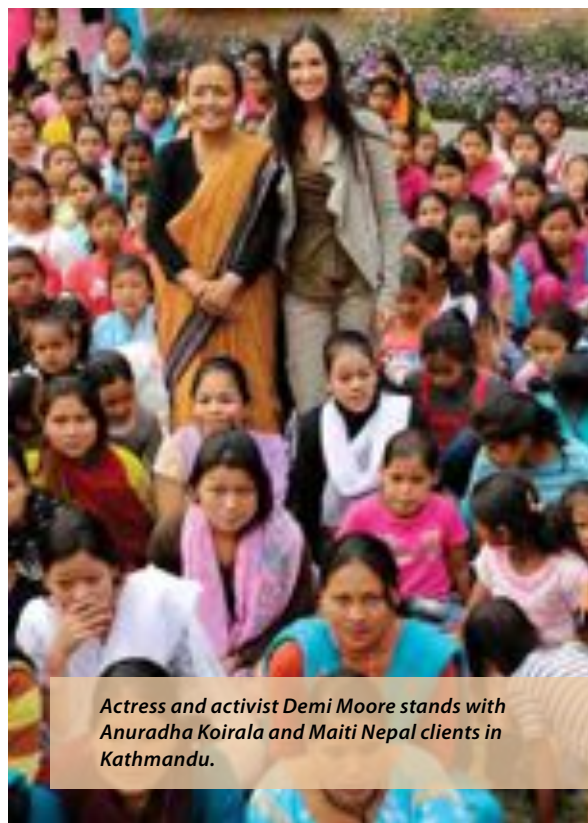


In November 2010, Dutch national police seized the websites of two escort businesses due to possible involvement in trafficking, and sent this text message to approximately 1,300 mobile phone users who had contacted the websites.

POTENTIAL ACHIEVEMENTS OF AN INTRAGOVERNMENTAL ANTI-TRAFFICKING BODY:

- » Integrate domestic and international strategies and activities to ensure each agency's efforts advance a shared vision and avoid internal contradictions.
- » Maximize impact of anti-trafficking efforts by reducing duplication.
- » Institutionalize a high profile and a high level of prioritization for anti-trafficking actions within the government.
- » Offer a forum for civil society and the public to provide feedback on governmental coordination, policies, and implementation.
- » Encourage dialogue between agencies and promote new ideas.
- » Provide a forum to advance implementation of relevant laws and assess effectiveness of implemented policies.

Secretary of State Hillary Clinton leads a February 2011 meeting of the President's Interagency Task Force on human trafficking, the interministerial coordinating body for the United States.



Actress and activist Demi Moore stands with Anuradha Koirala and Maiti Nepal clients in Kathmandu.

"It was hard to trust at first because I was thinking maybe I said too much. You have to keep information secret because you never know where it goes."

Russian woman trafficked to the United States, on the impulse to withhold information from law enforcement after developing distrust of club owners and others in her pimps' network

for a more extensive interview after the victim has been assisted by a non-governmental service provider. When mounting a rescue for which there has been advance notice, United States Immigration and Customs Enforcement agents now use a pre-packed care kit that contains a casual shirt and pants, underwear, socks, and basic toiletries, and they will often provide victims with temporary housing so they can sleep and eat before being interviewed. Relationships between law enforcement agencies and service providers are extremely beneficial; the latter can be available during a pre-planned trafficking raid, and the former can have reliable referrals at a moment's notice.

At best, NGOs could participate in raid planning so that they are prepared to engage quickly and bring their insight into the victims' particular culture or ethnic community.



A Sri Lankan house maid gives a statement to police at a hospital in Sri Lanka, having returned after five months in Saudi Arabia. When she complained of a too heavy workload, her employers tortured her by hammering 24 nails into her hands, legs, and forehead.



Obstacles to Effective Prosecutions: Notions of Consent and Denouncement

Article 3(b) of the Palermo Protocol establishes that the consent of trafficking victims to their exploitation shall be irrelevant where any of the means set forth in the protocol have been used. These means include threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, and the giving or receiving of payments or benefits to achieve the consent of a person having control over another person. In a nutshell, victims' initial agreement to immigrate illegally or to do a certain type of activity – such as farm labor or prostitution – does not excuse their subsequent enslavement in that activity. This legal norm is in keeping with the notion that core human rights cannot be waived.

In many countries, however, due to an incomplete understanding of Palermo provisions or of human trafficking as modern slavery, victims are blamed for being trafficked, and prosecutions fall apart. This directly undercuts the modern recognition that force, fraud, and coercion overbear the victims' will. The notion that people exercised agency in their initial agreement to work or travel does not show that they did not later withdraw their consent to

SAUDI ARABIA

For Mylee, a young single mother from the Philippines, employment as a maid for a family in Saudi Arabia was a possible route out of poverty. Her employer was an officer in the Saudi Royal Navy. While his wife was away, he raped Mylee. She was subsequently raped repeatedly but was too scared to run away.

Mylee was given just one piece of bread to eat at meal time. When she fell and cut herself while cleaning, blood gushed from her wound, but her employer refused to take her to the hospital. He told her, "You might as well die." Mylee wrapped the wound with her own clothes.

After several months, Mylee managed to contact Philippine labor authorities in Saudi Arabia, and they arrived at her residence with local police. While they gathered outside, Mylee's employer raped her for the fifth time. The police finally rescued her after hearing her screams from outside the house, and they arrested her employer. The criminal investigation is ongoing.



According to UNHCR, children among the 240,000 internally displaced Afghans face a wide range of protection concerns, including child labor, early or forced marriages, and human trafficking. Sex trafficking of both girls and boys is all too common.



appalling working conditions, little or no pay, and intimidation or violence. Likewise, sex trafficking victims' previous engagement in prostitution does not mean that they consented to activities like forced drug use, unprotected sex, forced abortions, or sex against their will for the profit of a pimp. In the case of children, moreover, no improper means need to be established for the trafficking act to constitute a criminal offense, as children cannot consent in these circumstances.

A similar impediment to trafficking prosecutions is that some governments, including many in Latin America, require a formal complaint, or denunciation, to be filed by a private citizen for a trafficking prosecution to be initiated. In countries with high levels of organized crime or violence, an NGO or private citizens who are not trafficking victims often refrain from linking their names with such public complaints for fear of compromising their own safety. Victims themselves will typically refrain from filing an official complaint because they fear retaliation, distrust that the system will work for them as opposed to the trafficker, or desire anonymity. This may be the most rational choice where victim protections are nonexistent, inadequate, or insufficient in protecting the victims' families.

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	5606 (432)	4,166 (335)	49,105	33
2010	6,017 (607)	3,619 (237)	33,113	17

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

But if the system is waiting for a denunciation, and nobody comes forward, then there will be no prosecutions, and traffickers will operate with impunity.

A solution to this problem is a legal system allowing authorities to initiate investigations and prosecutions of human trafficking offenses without a complaint filed by the victim or a private individual. This can take the form of a proactive investigation into organized crime networks or a system that allows the state, rather than the victim, to file the complaint, an innovative legal reform recently announced by the Government of Argentina for forced labor cases.

INDIA-USA

Ravi was among hundreds of workers lured to the United States from India by an oil rig construction company operating in the Gulf Coast. Lacking skilled welders and pipefitters to help rebuild after Hurricane Katrina struck the area in 2005, the company brought Ravi and others from India on H-2B visas, promising them permanent visas and residency. But, the promises were false. Instead, Ravi was forced to live with 23 other men in a small room with no privacy and two toilets. The camp was lined with barbed wire and security guards, so no one on the outside knew Ravi's whereabouts. The company charged so much for food and a bunk bed that Ravi was unable to send any money home or repay the money he borrowed for his travel expenses to the United States. When the workers began organizing to protest their working conditions, the company began arbitrary firings and private deportations of the protest leaders. Those who remained filed a class action lawsuit and applied for TVPA immigration services.



A 6-year-old boy polishes shoes at a makeshift shop in Gauhati, India. Rights activists say the number of child workers in India is as high as 60 million, with one estimate saying that 20 percent of India's economy is dependent on children under 14. Many of them work in labor-intensive jobs such as carpet-weaving or more dangerous industries like glass making.



Protection

Victim protection must be a critical component of any government's anti-trafficking efforts. It serves to meet the immediate needs of victims and to cultivate their long-term potential as they reintegrate. It also strengthens the ability of justice systems to identify and prosecute traffickers. Truly comprehensive victim protection involves much more than signing onto the Palermo Protocol and having a set of protections that exist only in the law books. It must extend to proactive victim identification, funding for comprehensive services that reflect lessons learned from survivors, immigration and sheltering programs that empower survivors by giving them choices, and legal guarantees that protect all classes of workers.

BRAZIL

Samantha was born in Feira de Santana and grew up in poverty and with little education. At 15, she ran away from home to live on the streets after being sexually and physically abused by her father. A woman she met offered Samantha a job as a maid in another city in the state. Samantha accepted, excited by the opportunity to both earn money and move further away from home. But the destination house turned out to be a brothel, and Samantha was forced into prostitution and drug abuse. She was stripped of freedom and overcome by fear and sadness. After cycling through various assistance programs, government agencies, and shelters, Samantha went back to Feira de Santana, where she lives with a partner and his brother and sister. Her partner beats her and she still occasionally has sex with men for money.

"The most important things for us today that even money cannot compensate are the freedom, righteousness, and family. Even though I was exposed to the worst in America, but at the same time I could also see the best that this country has to offer.

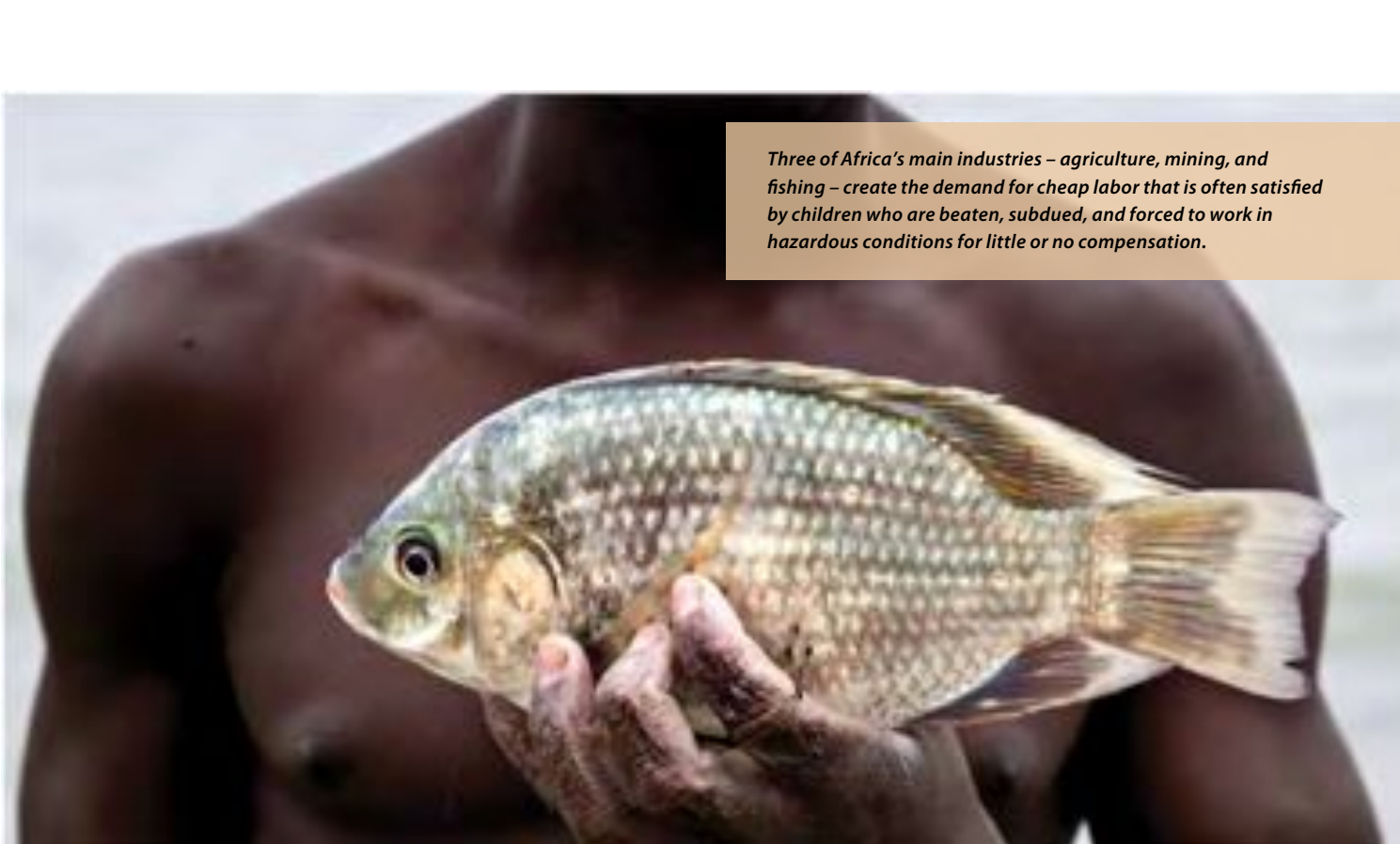
Trafficking victim, in testimony to the U.S. Equal Employment Opportunity Commission

Proactive Victim Identification

Many governments provide training to law enforcement on victim identification and then expect that law enforcement will encounter trafficking victims in the course of their regular duties as though by chance. The reality is far different. Victims typically cannot describe what they've been through in simple language, much less the technical terms of the Palermo Protocol or their national legislation; they rarely self-identify. Trafficking by its very nature continues to be one of the world's most hidden crimes, and it may also be one of the most misinterpreted crimes, with officers incorrectly classifying trafficking cases as assault, alien harboring, and prostitution, or not even recognizing that a crime has been committed.

Governments must provide incentives to police and other law enforcement to look purposefully for human trafficking and proactively investigate trafficking indicators. Some successful strategies have included proactive investigations in prostitution markets, targeting of workplaces where labor offenses have been persistent, and regular inspection of businesses that get many of their workers on guestworker visas. But law enforcement cannot be the only responders. Health care professionals, teachers, labor inspectors, immigration authorities, and child welfare advocates all have the potential to identify trafficking victims and intercede on their behalf. For them, being proactive means being aware that modern slavery can happen to anyone and seeing beyond cultural stereotypes and xenophobia. Governments must provide and, even better, should mandate training for all those entities that may come into contact with victims from the broadest potential victim populations.

One of the most likely populations to include trafficking victims is irregular migrants. Many such migrants come into contact with law enforcement, whether they are apprehended



Three of Africa's main industries – agriculture, mining, and fishing – create the demand for cheap labor that is often satisfied by children who are beaten, subdued, and forced to work in hazardous conditions for little or no compensation.

during an illegal entry or are arrested in interior enforcement operations and processed for deportation. Victim identification in this vulnerable population is lacking. Sentinel surveillance conducted by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) at the Thailand-Cambodia border suggests that one of every three workers deported from Thailand is a trafficking victim, having been subjected to conditions during their time in-country that satisfy the Palermo Protocol definition. The statistic is startling but reflects anecdotal evidence from around the world, including in the United States: victims are being arrested and deported, both knowingly or unknowingly. But if trafficking stories are exposed only after potential victims are administratively processed, deported to their country of origin, and barred from re-entry, it is too late for an investigation, too late for rehabilitation, and too late for prevention. The “3Ds” of denial, detention, and deportation are the antithesis of the modern “3P” approach.

Comprehensive Services

Depending on the needs of individual victims, services required for recovery may include any or all of the following: medical care; emergency and transitional housing with long-term housing assistance; mental health counseling; job training and placement; family location and reunification; translation and interpretation; advocacy in

the criminal justice system; spiritual support; criminal, civil and immigration legal assistance; safety planning; and repatriation. While this list is long and daunting, dedicated NGOs worldwide have been refining their approaches, techniques, and services. They are both prepared and well-qualified to deliver this range of assistance. But what they often lack is financial support from host governments to be fully operational or to offer the full range of services that survivors need.



Sister Eugenia Bonetti, who was featured as an anti-trafficking hero in the 2004 TIP Report, addresses a rally in Rome, Italy to protest high-profile allegations of child prostitution.

"They have to normalize exploitation. Without...language, education, and skills, they can only find low-wage exploitative work. And this is their number one goal – to work. Many will choose to go back to a situation of exploitation. What can we do?"

California social worker, describing the plight of clients who have been exploited their whole lives

NGOs also are sometimes hampered in the types of assistance they can offer because their ability to serve their clients may be tied to programs that are conditioned on the victim cooperating with law enforcement. Even governments with "reflection periods" that seek to allow victims time to stabilize before they have to make the decision to cooperate have made a policy choice that a decision-point will eventually come. But when victims are simply put on hold without the right to work or to leave a shelter while the days tick by, the reflection period becomes indistinguishable from incarceration, proving what the trafficker may have told them would happen if they were discovered by the authorities.

Optimally, services would be available for victims who are willing to cooperate, even if their cooperation is not needed or their case does not go forward, and special provisions would be put in place for children and people who are unable to participate in proceedings because of trauma or injury. A survivor's critical decision to tell the truth and see his or her abuser brought to justice must be made from a position of stability.

Laws to Protect Domestic and Agricultural Workers

Domestic workers and agricultural workers are uniquely vulnerable to exploitation and trafficking. Domestic workers are isolated and invisible within the communities in which they are held behind closed doors. They are invisible within legal structures, typically not covered by labor protections and inspection regimes. Too often, domestic work is not regarded as work at all.

While multiple efforts are underway to bring domestic workers under the umbrella of international protections, including through the ILO, agricultural workers continue to find themselves beyond the reach of labor laws.



A sign at the entrance of a tea factory in Rwanda explicitly prohibits child and forced labor.



Ugandan youth use music, dance, and drama to tell their life stories, some of which are characterized by exploitation and gross abuse. The performances, supported by the Uganda Youth Development Link, blend messages on child trafficking, children's rights, sexual abuse and exploitation, drug and substance abuse, life skills, and HIV prevention.

Partnership

The Need for Interagency Coordination

While many see the concept of partnership as being between governments and outside actors such as business, academia, NGOs, or others, perhaps the most effective partnerships in fighting trafficking are those within governments. The interlocking “3P” paradigm drives the imperative for a highly coordinated counter-trafficking response and collaboration among and within governments, local communities, and international bodies. Such responses must begin in each country, with national coordination directed and overseen by heads of state, cabinet members, and ministerial leaders.

Men, women, and children are enslaved in every country in fields, factories, brothels, and homes. Many who suffer under slavery-like conditions may not even consider themselves victims. Given the diversity of victims’ experiences, a variety of government actors may come into contact with trafficking victims, from firefighters or police to labor inspectors, healthcare workers, educators, and immigration officials. Once identified, victims may need assistance from several different agencies to ensure that their needs — shelter, protection, health care, legal assistance,

and immigration status — are met. Successful prosecutions will require that victims’ needs are met by the responsible agencies and that relevant law enforcement actors coordinate with each other. In short, an effective response is one that is well-coordinated among many different parts of government.

Interagency coordination picks up where the enactment of legislation leaves off. A new anti-trafficking law must be both implemented and improved and modified in subsequent years to address newfound enforcement or protection gaps as well as emerging best practices. Interagency coordination within a central government can help ensure that implementation is effective and efficient. A coordinating body operating at the cabinet or ministerial level is in a position to organize a whole-of-government effort to achieve results in combating trafficking on all fronts, such as coordination in training of government personnel, consistent public messaging, and protection of victims that ensures they are not inappropriately penalized. Ministries or agencies with relevant responsibilities include not only criminal law enforcement agencies, but also those mandated to oversee civil enforcement, labor policy, victim outreach and services, public awareness, education and child safety, trade policy, women’s issues, international

In July 2010, the Government of India launched a project to issue unique identification numbers to citizens – a measure which may prevent human trafficking. This Indian woman was among the first people to receive a number.



development and foreign assistance, immigration policy, intelligence, and foreign policy.

Multilevel coordination between the central government and sub-national or local-level governments also is critical. Forms of viable coordination may depend on the size of a particular state, the extent of decentralization, and the resources that are available. States should consider mapping organizational charts of all government agencies that may come into contact with victims or perpetrators during the course of their regular duties. Data on human trafficking should be gathered nationwide and across different levels of government, and training should be made available vertically to ensure that state and local authorities are familiar with national programs that can benefit victims.

The Value of Partnering with NGOs

NGOs offer care to trafficking victims, referrals for law enforcement, and feedback on government policies. Despite their tremendous value as a partner in combating human trafficking, and despite the tendency of many governments to outsource victim care responsibilities to NGOs, governments often fail to support NGOs financially, do not trust them to

participate in legal processes, and exclude them from anti-trafficking efforts.

Financial support of NGOs is necessary because governments are often not in the best position to offer the range of services that victims require. NGOs can be ideal partners for addressing gaps in protection, which may include victim shelters, legal aid related to immigration status, and counseling services. NGOs, however, should not be expected to carry the financial burden of a government's protection response. Financial support for NGOs can demonstrate a government's commitment to protection by increasing the availability of services offered. This support, in turn, enables victims to participate in investigations and prosecutions that enhance law enforcement efforts.

Unfortunately, governments are often wary of NGO partnerships. Distrust of NGOs might stem from a misunderstanding or ignorance of the work of NGOs, a prior unfavorable incident, or simply the absence of previous cooperation. It may reflect a generalized suspicion that civil society groups focused on caring for vulnerable populations may evolve into advocates for voting rights or democratic reforms, or it may stem from a desire to de-fund groups affiliated with previous leaders, the political opposition, or disfavored ethnic or religious populations.

Increased communication and concerted efforts to build relationships around concrete cases can help to overcome such barriers. The lasting partnerships that result serve both the interest of the state in pursuing criminal cases and keeping the peace, and the interest of the victims in obtaining justice, and regaining respect and a means of support. Once governments recognize the true value of NGOs, it is often easier to forge new relationships.

NGOs contribute to counter-trafficking efforts in the following primary ways:

Services. Trafficking victims require assistance provided by a range of professionals including medical and mental health physicians, social workers, lawyers, and interpreters. A comprehensive response will include assessing and providing for any needs including physical and mental health care, food, shelter, clothing, safety planning, immigration assistance, criminal defense, repatriation, family reunification, job skills training, employment placement, victim advocacy, translation, and interpretation.

Referrals. NGOs are often trusted community-based organizations that are known by at-risk populations to be safe places. Victims often come to NGOs before law enforcement. For that reason, NGOs can be good sources of case referrals for human trafficking investigations. If NGOs have seen trafficking victims deported, detained, interrogated, or otherwise treated inappropriately, however, they will not counsel victims to report to law

enforcement. Indeed, they may instead become a sort of modern Underground Railroad, helping their clients in the shadows rather than bringing them forward to face a hostile governmental reaction. Ideally, NGOs and law enforcement will foster mutually trusting relationships in which referrals are made both ways.

Feedback. Over the last decade, governments have created legal frameworks and structures to combat trafficking. In many cases, NGOs at the grassroots level are the ones working with the structures and policies created by governments, so they know the advantages of them as well as the challenges to them. They are, therefore, an excellent source of information to improve government response. Their feedback on proposals can be valuable to successful implementation and continued NGO support. NGO advocacy sometimes can reveal uncomfortable truths, but it also can pressure legislative bodies and executives to respond to modern slavery by empowering and elevating government agencies.

Information. NGOs are often in the best position to identify trends that are helpful to evaluate and respond to the changing nature of human trafficking. For example, if there is a sudden influx of children from a particular country, or if the majority of cases are men in construction, or if there is a great need for legal services that is unmet, NGOs can contribute this valuable information to law enforcement and policy responses.



The Siem Reap Center provides rehabilitation, vocational training, and social reintegration for Cambodian sex trafficking victims, some as young as 6. It is one of many shelters around the world supported by the U.S. Department of State.

2011 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.



LEONEL DUBON

Guatemala

Leonel Dubon has shown unflinching dedication to providing high-quality services to victims of human trafficking, while simultaneously

encouraging NGO-government partnerships and policy initiatives. In 2009, Mr. Dubon was the driving force behind the creation of the NGO *Children's Refuge House (El Refugio de la Ninez)* to provide a safe residential setting for 26 underage female victims of sex trafficking. In 2010, the organization, now a model for Guatemala and the region, provided shelter and services to 51 girls. And when the building's roof collapsed following a volcanic eruption in May and Tropical Storm Agatha, Mr. Dubon called on his friends in the NGO community to relocate the girls temporarily while he found money to repair the shelter. In January 2011, Mr. Dubon opened a second shelter for adolescents and young adults up to age 24. Not content to leave older victims without resources, he joined with other NGO leaders to engage with the Guatemalan government on the lack of services for adults. In March 2011, the president inaugurated a government shelter dedicated to serving adult victims of trafficking.

Mr. Dubon's work extends to rural areas around Guatemala, where his organization identifies victims, provides them with mental health and legal counseling, and conducts outreach and education programs to prevent trafficking among vulnerable populations. In 2011, Mr. Dubon is working with the government's Department of Social Welfare to train 30 foster families on how to provide a safe, loving environment to child trafficking victims who cannot access the shelters. Mr. Dubon also has partnered with international organizations, presented at numerous conferences, and been an active member of Guatemala's anti-trafficking NGO network.



ESME KISTING

Namibia

Esme Kisting, executive director of Namibian NGO *The King's Daughters Organization*, works with passion and courage to confront a social

taboo and give women exploited in commercial sex another chance at life. Founded in 2006 by Kisting with assistance from the Council of Churches of Namibia, *The King's Daughters Organization* is devoted to lifting women exploited in commercial sex out of poverty and helping them leave the streets. During the rehabilitation process, Ms. Kisting helps the women, many of whom have suffered abuse and exploitation, understand that they are victims of trafficking. The organization offers the women – now more than 60 – groceries, bible study sessions, skills training, substance abuse programs, and counseling in an effort to meet their material, spiritual, and psychological needs. More than 80 percent of the women are HIV-positive, and most of them have young children.

Beyond assisting in their care, Ms. Kisting strives to teach the greater Namibian community from the experiences of these women. She leads the women in organizing public awareness campaigns around Namibia aimed at educating other exploited women, church and community leaders, and immigration officials about the lives of women in prostitution. Ms. Kisting encourages the women to tell their stories in hopes of sensitizing those who are in positions to protect others like them. The group's activities have inspired some church leaders to support the formation of similar organizations in their own communities. *The King's Daughters Organization* lacks a steady source of funding, relying mainly on contributions from the Pentecostal Protestant Church, the *King's Daughters Board* and volunteers. Ms. Kisting has personally invested much of her own money to support the group.



DARLENE PAJARITO

Philippines

Darlene Pajarito is an assistant city prosecutor in Zamboanga City and is known as one of the strongest anti-trafficking advocates in the Philippines. After joining the Department of Justice in 2004, Ms. Pajarito secured the Philippines' first sex trafficking conviction in 2005 and the first labor trafficking conviction in 2011. With convictions against five traffickers in Zamboanga, she has secured more convictions than have been handed down in any other Philippine city. At any one time, Ms. Pajarito is prosecuting numerous trafficking cases. Ms. Pajarito has accomplished all this while juggling an average caseload of more than 300 other criminal cases in a country where criminal trials last an average of six years in the overburdened and backlogged judiciary.

Ms. Pajarito also encourages, supports, and trains law enforcement, social workers, specialized agents, and government entities on human trafficking issues, the Philippines' anti-trafficking law, and methods to prosecute traffickers effectively. Her advocacy rejuvenated the Regional Interagency Committee Against Trafficking and led to the formation of Sea-Based and Air-Based Anti-Trafficking Task Forces. In 2010, the justice secretary also selected her to lead the Region IX Anti-Trafficking Task Force. Her successful record has shown other prosecutors the value of police-prosecutors cooperation in the development of strong cases against traffickers.



DILCYA GARCIA

Mexico

Dilcy Garcia is a pioneer in the Mexican justice system for her successful prosecution of human trafficking cases, her compassionate stance toward victims, and her tireless work to end both sex trafficking and labor trafficking. In 2009, Ms. Garcia, a deputy prosecutor in the Mexico City Attorney General's Office, prosecuted a landmark case that resulted in the first trafficking sentence in Mexico. In 2009 and 2010, she worked

with other authorities to raid the best-known trafficking district in Mexico's capital repeatedly.

Under her leadership, the Office for Assistance for Victims, Human Trafficking, and Domestic Violence also worked with civil society to provide more than 250 rescued sex and labor trafficking victims with comprehensive services, including shelter, and psychological and medical treatment. Ms. Garcia then developed indictments against more than 100 alleged traffickers, which her unit continues to prosecute. She also oversaw a sentence for 17 years, the longest trafficking sentence to-date in Mexico. In response to her lobbying, the Mexico City Legislative Assembly allotted funding in March 2011 for a human trafficking and domestic violence shelter in Mexico City.

Ms. Garcia has demonstrated that human trafficking legislation in Latin America can be used effectively to prosecute trafficking in court and inspired many in the government and civil society to take bolder steps against human traffickers.



SHEILA ROSEAU

Antigua and Barbuda

Sheila Roseau is a longtime advocate for women's rights and the executive director of Antigua and Barbuda's Gender Affairs

Directorate. In 2010, Ms. Roseau was a driving force behind the passage of the country's first law that provides criminal penalties for human traffickers and extensive protections for victims. After steering the drafting of the legislation and lobbying for its passage, Ms. Roseau now champions its ongoing implementation. Ms. Roseau and her dedicated team have established a cross-departmental coalition to coordinate anti-trafficking efforts within the government, rolled out an information campaign tailored to the local context, and set up a public-private partnership for sheltering victims that specifically addresses the challenges of small-island privacy issues. Prior to 2010, she assisted trafficking victims, including one foreign child, who is now an adult integrated into Antiguan society thanks to Ms. Roseau's help. This is one of the only reported long-term assistance programs granted to a foreign trafficking victim by a government in the region.

The strength of Ms. Roseau's personality and the depth of her convictions have helped her projects succeed despite working in a challenging environment with serious limitations in resources. Yet she remains dedicated, energetic and enthusiastic. Because of her continued leadership, trafficking victims in Antigua and Barbuda now have legal protections.



EVA BIAUDET

Finland

In establishing the Finnish National Rapporteur, the Government of Finland had the courage to examine its trafficking problem in its unvarnished form. But the success of this independent institution depended on the strength of the Rapporteur herself. Eva Biaudet, an international leader on women's rights and anti-trafficking efforts, has answered the challenge. The research and advocacy conducted by her and her team has motivated the country to take trafficking seriously and to work collaboratively to address systematic weaknesses in the government's response. Her report examines trafficking from diverse perspectives, identifying vulnerabilities in all areas of the government's anti-trafficking program and recommending policy changes. Her critique's frank and in-depth review of the current state of human trafficking in Finland served as a wake-up call to prompt legislative dialogue on initiatives to combat the crime, including discourse among lawmakers regarding the need for a dedicated anti-trafficking law enforcement unit. Her proposals led to a recommendation by the Parliamentary Steering Group to revise the country's penal code calling for enhanced victim identification efforts and this revision is expected to occur following the April 2011 elections.

Under Ms. Biaudet's guidance, the rapporteur's office has not only been a prolific reviewer of Finland's trafficking situations, but has led efforts to train authorities on victim assistance. It has collaborated with the media to ensure that human trafficking remains a matter of public concern. Ms. Biaudet's brave leadership of this independent institution sets the tone and raises the standard for countries' self-monitoring of trafficking efforts.

Ms. Biaudet was the OSCE's special representative for combating human trafficking in Vienna from 2006 to 2009. She is also active in a number of anti-trafficking and women's rights NGOs.



CHARIMAYA TAMANG

Nepal

Born into a poor family made poorer by the passing of her father, Charimaya Tamang was 16 when she was trafficked to India.

She spent 22 months enslaved in a brothel before the Indian government rescued her and more than 200 other Nepali women in 1996. Upon her return to Nepal, Ms. Tamang faced social stigma and was outcast from her own community. But she courageously filed a case against her traffickers, becoming the first person to file personally a trafficking case with the district police. In 1997, the District Court – in a landmark decision – convicted and sentenced eight offenders involved in her case.

In 2000, Ms. Tamang and 15 other survivors established Shakti Sumaha, an anti-trafficking NGO. She received a national honor for her work in 2007 and is currently one of two trafficking survivors serving as members of the government-led National Committee to Combat Human Trafficking, which was founded in 2009. In that role, Ms. Tamang raised the importance of including survivors in each district-level working group. There are now five trafficking survivors serving as members of district-level committees around the country.



SWATI CHAUHAN

India

Magistrate Swati Chauhan was appointed in 2008 to preside over Mumbai's newly created special court for administering the

Immoral Trafficking Prevention Act (ITPA). In that time, she has cleared hundreds of backlogged trafficking cases, issued rehabilitation orders for more than 1,200 rescued girls and women,

and ensured that sex trafficking victims were not punished under anti-prostitution provisions of the ITPA Indian law. Under her leadership, the court has secured 81 convictions against traffickers and brothel owners in 2009 and 164 convictions in 2010 – a high percentage of all the cases in a country of more than 1.2 billion people. In 2009, as an instructor at the National Institute of Rural Developments in Hyderabad, Ms. Chauhan trained more than 150 senior police officials and district-level officers from across India on effective implementation of the ITPA. Her work, which has been recognized internationally, has raised awareness of the importance of prosecuting traffickers and the utility of dedicated anti-trafficking courts. The Government of India nominated her to represent the country at the Asia-Pacific Conference on Rule of Law in Kuala Lumpur in January 2011.



AMELA EFENDIC

Bosnia and Herzegovina

Amela Efendic has been a tireless and compassionate caregiver for trafficking victims and an advocate for victim-protection issues

for more than 10 years. As head of office for the *International Forum of Solidarity-Emmaus* (IFS), Ms. Efendic manages one of Bosnia's largest and most active shelters for trafficking victims and coordinates IFS' trafficking awareness campaigns. Having developed close working relationships and trust with the State Coordinator's Office and Bosnia's law enforcement agencies, Ms. Efendic provides critical advice to the government in forming the country's trafficking monitoring teams and in crafting effective and humane procedures for treatment of trafficking victims. Despite numerous threats from trafficking offenders against herself and IFS staff, Ms. Efendic continues to work at an operational level with police, prosecutors and other responsible officials to ensure the protection of victims' rights.

Prior to her work with IFS, Ms. Efendic was an acting project manager at IOM for many years. She managed the implementation of more than \$6 million in IOM anti-trafficking projects and was directly involved in developing two consecutive national action plans for Bosnia and procedures for foreign victims of trafficking.

At both IOM and IFS, Ms. Efendic has gone above and beyond her duties to be personally involved in rescuing and reintegrating trafficking victims. In 2011, because of her dedication and wealth of experience and knowledge in victim protection, Bosnia's Anti-TIP Strike Force coordinator asked Ms. Efendic to join the Strike Force – a request never before posed to an NGO activist.



BRIDGET LEW TAN

Singapore

For more than a decade, Bridget Lew Tan has been at the forefront of efforts to protect migrant laborers in Singapore, home to more than

800,000 migrants. Working in human resource management, Ms. Tan became familiar with local employment laws and the rights of workers. She was outraged to see that there were migrant workers who were suffering injustices at the hands of employers and employment agents. While volunteering with the Archdiocesan Commission for the Pastoral Care of Migrants and Itinerant People in 2002, Ms. Tan met a group of 30 Bangladeshi men assembled behind a coffee shop at midnight. After seeing their helplessness and fear, she set up two shelters to provide refuge for migrant workers – one for men and one for women.

In 2004, Ms. Tan founded the *Humanitarian Organisation for Migration Economics* (HOME) to respond to the specific needs of migrant workers. Since its inception, HOME has provided food, shelter, advocacy assistance and legal counsel to more than 50,000 migrants, many of whom are female domestic workers. HOME continues to operate and expand its assistance to migrant workers and trafficking victims despite limited funding. Ms. Tan works to increase public awareness of the hardships facing migrant workers and trafficking victims through the media. Despite threats and intimidation from employers and agents, Ms. Tan continues to lead HOME in challenging illegal employment practices and raising awareness on the plight of foreign workers in Singapore.



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	GHANA	2	OMAN	2
ALBANIA	2	GREECE	2	PAKISTAN	2
ALGERIA	3	GUATEMALA	2	PALAU	2
ANGOLA	2WL	GUINEA	2WL	PANAMA	2WL
ANTIGUA & BARBUDA	2	GUINEA-BISSAU	3	PAPUA NEW GUINEA	3
ARGENTINA	2	GUYANA	2	PARAGUAY	2
ARMENIA	2	HONDURAS	2	PERU	2
ARUBA	2	HONG KONG	2	PHILIPPINES	2
AUSTRALIA	1	HUNGARY	2	POLAND	1
AUSTRIA	1	ICELAND	2	PORTUGAL	1
AZERBAIJAN	2WL	INDIA	2	QATAR	2WL
THE BAHAMAS	2WL	INDONESIA	2	ROMANIA	2
BAHRAIN	2	IRAN	3	RUSSIA	2WL
BANGLADESH	2WL	IRAQ	2WL	RWANDA	2
BARBADOS	2WL	IRELAND	1	ST. LUCIA	2
BELARUS	2WL	ISRAEL	2	ST. VINCENT & THE GREN.	2WL
BELGIUM	1	ITALY	1	SAUDI ARABIA	3
BELIZE	2	JAMAICA	2	SENEGAL	2
BENIN	2	JAPAN	2	SERBIA	2
BOLIVIA	2	JORDAN	2	SEYCHELLES	2
BOSNIA & HERZEGOVINA	1	KAZAKHSTAN	2	SIERRA LEONE	2
BOTSWANA	2	KENYA	2	SINGAPORE	2
BRAZIL	2	KIRIBATI	2WL	SLOVAK REPUBLIC	1
BRUNEI	2WL	KOREA, NORTH	3	SLOVENIA	1
BULGARIA	2	KOREA, SOUTH	1	SOLOMON ISLANDS	2WL
BURKINA FASO	2	KOSOVO	2	SOUTH AFRICA	2
BURMA	3	KUWAIT	3	SPAIN	1
BURUNDI	2WL	KYRGYZ REPUBLIC	2	SRI LANKA	2
CAMBODIA	2	LAOS	2	SUDAN	3
CAMEROON	2WL	LATVIA	2	SURINAME	2
CANADA	1	LEBANON	3	SWAZILAND	2
CENTRAL AFRICAN REP.	3	LESOTHO	2	SWEDEN	1
CHAD	2WL	LIBERIA	2WL	SWITZERLAND	2
CHILE	2	LIBYA	3	SYRIA	2WL
CHINA (PRC)	2WL	LITHUANIA	1	TAIWAN	1
COLOMBIA	1	LUXEMBOURG	1	TAJIKISTAN	2
COMOROS	2WL	MACAU	2	TANZANIA	2WL
CONGO (DRC)	3	MACEDONIA	1	THAILAND	2WL
CONGO, REPUBLIC OF	2WL	MADAGASCAR	3	TIMOR-LESTE	2
COSTA RICA	2WL	MALAWI	2	TOGO	2
CROATIA	1	MALAYSIA	2WL	TONGA	2
CUBA	3	MALDIVES	2WL	TRINIDAD & TOBAGO	2
CURACAO	2WL	MALI	2WL	TUNISIA	2WL
CYPRUS	2WL	MALTA	2WL	TURKEY	2
CZECH REPUBLIC	2	MARSHALL ISLANDS	2	TURKMENISTAN	3
DENMARK	1	MAURITANIA	3	UGANDA	2
DJIBOUTI	2	MAURITIUS	1	UKRAINE	2
DOMINICAN REPUBLIC	2WL	MEXICO	2	UNITED ARAB EMIRATES	2
ECUADOR	2WL	MICRONESIA	3	UNITED KINGDOM	1
EGYPT	2	MOLDOVA	2	UNITED STATES OF AMERICA	1
EL SALVADOR	2	MONGOLIA	2	URUGUAY	2
EQUATORIAL GUINEA	3	MONTENEGRO	2	UZBEKISTAN	2WL
ERITREA	3	MOROCCO	2	VENEZUELA	3
ESTONIA	2WL	MOZAMBIQUE	2	VIETNAM	2WL
ETHIOPIA	2	NAMIBIA	2	YEMEN	3
FIJI	2	NEPAL	2	ZAMBIA	2
FINLAND	1	NETHERLANDS	1	ZIMBABWE	3
FRANCE	1	NEW ZEALAND	1		
GABON	2	NICARAGUA	2	COTE D'IVOIRE	Special Case
THE GAMBIA	2WL	NIGER	2WL	HAITI	Special Case
GEORGIA	1	NIGERIA	1	SOMALIA	Special Case
GERMANY	1	NORWAY	1		



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

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

Tier Placements

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



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

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

Tier Placements

Tier 1
 Tier 2
 Tier 2 Watch List
 Tier 3



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	2,521	1,792		12
2006	2,950	1,821		7
2007	2,820 (111)	1,941 (80)		7
2008	2,808 (83)	1,721 (16)	8,981	1
2009	2,208 (160)	1,733 (149)	14,650	14
2010	2,803 (47)	1,850 (38)	8,548	4

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

Tier Placements

■ Tier 1
 ■ Tier 2
 ■ Tier 2 Watch List
 ■ Tier 3

* See page 72

** See page 138

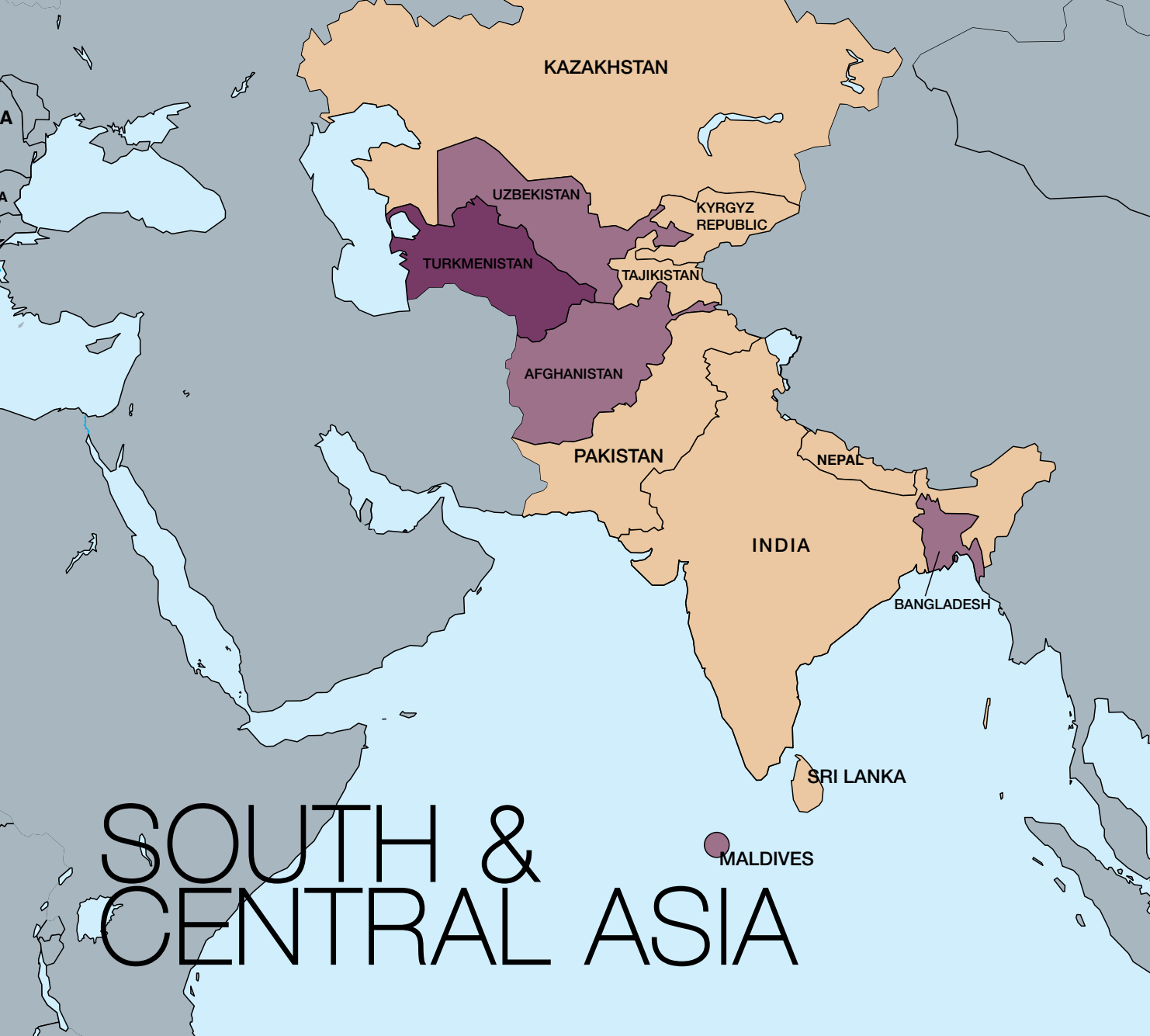


YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2005	112	104		3
2006	295	187		2
2007	415 (181)	361 (179)		1
2008	120 (56)	26 (2)	688	6
2009	80 (9)	57 (8)	1,011	6
2010	323 (63)	68 (10)	1,304	1

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

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

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

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

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

Tier Placements

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



Even though only recently freed, these women in Uttaranchal Pradesh, India have taken a strong role in rebuilding their community. They have fought the local landlords who enslaved them, walking for hours to the district government center to lobby for their rights and to demand the food, education, and support that was denied to them as slaves.

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 404), 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 financial harm; job switching; withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports and travel documents and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; false charges; 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. A small number of foreign workers transit Country X and are forced to work on farms in Saudi Arabia. Country X is also a destination for women who migrate and become involved in sex work, but the extent to which these women are subjected to trafficking is unknown.

Synopsis of government efforts.

The Government of Country X does not have a comprehensive minimum standards for the limitation of trafficking. The government shows evidence of overall increasing efforts to address trafficking, but its sponsorship law, including through the government's permit to admit to one migrant laborer without permission from his sponsor. Although the government has not yet enacted necessary anti-trafficking legislation, during the reporting period it reaffirmed its commitment to this goal over the next year. Despite these efforts, the government did not show evidence of overall 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; significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; 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's law criminalization of passport-withholding and mandate that employees receive residence cards within one week; abolish or significantly amend provisions of Country X's sponsorship law that restrict the freedom of labor of migrant workers or strongly implement measures to take up for the law's shortcomings; implement the national plan of action; and disseminate counter-trafficking law.

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 health care facilities reportedly refer 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. 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.

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. Agencies continued to produce and distribute informational anti-trafficking brochures in several targeted languages, distributed posters in different languages, given radio and TV interviews and commercials in regional media outlets, and a media campaign entitled "No to Trafficking." In March, Country X hosted a two-day regional workshop meant to establish dialog between scholars, government officials, and stakeholders; to discuss regional and international efforts to combat TIP; 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 category of laborer who was not granted an exit permit. In circumstances that can seek one by the government, the government reported that two workers – one of whom was a domestic servant – were granted an exit permit since the permit has a national plan of action to address trafficking, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not make any efforts to reduce the demand for commercial sex acts in Country X, but the government convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

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

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 prevent human trafficking.

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

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(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(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

A former migrant worker from Tajikistan lost a portion of both legs due to frost bite as he fled Russia, where he was working without pay and under horrible living conditions.

AFGHANISTAN (Tier 2 Watch List)

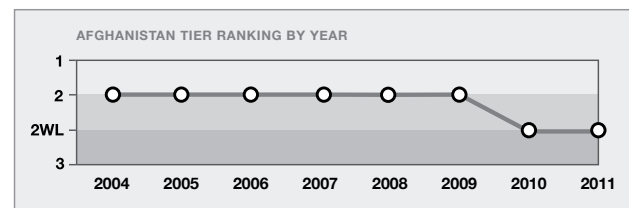
Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. According to the Ministry of the Interior, trafficking within Afghanistan is more prevalent than transnational trafficking. The extent of the problem is not known due to weak governmental capacity, the result of 30 years of war. The majority of victims are children, and the Ministry of Interior reported that boys were more at risk for forced labor, commercial sexual exploitation, and forced drug smuggling, than girls. Some Afghan boys and girls are trafficked within the country, in forced prostitution, forced labor in carpet-making factories, and in forced domestic service. They also are taken to Saudi Arabia for forced begging and street vending. Forced begging is a growing problem in Afghanistan; mafia groups organize professional begging rings. Afghan boys are subjected to forced prostitution and forced labor in the drug smuggling industry in Pakistan and Iran. Some Afghan women and girls are subjected to forced prostitution, forced marriages – including through forced marriages in which husbands force their wives into prostitution, and where they are given by their families to settle debts or disputes – and involuntary domestic servitude in Pakistan and Iran, and possibly India. 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 to gain employment. Many of these children end up in forced labor, particularly in Pakistani carpet factories. Families often sell their children to traffickers. Some Afghan families, including children, are trapped in debt bondage in the brick-making industry.

Many 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. Under the pretense of high-paying employment opportunities, traffickers lure foreign workers, including those from Sri Lanka, Nepal, and India, to Afghanistan, and lure Afghan villagers to Afghan cities or India or Pakistan, then sometimes subject them to forced labor or forced prostitution subsequent to their arrival. At the end of 2009 and beginning of 2010, an increasing number of male migrants from Sri Lanka, Nepal, and India who migrated willingly to Afghanistan were later subjected to forced labor. The Ministry of Interior reports that male migrants from Nepal are forced to work in Afghanistan more than any other group of foreign workers. Some Afghan women and children are forced into prostitution in Iran and Slovenia. An increasing number of Afghan children and men are forced laborers in Greece; Afghan boys also are forced into prostitution in that country.

Women and girls from Iran, Tajikistan, and possibly Uganda and China are reportedly forced into prostitution in Afghanistan. Brothels and prostitution rings are sometimes run by foreigners, sometimes with links to larger criminal networks. Tajik women also are believed to be trafficked through Afghanistan to other countries for prostitution. Trafficked Iranian women transit Afghanistan

en route to Pakistan. According to the government and the UN, the Taliban use children between 12 to 16 years old as suicide bombers. Some children have been tricked or forced to become suicide bombers. Others are heavily indoctrinated or are not aware that they are carrying explosives that are then set off remotely without their knowledge. Some child soldiers used by insurgent groups were sexually exploited. Boys are sometimes promised enrollment in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups.

The Government of Afghanistan 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 increasing efforts to address human trafficking over the previous year; therefore, Afghanistan is placed on Tier 2 Watch List for a second consecutive year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and it reportedly punished victims of sex trafficking with imprisonment for adultery or prostitution. The government seems to seriously underestimate the significance of human trafficking within the country.



Recommendations for Afghanistan: Increase law enforcement activities against trafficking using the 2008 anti-trafficking law, including prosecuting suspected traffickers and convicting and imprisoning traffickers for acts of sex trafficking and forced labor, including debt bondage; ensure that victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked, such as prostitution or adultery; ensure that government actors no longer conflate the crimes of kidnapping, human trafficking, and human smuggling; collaborate with NGOs to ensure that all children, including boys over the age of 11 victimized by sex and labor trafficking receive protective services; strengthen the capacity of the anti-trafficking/smuggling unit, including by increasing the number of officials dedicated to anti-trafficking efforts, differentiating between smuggling and trafficking, and working across ministries; and undertake initiatives to prevent trafficking, such as running a public awareness campaign to warn at-risk populations of the dangers of trafficking.

Prosecution

The Government of Afghanistan made no discernible anti-human trafficking law enforcement efforts over the reporting period. Afghanistan's Law Countering Abduction and Human Trafficking (2008) prescribes penalties of life imprisonment for sex trafficking and "maximum term" imprisonment for labor trafficking, which in

practice is between eight and 15 years. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, the Elimination of Violence Against Women (EVAW) law, enacted in July 2009, supersedes other laws and can be used to decrease the penalties outlined in Afghanistan's anti-trafficking law. The prescribed penalty for a convicted offender who abducts a victim and subjects her or him to forced labor is short-term imprisonment not to exceed six months, and a fine, and the prescribed penalty for an offender who forces an adult woman into prostitution is at least seven years. The government did not report any investigations, prosecutions, or convictions of human trafficking offenses and offenders in the reporting period. Government officials reported that some victims of abuse were identified in the reporting period, but could not clarify which of those cases were trafficking, nor could they clarify the disposition of those cases. Local NGOs continued to assert that Afghan government personnel persisted in confusing trafficking with smuggling, abductions, abuse, and other issues, and the government did not take steps to end this confusion. There was no evidence that the government made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses, despite reports of national and border police and workers in government-run orphanages who facilitated trafficking or raped sex trafficking victims. One government official noted that traffickers bribe Afghan officials to ensure their release from imprisonment via a conviction; in other situations, prosecutions are stalled with no action taken. 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 (ANSF). The Government of Afghanistan and UN officials co-signed a UN-sponsored action plan to address, among other issues, the use of *bacha baazi* by the ANSF. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. International organizations and NGOs provided some training to police and prosecutors on identifying and investigating trafficking cases. Training noted in the 2010 Report did not appear to increase law enforcement efforts.

Protection

The Government of Afghanistan did not make progress in protecting victims of trafficking. Afghanistan did not have a formal procedure to identify victims of trafficking. IOM reported that international organizations and NGOs referred 21 victims to shelters, and that the government referred 15 victims to shelters, during the reporting period. Under a formalized referral agreement established in late 2007, Afghan police continued to refer women victimized by violence to the Ministry of Women's Affairs, UN Women (formerly UNIFEM), IOM, and NGOs. The government lacked resources to provide victims with protective services directly; NGOs operated the country's shelters and provided the vast majority of victim assistance, but some faced hardships due to threats from the local community, particularly when assisting in cases that involved perceived "honor" crimes, such as rape. Some organizations running care facilities for trafficking victims continued to report generally adequate coordination with government officials.

In December, IOM officially handed over two shelters, in Kabul and Herat, to the Ministry of Labor, Social Affairs, Martyrs, and Disabled. These shelters provide assistance to trafficking victims, as well as victims of other crimes. The IOM continues to run the shelters and offer direct assistance, as well as vocational and educational training, but the shelters are now registered by the ministry. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims above the age of 11. During the reporting period, some trafficked boys were placed in government-run orphanages or a facility for juvenile criminals while their cases were being investigated, while adult men are kept in detention centers or hotels during investigation, according to NGO sources. The anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months; there were no reports of foreign victims making use of this provision for immigration relief.

Government officials were sometimes reported to 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 and fleeing forced marriages for trafficking purposes, problems the Afghan government has acknowledged. In other cases, women who fled their homes to escape these types of forced marriages reported being raped by police or treated by police as criminals simply for not being chaperoned. Victimized women who could not find place in a shelter often ended up in prison; some women chose to go to prison for protection from male family members.

There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period. Female victims' attempts to seek redress were impeded in part because an Afghan victim would be in grave danger for simply identifying her or his assailant. Authorities arrested several would-be child suicide attackers after they were reportedly psychologically coerced, trained, and equipped in Pakistan by armed opposition groups.

Prevention

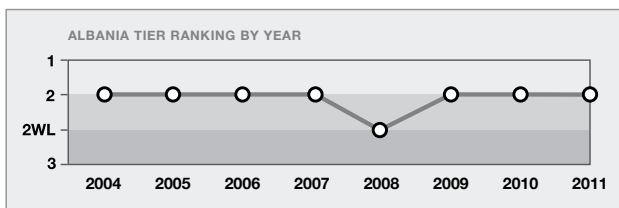
During the reporting period, the Government of Afghanistan made no discernible progress in preventing human trafficking. The government formed an anti-trafficking and anti-smuggling unit in the Ministry of Interior in 2008, but only seven officers cover the entire country, and other investigative sections often borrow members of the unit to conduct different types of investigations. NGO sources asserted there was a lack of coordination among government ministries on trafficking issues. The government did not undertake initiatives to prevent trafficking, such as public awareness campaigns to warn at-risk populations of the danger of trafficking. While the government issued some birth certificates and marriage certificates, many citizens in rural areas do not request or obtain these documents. In fact, fewer than 10 percent of children are registered at birth. The government did not take steps to reduce the demand for commercial sex acts or

forced labor during the reporting period. Afghanistan is not a party to the 2000 UN TIP Protocol.

ALBANIA (Tier 2)

Albania is a source country for men, women, and children subjected to sex trafficking and forced labor, including the forced begging of children. Albanian victims are subjected to conditions of forced labor and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe. Approximately half of the victims referred for care within the country in 2010 were Albanian women and girls subjected to sex trafficking in hotels and private residences in Tirana, Durres, and Vlora. Children were primarily exploited for forced begging and other forms of forced labor; some girls were subjected to prostitution or forced labor after arranged marriage. There is evidence that Albanian men have been subjected to forced labor in the agricultural sector of Greece and other neighboring countries. NGOs continue to report re-trafficking of Albanian victims as 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 took several concrete steps to improve its overall anti-trafficking strategy. Specifically, the government earmarked funds for NGOs and provided economic reintegration assistance directly to victims. The government also appointed a victim-witness coordinator and two specialized anti-trafficking prosecutors to improve the litigation of trafficking cases and treatment of victims who agree to serve as state witnesses. These efforts portend well for future results. During the reporting period, however, one government ministry attempted to unilaterally revoke the shelter licenses of three specialized anti-trafficking NGOs, but rescinded this order after repeated interventions by the international community. NGOs continued to report gaps in the implementation of the government's National Referral Mechanism (NRM). Further, widespread corruption, particularly within the judiciary, continued to hamper overall anti-trafficking law enforcement and victim protection efforts.



Recommendations for Albania: Continue to improve implementation of the NRM and ensure the full participation of all signatories; aggressively prosecute law enforcement officials who are complicit in human trafficking; vigorously investigate and prosecute sex and labor trafficking offenders; empower the new victim-witness coordinator and specialized prosecutors to help create a more case-based, multidisciplinary response to trafficking; improve the functioning of regional anti-trafficking committees to improve the identification of

and response to domestic trafficking cases; follow through on promised funding to NGOs providing critical care and reintegration assistance to victims; ensure proactive identification at border points and among persons exploited within Albania's sex trade and labor sectors while intensifying partnerships with NGOs to increase detection and referral of all trafficking victims; and improve identification and specialized services for child trafficking victims.

Prosecution

The Government of Albania increased its anti-trafficking law enforcement efforts in 2010. Albania criminally prohibits sex and labor trafficking through Articles 110(a), 128(b), and 114(b) of its Criminal Code, which prescribe penalties of five to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. In 2010, the State Police reported investigating 51 suspected trafficking offenders in 37 cases, all of whom were referred to court for prosecution. The Serious Crimes Prosecution division reported investigating 29 suspects and the Serious Crimes Court prosecuted 27 suspected trafficking offenders, resulting in 11 convictions in 2010, compared with the prosecution of 31 and conviction of 11 offenders in 2009. Penalties ranged from fines to seven to 15 years' imprisonment. The government improved its response to labor trafficking by initiating a criminal investigation into one labor trafficking case in 2010. The government dedicated 40 anti-trafficking officers exclusively to human trafficking investigations in 2010; high staff turnover, particularly among female officers, continued to be a problem. The government, in partnership with NGOs, continued its pre-service and in-service anti-trafficking training, including interview techniques, for police recruits and personnel during 2010. The government also continued its anti-trafficking training for judges, prosecutors, and judicial police officers, training 113 judicial officials in 2010.

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 any investigations, prosecutions, or convictions of trafficking-related complicity in 2010.

Protection

The Government of Albania improved its efforts to identify and protect victims of trafficking victims in 2010. NGOs and the government's shelter assisted 97 trafficking victims via the National Referral Mechanism in 2010, compared with 94 victims in 2009. Fourteen of the victims were children. Law enforcement identified 51 out of the 97 victims referred to care providers; the government reported that the same number of victims cooperated with law enforcement on their cases. The Albanian government's efforts to proactively identify trafficking victims were noteworthy in 2010; officials identified a significant number of victims relative to the Balkan region, including one labor trafficking victim. While the government officially acknowledged its internal trafficking problem, local level responders' lack of understanding and response likely resulted in a lack of proactive identification and

referral of these victims. The NRM, generally recognized by Albanian stakeholders and international observers as an effective framework, continued to suffer from inadequate implementation by its signatories. During the reporting period, one government ministry bypassed the NRM completely and attempted to unilaterally revoke the licenses of three of the NGO signatories providing shelter and assistance to trafficking victims; the Ministry rescinded this order after repeated interventions by the international community. These threatened closures damaged the trust and partnership between the government and civil society on trafficking victim protection issues. During the reporting period, the government finalized a law that provides reintegration assistance to victims, and provided stipends of \$30 per month to each victim after they left a shelter. The government, however, has yet to formally disburse promised funding to NGOs providing critical care and assistance to victims in shelters. The government continued to fund and operate a reception center that housed both victims of trafficking and irregular foreign migrants identified within Albanian territory; victims' freedom of movement is often restricted in this center. Furthermore, it lacks the capacity to provide comprehensive reintegration assistance to victims. The government did not penalize victims for unlawful acts committed in connection with their being trafficked and, per provision of its law, it offered legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, though no victims were granted such legal alternatives during the reporting period.

The government encouraged victims to participate in investigations and prosecutions of trafficking offenders. Victims however often refused to testify out of fear of retribution from traffickers. There is often a need for protection after a trial commences. In some cases, the police offered no protections to trafficking victims when testifying against their traffickers, forcing victims to rely exclusively on NGOs for protection. The General Prosecutor's office did not request witness protection for any victims of trafficking in 2010. To help improve protection, the Prosecutor General named a victim witness advocate to help serve the needs of the victims and two specialized prosecutors for trafficking cases.

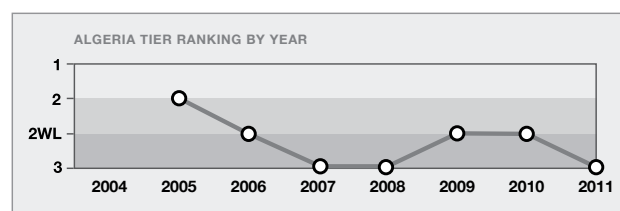
Prevention

In February 2011, the government approved a new 2011-2013 national anti-trafficking strategy with input from civil society, and continued to organize information and education campaigns to prevent trafficking. The government continued to monitor its anti-trafficking efforts via its National Coordinator's office, which published an annual report on trafficking in October 2010, reflecting modest transparency in its anti-trafficking policies and activities. Regional anti-trafficking coordination groups were not fully functional, did not always include civil society, and lacked needed leadership and assistance. Lack of political will and misunderstandings about trafficking in some government agencies continued to be a significant barrier to the establishment of an institutionalized response to trafficking in Albania. The government continued to fund the national toll-free, 24-hour hotline for victims and potential victims of trafficking.

ALGERIA (Tier 3)

Algeria is a transit and, to a lesser extent, a destination and source country for men, women, and children 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 to coerce and to maintain their labor. Some Algerian women are also forced into prostitution. Civil society groups believe that, as Europe tightens its border controls, Algeria is becoming more of a destination for both undocumented migration and trafficking. Over the past year, the "cost" – both in terms of fees and threats of exploitation – of a migrant's trip to and through Algeria have increased due to a greater crackdown against undocumented migration. One 2011 report also noted that 23 Algerian children and six men were identified as trafficking victims in Norway.

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. The government made no discernible effort to enforce its 2009 anti-trafficking law. It also failed to identify and protect trafficking victims and continued to lack adequate measures to protect victims and prevent trafficking.



Recommendations for Algeria: Proactively implement the anti-trafficking law by training law enforcement and judicial officials, investigating potential offenses and prosecuting alleged offenders, and establishing necessary legal structures; 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 safe and voluntary repatriation for trafficking victims; and undertake a campaign to increase public awareness of trafficking, including on the differences between human smuggling and trafficking.

Prosecution

The Algerian government made no efforts to address human trafficking through investigations, prosecutions, or convictions 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, which can be increased to 20 years' imprisonment if certain aggravating circumstances are found. These penalties are sufficiently stringent and commensurate with those prescribed under Algerian law for other serious crimes, such as rape. The government did not report investigating or prosecuting any trafficking offenses, or convicting or punishing any trafficking offenders during the year. Some of the African village "chairmen" have close ties to the Algerian police, and an NGO noted that some police released arrested migrant women in prostitution and sex trafficking victims back to their pimps. Newspaper reports in October indicated that a new national police brigade was established in southern Algeria specifically dedicated to fighting trafficking in persons, but there was no confirmation this had occurred, and government officials were not aware of its existence. Training cited in the 2010 TIP Report and provided by the Ministry of Justice to judges and prosecutors does not appear to have led to any increased anti-trafficking actions. The government did not accept an offer of anti-trafficking training from a foreign government.

Protection

The Government of Algeria made no discernible progress in protecting victims of trafficking over the last year. It did not demonstrate development or use of 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. 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 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. 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 assist with investigation and prosecution of offenders.

Prevention

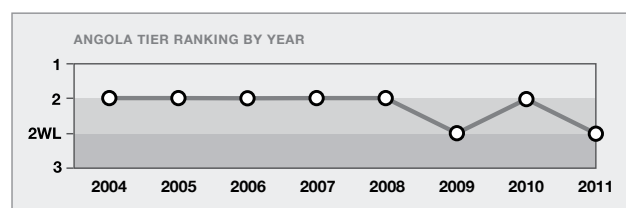
The Algerian government made no prevention efforts during the reporting period. The government did not conduct a public awareness campaign on trafficking in persons. It did not have a formal anti-trafficking policy or a national plan of action to complement its anti-trafficking law. It did not demonstrate transparency in its anti-trafficking efforts through public reporting, nor did it 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 noted that clients were arrested, which can reduce the demand for commercial sex acts. Some of the people in prostitution arrested in these raids may have been sex trafficking victims. Government officials report that there is an inter-ministerial group working on trafficking, though no data were available to confirm this group's makeup, authority, or date of establishment, or whether it met during the reporting period.

ANGOLA (Tier 2 Watch List)

Angola is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Internally, trafficking victims reportedly are forced to labor in agriculture, construction, domestic service, and artisanal diamond mines. Angolan women and children more often become victims of sex trafficking within Angola rather than in other countries; 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, as well as forced to act as couriers in the illegal cross-border trade between Namibia and Angola as part of a scheme to skirt import fees. Adults in Angola may use children under the age of 12 for forced criminal activity, since a loophole in the Angolan justice system prevents youths from being tried in court. Angolan women and children are subjected to domestic servitude in South Africa, the Democratic Republic of the Congo (DRC), Namibia, and some European nations, primarily Portugal. Vietnamese, Chinese, and Brazilian women in prostitution in Angola may also be victims of sex trafficking. Reports indicate that Chinese, South East Asian, Namibian, and possibly Congolese migrants are subjected to forced labor in Angola's construction industry. Illegal migrants from the DRC voluntarily enter Angola for work in its diamond-mining districts, where some later experience conditions of forced labor or forced prostitution in the 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. The government did not demonstrate an increase in its modest anti-trafficking efforts of the previous year. The government neither amended the penal code to penalize trafficking in persons nor finalized draft anti-trafficking legislation. It made no efforts to improve its minimal protection services provided to victims or to raise awareness of trafficking during the reporting period. The government did not

develop procedures to identify victims of trafficking among vulnerable populations such as undocumented migrants, and did not train its law enforcement, social services, or immigration personnel on this skill. Therefore, Angola is placed on Tier 2 Watch List.



Recommendations for Angola: Amend the penal code to prohibit and punish all forms of trafficking in persons and provide sufficient protections for victims; train law enforcement officials to use existing portions of the penal code to prosecute and convict trafficking offenders; collect anti-trafficking law enforcement data on investigations, identified victims, and prosecutions; develop and implement procedures for the identification of trafficking victims amongst vulnerable populations; train law enforcement, social services, and immigration officials in identification and referral procedures; provide support for the establishment and maintenance of new shelters for trafficking victims; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Angola made no efforts to increase its anti-trafficking law enforcement efforts over the last year, taking no action to amend the country's penal code or complete draft anti-trafficking legislation. Angola does not have a law that specifically prohibits all forms of trafficking in persons, though the constitution promulgated in February 2010 prohibits trafficking. The penal code, in force since 1886, has not yet been amended to reflect this constitutional provision and the government made no effort to amend it during the reporting period. The National Assembly took no action to finalize draft anti-trafficking legislation; the draft revised penal code and draft anti-trafficking legislation remain pending with the assembly. Article 71 of the current penal code prohibits prostitution and facilitating prostitution, and Article 406 specifically prohibits child prostitution, imposing insufficiently stringent penalties of between three months' and one year imprisonment and a corresponding fine; these penalties are not commensurate with other serious crimes, such as rape. Article 4 of the Angolan Labor law prohibits forced, coercive, or bonded labor prescribing insufficiently stringent penalties of a fine of between five and 10 times the average workers' salary.

Despite allegations of forced labor involving Namibian and foreign victims and IOM's identification of cases of child trafficking, the government did not investigate or prosecute trafficking offenses under these statutes during the year. The government made no effort to address allegations of official complicity in trafficking from the previous reporting period. These include allegations that

police and military officials facilitated the illegal entry of Congolese who subsequently became victims of forced labor or prostitution in mining camps and allegations that military personnel in Cabinda province purchased more than 30 trafficked women and girls from a sex trafficking ring during the year. At government facilities, IOM trained 762 people including provincial government officials, law enforcement officials and NGO service providers in the basic concepts of human trafficking, including the causes, consequences, and existing legal instruments. The trainings covered how to identify a victim, how to provide assistance, and what services are available.

Protection

During the past year the government sustained modest efforts to ensure that victims of trafficking received access to protective services, though a systematic process for the identification of trafficking victims and legal remedies for victims remained lacking. Victims, most often identified by community members, received immediate care from the National Children's Council (INAC) or the Ministry of Assistance and Social Reintegration (MINARS); however, INAC and MINARS did not provide medical or psychological services, referring victims to hospitals or clinics for such care or to international organizations, NGOs, or shelters for additional assistance and accommodation. The government did not provide nationwide data on victims identified, referred, and assisted by these entities. In partnership with UNICEF, INAC oversaw Child Protection Networks (CPNs) in all 18 provinces that have in the past rescued victims of trafficking and other crimes. These CPNs offered health care, legal and social assistance, and family reunification for victims under the age of 18; however, the government lacked adequate resources to provide shelter and psychological support to victims. MINARS, the Ministry of Family and Women's Promotion (MINFAM), and the Organization of Angolan Women (OMA) operated a limited number of multi-purpose shelters that trafficking victims could access; however it remains unclear if trafficking victims utilized these services 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. The government did not offer victims long-term assistance or relief from prosecution for crimes they may have committed as a direct result of being trafficked. Foreign trafficking victims may have been detained in advance of deportation, without being identified as trafficking victims. The government does not provide foreign victims with temporary residency or legal alternatives to their removal to countries where they may face hardship or retribution. In 2010, the government, assisted by IOM, repatriated 24 Namibian trafficking victims who were

promised high-paying construction jobs, but in the end they were not paid; following arrests on unrelated charges, the victims were turned over to the attorney general and the Angolan Immigration Service who, recognizing trafficking indicators, contacted IOM. The government provided their transportation costs back to Namibia, while IOM provided them with food and small stipends. At least one Angolan child trafficking victim was repatriated from Namibia during the reporting period; the Ministry of Exterior Relations and the Ministry of Family and Women's Promotion facilitated the child's return, though it is unclear whether the government provided additional care or reintegration assistance.

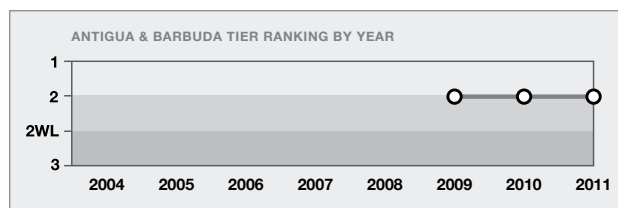
Prevention

The government made limited efforts to prevent trafficking in persons 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, though there was no evidence that they did so during the reporting period. Angolan authorities have improved security and effective patrolling at the Santa Clara border crossing between Angola and Namibia, which has led to a reported decrease in the exploitation of children in the cross-border transportation of goods. Border police and the navy increasingly worked to secure the borders; however, without proper screening, trafficking victims were not identified and were merely deported. The government made no 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 illegal immigrants from Haiti, Jamaica, the Dominican Republic, and Guyana are reported to represent the population most vulnerable to trafficking. Reportedly forced prostitution occurs in bars and brothels. There also have been incidences of forced domestic service and persons forced to work on farm lands or to sell clothing.

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. The government made substantial progress during the reporting period by enacting legislation that prohibits all forms of trafficking and provides explicit and extensive victim protection measures. The government also identified and assisted victims, and conducted prevention activities. The government initiated some trafficking investigations, including one into potential police complicity, but did not report any prosecutions, convictions, or punishment of trafficking offenders over the past year.



Recommendations for Antigua and Barbuda: Provide adequate funding to implement the new Trafficking in Persons (Prevention) Act 2010; continue identifying and assisting victims in accordance with the Act; increase training for law enforcement, prosecutors, and judges on addressing forced prostitution and forced labor; and vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in human trafficking.

Prosecution

The Government of Antigua and Barbuda made progress on anti-trafficking law enforcement by passing legislation prohibiting all forms of trafficking. The newly passed and enacted 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 other serious crimes, such as rape. The law is comprehensive, including extensive victim protection measures. During the reporting period, the government conducted at least two sex trafficking investigations and one forced labor investigation. The government reported no prosecutions or convictions of trafficking offenders during the reporting period under the new act or other statutes. In a positive development, the government spoke publicly about the linkage between official complicity and human trafficking. The government temporarily suspended one police officer for involvement in a human trafficking case but did not report a follow-up prosecution in this case. The government did not report other investigations, prosecutions, convictions, or sentences of officials complicit in human trafficking. The police did not offer formal training for its officers in identifying human trafficking, but the Directorate of Gender Affairs held local workshops to train some officials during the reporting period.

Protection

The government made progress in the protection of trafficking victims during the reporting period, despite a lack of resources and capacity challenges. Government officials identified three victims of sex trafficking during the reporting period. The government demonstrated use of its procedures to guide officials in identifying victims of human trafficking among vulnerable groups and referring them to care providers. The government's Gender Affairs Directorate oversaw an "Emergency Safe Havens" network to provide shelter in confidential locations to victims through partnerships with local businesses, churches, clinics, and volunteers. The government provided the three identified victims with medical and mental-health services and other immediate needs over the reporting period, spending at least \$1,200. All three of the victims

assisted in the criminal investigations of their exploiters. Pursuant to the victim protection provisions of the newly enacted Trafficking in Persons (Prevention) Act of 2010, the government ensured that the three identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked, and offered the victims legal alternatives to their removal to countries where they may face retribution or hardship. The Act has extensive additional victim protections, 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 Directorate of Gender Affairs spoke publicly during the reporting period about the government's past successful integration of a foreign victim into Antiguan society; this is one of the only documented cases of long-term assistance provided to a trafficking victim in the Caribbean region.

Prevention

The Antiguan government demonstrated significant trafficking prevention efforts during the last year. It produced human trafficking public awareness brochures and radio spots in English and Spanish. The Directorate of Gender Affairs also hosted community talks and distributed posters throughout Antigua to raise awareness about human trafficking. The government continued to operate a hotline with operators trained to identify and assist human trafficking victims. The Directorate of Gender Affairs coordinated an inter-ministerial anti-trafficking coalition, which met monthly to discuss suspected cases, formulate strategies to address cases, and follow up with law enforcement conducting investigations. The new Trafficking in Persons (Prevention) Act 2010 calls for the establishment of a trafficking in persons prevention committee to be comprised of cabinet-level officials who will provide senior leadership on anti-trafficking matters; the committee, which will monitor the government's anti-trafficking efforts, has not yet been established. The government did not have a specific campaign to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism in Antigua or involving its nationals.

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 wealthy provinces in central and southern Argentina. The tri-border area with Paraguay and Brazil is a significant source area for Argentine sex trafficking victims, as well as a transit region for sex and labor trafficking victims from Paraguay. A significant number of foreign women and children, primarily from Paraguay, Bolivia, and Peru, and to a more limited extent from Brazil and the Dominican Republic, are subjected to sex trafficking in Argentina. Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer northern provinces, are subjected to forced labor in sweatshops, and on farms. Officials reported there could be some labor trafficking

victims exploited as street vendors or in forced begging in the capital. During the reporting period, the Argentine government identified a significant number of Argentine and Bolivian labor trafficking victims in rural areas. Child sex tourism occurs in the tri-border area and in Buenos Aires. 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 are found in forced prostitution in Western Europe. Argentina's long borders are difficult to monitor, making the country a transit area for traffickers and their victims.

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 identified a record number of trafficking victims, including many victims of forced labor. It increased prosecutions and convictions of trafficking offenders, and supported several shelters for trafficking victims, some of which opened during the reporting period. Nevertheless, the overall number of convictions remains low in comparison to the number of victims identified, specialized services remained uneven across the country, 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 vigorously implement the new anti-trafficking law through increased efforts to investigate, prosecute, convict, and punish trafficking offenders, including public officials who may be complicit in trafficking crimes; consider amending legislation to ensure that trafficking prosecutions are not dismissed on the basis of victims' initial consent to the intended exploitation and to strengthen victim protections; 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 companies whose supply chains benefit from forced labor responsible; increase funding for victim assistance, particularly shelters and specialized services, at both the national and local level, in partnership with NGOs; continue anti-trafficking training for law enforcement, prosecutors, judges, and other public officials; develop and implement protocols for officials at the local level to identify and assist trafficking victims; strengthen anti-trafficking coordination between the federal and provincial governments and between different actors on the federal level, possibly through development of a national anti-trafficking plan; and conduct nationwide efforts to raise awareness about all forms of trafficking.

Prosecution

The Government of Argentina increased anti-trafficking law enforcement efforts last year and significantly increased efforts to investigate forced labor in rural areas, although the UN Special Rapporteur on Trafficking in Persons, citing NGOs and the media, reported significant levels of official complicity in human trafficking by law enforcement and provincial and local officials. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years' imprisonment, depending on aggravating factors. 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 allows prosecutors or judges to question the victim's initial consent to engage in an activity, even once force, fraud, or coercion have been established. Congressional committees debated modifications to this aspect of the current law, among other issues. In February 2011, Argentine authorities announced the Human Rights Secretariat will serve as complainant in all forced labor cases, a notable step that could decrease pressure on trafficking victims to initiate the prosecution by formally accusing their traffickers. In an interagency effort, authorities significantly increased investigations of forced labor crimes during the reporting period. Forced labor prosecutions, however, have been fewer in comparison with those for forced prostitution; the only forced labor case concluded in courts since the passage of the trafficking law in 2008 resulted in an acquittal. Law enforcement officials coordinated with the Office for Rescue and Caring of Victims during raids in trafficking investigations. In 2010, authorities carried out 107 preliminary investigations, and as of late 2010, there were 78 ongoing trafficking prosecutions nationwide. During the reporting period, the government obtained 15 convictions of sex trafficking offenders, with sentences ranging from two to 15 years' imprisonment. This represents a significant increase in convictions from the previous year, when authorities reported achieving three convictions of sex trafficking offenders, with sentences ranging from four years of house arrest to 10 years' imprisonment.

In addition to the central government's anti-trafficking prosecutor's office (UFASE), which also prosecuted kidnapping cases, at least 10 provinces maintained their own specialized law enforcement units to investigate human trafficking. Some NGOs reported that coordination between law enforcement officials and judicial officials was weak. As trafficking is a federal crime, some trafficking cases may be investigated or prosecuted at the local level as other crimes, such as the promotion or facilitation of prostitution, and not be transferred to the appropriate authorities. Argentine authorities pursued partnerships with foreign governments, including the government of Paraguay, to investigate several trafficking cases. The government continued to train judicial officials, law enforcement officers, and other officials on human trafficking and on victim assistance; however, there remained a need for further training for officials on how to investigate and prosecute trafficking crimes adequately, as well as how to identify and care for victims. According to NGOs and international organizations, some provincial and local, and – to a more limited extent – federal officials participate directly and indirectly in human trafficking

crimes. Some police officers reportedly turn a blind eye to trafficking activity or tip off brothel owners about impending raids. NGOs complained that in some cases, federal or provincial officials in charge of investigating trafficking cases or assisting victims had criminal charges filed against them, were corrupt, or were ineffective. The head of the anti-trafficking police unit was accused of running brothels in 2010 and remains under investigation, though he retains his position. In November 2010, UFASE launched an investigation implicating 90 Buenos Aires police officers in falsifying records to protect brothels, some of which exploited children, in exchange for bribes, and in March 2011, five police inspectors implicated in this case were removed from their positions. The government, however, did not prosecute or convict any government officials involved in human trafficking last year.

Protection

The government increased efforts to identify and assist trafficking victims during the reporting period, though several NGOs and legislators stated that the resources the government devoted to these efforts appeared to be insufficient compared with the large number of victims identified, and services were uneven across the country. In January 2011, authorities launched a more rigorous labor inspection program targeting rural areas and reportedly providing labor inspectors with updated tools to verify worker registration information. Previously, NGOs noted that labor inspectors lacked training on how to identify trafficking victims. Authorities did not report similar proactive efforts to identify sex trafficking victims among vulnerable populations, such as women in prostitution. The federal government maintained a temporary shelter in the capital to care for trafficking victims before they testify. Federal, provincial, and municipal authorities, working with an NGO, supported four shelters for women and child victims of sex trafficking across the country, three of which opened during the reporting period. One of the shelters was run by an NGO, while the others were staffed by government-funded professionals who received training and assistance from that NGO. Almost all of these shelters are "closed," not allowing victims to leave whenever they would like. In areas without these dedicated shelters, trafficking victims could be referred to government-operated shelters for victims of domestic violence shelters or for at-risk children, although it was unclear if any victims received services at these institutions during the reporting period. In other cases, authorities placed victims in hotels, which NGOs noted made the victims vulnerable to intimidation or kidnapping by traffickers. According to NGOs, the quality and level of victim care varied widely by province. The government did not provide specialized care or shelters for adult male victims.

The government's Office for Rescue and Caring of Victims of Trafficking, with an interdisciplinary staff of 19 located in Buenos Aires, provided initial post-rescue care to some trafficking victims, including access to legal, medical, and psychological services. In 2010, this office reported rescuing and assisting 569 trafficking victims: more than 80 percent were adults. NGOs gave mixed assessments as to the office's effectiveness. The governments of Salta and Chaco provinces maintained their own victim-care offices.

Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers; however, some officials reported deficiencies in protections provided to victims who provided witness testimony in trafficking cases. While the Secretariat for Childhood, Adolescence, and Family was responsible for providing assistance to trafficking victims after they participated in a judicial procedure, there were limited reintegration efforts provided to the victims. The Secretariat did not report funding designated for services for trafficking victims, and some officials noted that victim assistance mechanisms were often unclear. 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 there were no reports of foreign trafficking victims receiving this during the year. The government did not report identifying or assisting any repatriated Argentine victims of trafficking.

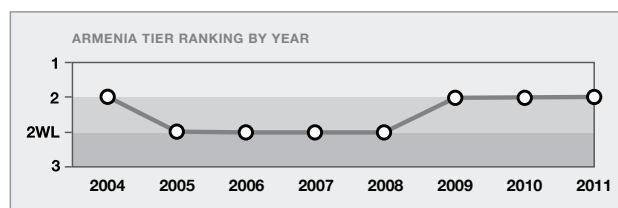
Prevention

The Government of Argentina sustained limited prevention activities; several provincial governments organized anti-trafficking campaigns, though the government did not report any nationwide awareness-raising efforts. While the government did not have a national anti-trafficking plan, authorities maintained an anti-trafficking roundtable. UFASE published a review of its anti-trafficking efforts in 2010, and the Office for Rescue released statistics several times through the state-owned news agency. The City of Buenos Aires established an anti-trafficking committee. NGOs noted that poor coordination between 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. The Argentine penal code does not specifically prohibit child sex tourism, although it does prohibit sex with minors, and the government did not report investigating, prosecuting, or convicting any Argentine nationals for child sex tourism offenses abroad. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations. Authorities did not report efforts to reduce the demand for commercial sex acts.

ARMENIA (Tier 2)

Armenia is a source country for women and girls subjected to sex trafficking, as well as a source and destination country for women subjected to forced labor, and a source country for men subjected to forced labor. Women and girls from Armenia are subjected to sex trafficking in Germany, the United Arab Emirates, and Turkey. Armenian men and women are subjected to forced labor in Russia, while Armenian women are subjected to forced labor in Turkey. Armenian boys are subjected to forced labor and Armenian women and girls are found in sex trafficking within the country. Women from Russia are subjected to forced labor in Armenia.

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 2010, the government provided partial funding for an NGO-run shelter for victims of trafficking and pursued partnerships with NGOs to provide training to hundreds of officials. The government continued to ensure that all convicted traffickers were appropriately sentenced and that those sentences were enforced. In March 2011, the government enacted amendments to the Criminal Code that further strengthened its anti-trafficking statutes. However, of particular concern was a precipitous drop in the number of victims identified during the year, as well as the absence of investigations of forced labor offenses.



Recommendations for Armenia: Undertake more vigorous efforts to identify victims of forced labor and to investigate and prosecute labor trafficking offenses; 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; increase the number of victims referred to NGO service providers for assistance; consider partnerships with NGOs that would allow them to regularly assist law enforcement with the victim identification process; improve efforts to protect victims who consent to serve as witnesses in prosecutions; continue to work to ensure that victims who are unable to assist in prosecutions have access to services and protection; investigate and prosecute government officials suspected of trafficking-related complicity and convict and punish complicit officials; continue to ensure that victims are provided with legally mandated assistance (medical, legal, primary needs, and shelter) at all stages of the victim assistance process; continue to ensure a majority of convicted trafficking offenders serve time in prison; and continue efforts to raise public awareness about both sex and labor trafficking.

Prosecution

The Armenian government demonstrated some 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. In amendments to the Criminal Code in March 2011, Armenia strengthened its anti-trafficking statutes; the amendments increased the amount of time a trafficking offender must serve before being eligible for an early release, introduced a separate article specifically prohibiting trafficking of children and persons with mental disabilities,

and introduced new punitive sanctions against traffickers that deprive them of the right of employment in certain occupations or practice certain activities for up to three years. The government investigated 15 sex trafficking and no labor trafficking cases in 2010, compared with nine sex trafficking and six labor trafficking cases in 2009. During 2010, Armenian courts prosecuted four new cases against six individuals for sex trafficking offenses and none for labor trafficking offenses. Armenian courts continued to prosecute an additional nine defendants whose cases had begun in previous years. The government convicted five trafficking offenders in 2010 – including four individuals for sex trafficking and one for labor trafficking – down from 11 convictions in 2009. All five convicted offenders in 2010 were given sentences ranging from three to nine years' imprisonment; no traffickers received suspended sentences, and no traffickers were granted early release from prison in 2010. 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 police, border guards, and members of the judicial system. An Armenian court convicted and sentenced to nine years' imprisonment a former deputy principal of a state-run special needs school who, in 2008, forced two students to beg. There were no new reports of government officials' complicity in trafficking during 2010.

Protection

The Government of Armenia demonstrated modest progress in its efforts to identify and provide protection to victims of trafficking during the reporting period. The government provided partial funding for an NGO-run shelter which assisted 22 victims of trafficking in 2010, providing \$17,000 for lease of the facility's space. Victims were not detained at the shelter. Although the government spent less than a fourth of the money initially allocated for victim protection and assistance in 2010, it was an improvement over 2009 when it failed to spend any of the funding allocated for victim assistance. In 2010, at least five trafficking victims received free medical assistance from the government, an increase compared with two victims receiving free medical assistance in 2009. In partnership with NGOs, the government informed trafficking victims of the social benefits available to them and provided assistance in applying for those benefits. In February 2011, the government added victims of trafficking to the list of vulnerable persons eligible for extra employment assistance. The government officially identified 19 new sex trafficking victims in 2010 and referred 12 of them to NGOs for assistance, compared with 60 victims of trafficking identified and 22 referred to NGOs in 2009; no victims of forced labor or foreign victims of international trafficking were identified by the government in 2010. Foreign-funded NGOs assisted 16 new victims during 2010, including the 12 sex trafficking victims referred to them by the government as mentioned above, compared with 26 victims identified and assisted in 2009. Trafficking victims were encouraged to cooperate with law enforcement

officials; as in 2009, all identified victims voluntarily assisted police with trafficking investigations. Although NGOs reported improved attitudes toward victims by judges, they also reported that the rights of child witnesses were not always protected during trial and police did not consistently alert NGOs when victims were identified. By law, the government exempted trafficking victims from criminal prosecution for any unlawful acts they may have committed as a direct result of being trafficked. The government also allowed victims to stay in the country through temporary residency permits and obtain temporary employment. The lack of appropriate protections for victims who provide testimony continued to be an issue of concern; this may have hampered Armenia's prosecution efforts.

Prevention

The Armenian government increased its trafficking prevention efforts during the reporting period. In 2010, the government provided funding for two trafficking awareness television programs and cooperated with NGOs and international organizations to educate students and teachers across the country about the dangers of trafficking. The Ministry of Education incorporated anti-trafficking awareness materials developed and produced by NGOs and international organizations into the school curriculum for thousands of students. In September 2010, Armenia adopted its third National Plan of Action addressing trafficking in persons, spanning 2010-2012. The government took action to reduce demand for commercial sex by amending the Criminal Code to introduce punishments specifically for those who use the services of a victim of exploitation.

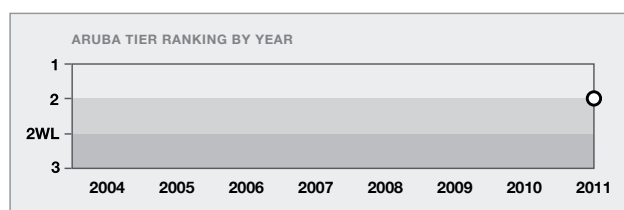
ARUBA (Tier 2)*

Aruba is primarily a destination 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 as well as Indian men in the jewelry sector, and Caribbean and South American women in domestic service. There are indications of past instances of Aruban children under 18 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 has not yet successfully prosecuted any trafficking offenders to date, though the Aruban anti-trafficking coordinator has demonstrated outstanding leadership in advancing the government's response to human trafficking during her short time in office, and the government initiated several complex prosecutions during the reporting season. The government also showed

* 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.

improved efforts in the area of victim protection, primarily officials' increased victim identification measures.



Recommendations for Aruba: Implement procedures to guide health officials charged with screening people in prostitution on the identification and referral of suspected victims of human trafficking to the anti-trafficking committee; formalize victim protection policies for adults and children that include provisions ensuring identified trafficking victims are not punished for crimes committed as a direct result of their human trafficking situation and ensuring safe and, to the extent possible, voluntary repatriation for foreign victims; consider providing the anti-trafficking committee with an independent budget as a means to ensure its effectiveness; include the child protection agency as part of the anti-trafficking committee and in training opportunities; empower the anti-trafficking committee to direct formal training opportunities toward committee-identified areas of high need; expand multi-lingual public outreach activities; and consider ways to educate clients of the sex trade about the causes and consequences of trafficking.

Prosecution

The Government of Aruba demonstrated strong 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 prescribes 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. In 2010, the government initiated seven trafficking investigations and arrested four people, including one police officer, in a case involving forced prostitution and forced labor. Authorities initiated prosecutions of three of the arrestees and a disciplinary process for the police officer. The prosecutions have involved many witnesses from multiple countries, and the government expected to bring the case to trial in late 2011. Two of the defendants remained in pre-trial detention. During the reporting period, the anti-trafficking coordinator took steps toward elevating the discourse on trafficking complicity in the region by speaking in public forums about her concerns regarding the linkage between official complicity and human trafficking in Aruba. The police established a team that specializes in human trafficking cases. The Royal Military Police and Dutch NGO Comensha have offered periodic training opportunities as has Aruba's anti-trafficking coordinator.

Protection

The Government of Aruba demonstrated progress in its victim protection efforts during the reporting period.

Largely due to the positive work of the anti-trafficking committee, the government identified up to 46 adult victims of human trafficking in 2010, a significant achievement, particularly when contrasted with the lack of any victims identified in 2009. The government did not provide routine, formal training in victim identification to law enforcement officers and officials charged with providing regular health checks on people in Aruba's sex trade. The government implemented a victim referral mechanism; the government directed all reported trafficking cases to a small group from the anti-trafficking committee, which devised assistance plans tailored for each victim identified in coordination with the Bureau for Victim Assistance and other government agencies. The committee did not, however, have dedicated funds to provide specialized services for trafficking victims. In one situation, an NGO that reportedly did not receive government funding assisted the committee by sheltering a male victim. In another situation, the government employed a Kingdom of the Netherlands memorandum of understanding to obtain Kingdom funds for victims' access to protective services. During the reporting period, the government issued a ministerial decree to ensure victims have access to legal aid. Aruba's child protection agency would handle victim assistance for any cases of child trafficking, though the government did not identify any child trafficking victims during the reporting period.

The government encouraged trafficking victims to participate in investigations and prosecutions of trafficking offenders and did not punish identified victims for unlawful acts committed as a direct result of being trafficked. According to Aruban officials, the government offered identified trafficking victims relief from immediate deportation. The government worked with IOM on the safe repatriation of several foreign victims.

Prevention

The government made some efforts to raise awareness of human trafficking during the reporting period. In a positive step, Aruba's justice minister spoke out in January 2011 against human trafficking and, in conjunction, raised awareness about Aruba's crime victim hotline, which has been staffed by operators trained to identify and refer trafficking victims. The government sustained the functions of an anti-trafficking committee started in 2007. The committee achieved tangible results, for example the rescue of victims, and has been developing a large-scale public awareness campaign, but its operations depended on the personal commitment of the anti-trafficking coordinator and participants as the committee has no funding attached to its operations or projects. Aruba does not have a trafficking rapporteur to monitor and evaluate its anti-trafficking efforts, but 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 has formally presented and shared its best practices on regional cooperation, victim identification, and investigation of trafficking cases in several international forums. There were no awareness campaigns specifically targeting potential clients of the sex trade in Aruba in an effort reduce 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, though the government has expressed willingness for training in this area.

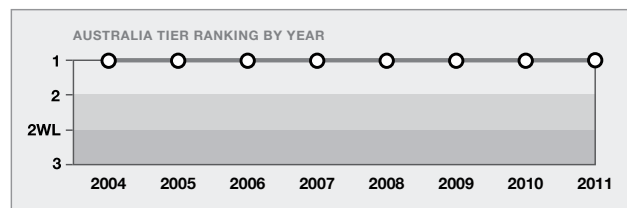
AUSTRALIA (Tier 1)

Australia is primarily a destination country for women subjected to forced prostitution, and, to a lesser extent, women and men in forced labor and children in sex trafficking. It is also a source country for a small number of child victims of sex trafficking, primarily teenage girls, within the country. 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 employment sectors, including prostitution. 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 brothels are run by Asian organized crime groups that arrange for Asian women to travel, sometimes on student visas, to work in brothels. 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. 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. An Australian Institute of Criminology report on labor trafficking released by the government during the year, noted instances of unreported and unrecognized labor trafficking, seen through the vulnerability of 457 visa holders, nurses, workers in the meat, manufacturing, and agriculture industries, domestic workers, international students, and seafarers. During the year, there were increased reports by NGOs and other informed observers that 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 tens of thousands of dollars in placement and academic fees, as completion of courses often leads to permanent residency in the country. Some in the housekeeping and restaurant industries are subject to a restriction of working a maximum of 20 hours per week under their visas. When

asked to work for more than 20 hours, they face risk of losing their visas, making them vulnerable to exploitation by unscrupulous employers.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. During the year, the government prosecuted and convicted five trafficking offenders. Australian Federal Police (AFP) investigators in the Transnational Sexual Exploitation and Trafficking Teams (TSETT) specialized in investigating trafficking offenses as well as child sex tourism and the online sexual exploitation of children. The government reported identifying and assisting 31 suspected victims of trafficking, a notable decrease from 57 suspected victims identified during the previous reporting period. The Australian government's support program offered to foreign victims during the year included an option for long-term residence and care; authorities granted Permanent Witness Protection Visas to 20 such victims and nine of their family members, which allowed them to remain in Australia permanently. Authorities also continued a long-term trafficking research project that resulted in the publication of a number of papers on the trafficking situation in Australia. The government published discussion papers on the criminal justice response to trafficking and forced marriage, and sustained partnerships with NGOs in order to evaluate objectively its own anti-trafficking activities in these areas.



Recommendations for Australia: Conduct a review of the Criminal Code and overall legal framework to ensure that laws enable the government to effectively prohibit and prosecute all forms of trafficking; expand efforts to proactively identify, criminally prosecute, and convict offenders of labor trafficking; improve efforts to coordinate and refer trafficking case information between government agencies; increase efforts to train police, local councils, health inspectors, and other front-line officers to recognize and respond to both sex and labor trafficking cases; increase efforts to proactively identify trafficking victims among vulnerable groups, such as foreign workers, foreign students in the country, and foreign and Australian women and children in prostitution; make efforts to improve the access of trafficking victims to opportunities to seek financial compensation and civil remedies; consider ways to better 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; conduct a campaign to raise public awareness in local communities of trafficking outside of the sex industry, including labor trafficking and internal trafficking; increase efforts to reduce the demand for forced prostitution through campaigns directed at clients of the sex trade; play a more active role in educating countries in the Asia-Pacific region on the important distinction between

trafficking and smuggling; and consider appointing an Ambassador dedicated to addressing human trafficking issues worldwide.

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 from 12 to 25 years' imprisonment and fines of up to \$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 or various fines that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. However, there was widespread concern expressed by civil society, acknowledged in the government's labor trafficking report published during the year, that existing laws focus on the movement of individuals with the use of physical force or threats of physical force, and do not cover non-physical forms of coercion and use of fraud or deceit to exploit persons. In some cases, it was difficult or impossible for prosecutors to prove that the person allegedly engaged in exploitation had the necessary intention to exploit that person during their movement. NGOs also note that existing criminal laws do not adequately prohibit deceptive recruitment for labor services, offenses related to receiving and harboring trafficking victims, and some non-physical forms of coercion in trafficking crimes, and do not comply with Australia's obligations under the UN TIP Protocol.

While there were increased concerns and reports regarding forced labor in Australia, the Australian Federal Police (AFP) reported 38 investigations related to human trafficking during the year, 70 percent of which were for forced prostitution. Five sex trafficking offenders were convicted of trafficking-related offenses in Divisions 270 of the Commonwealth Criminal Code Act of 1995, and sentenced to between two and 12 years' imprisonment; one of these convictions is currently under appeal. There were seven additional trafficking-related matters before Australian courts at the end of the reporting period involving eight defendants. Three of these cases were appeals of previous convictions and one is an ongoing prosecution for labor trafficking. During the year, the government did not convict any offenders of labor trafficking. To date, there have only been three prosecutions of slavery outside the sex industry. Remedies for many labor trafficking cases were achieved through industrial or civil mechanisms, but authorities failed to file criminal prosecutions in these cases. The government has never identified or prosecuted a trafficking offense committed against an Australian citizen or resident and occurring within the country. AFP investigators in the Transnational Sexual Exploitation and Trafficking Teams specialized in investigating trafficking offenses as well as child sex tourism and the online sexual exploitation of children. Many front-line agencies, including state and territory police, and in some jurisdictions, labor inspectors and

unions, do not have adequate awareness of the relevance of the federal anti-trafficking response to their daily work.

Protection

The Government of Australia continued efforts to provide protection and care to victims of trafficking over the last year. The Government provided \$885,000 to its Victim Support Program in 2010, through which it identified and assisted a total of 31 people, 20 of whom were suspected victims of sex trafficking, and 11 of whom were suspected victims of forced labor. Eight of the 31 suspected victims were men, and all identified victims were foreigners. This was a decrease from the 57 suspected victims assisted during the previous year. The government's victim support program provided eligible victims of trafficking with access to accommodation, financial assistance, legal advice, training, and social support. Authorities reported identifying an increasing number of victims in sectors outside of the sex industry, including in agriculture, construction, hospitality, domestic service, and recreation. Since 2004, approximately 15 percent of the victims who received services under the Program were victims of human trafficking that did not involve the sex trade; 11 of the 15 were identified during the reporting period.

There are numerous structural difficulties that prevent people from seeking or accessing help or assistance; in many cases, individuals only seek help once their situation deteriorates to such an extent that they literally could not remain in that situation either because of serious injury or fear about their personal safety. Identified victims were provided with accommodation, living expenses, legal aid, health services, and counseling. Most victims identified were from Malaysia, the Philippines, South Korea, and China. The government granted 20 victims, plus nine of their immediate family members, Permanent Witness Protection (Trafficking) visas, which required the victims' contribution to an investigation or prosecution of an alleged trafficking offense. NGOs and service providers expressed concerns that victims of trafficking who were involved in cases that would not likely result in the prosecution of a trafficking offender did not have adequate access to victim support services, and that services designed to support victims and provide them with visas were in practice often linked closely to the ability of prosecutors to pursue cases against their traffickers.

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. The government encouraged victims to participate in trafficking investigations, and granted selected victims visas to enable them to remain in Australia and support the investigation and prosecution of trafficking offenses. Victims identified by authorities were not incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. To date, there have been few claims for compensation made on behalf of trafficking victims, and victims are not always informed about visa options available to individuals who wish to remain in Australia to pursue compensation or civil remedies, and what those options are.

Prevention

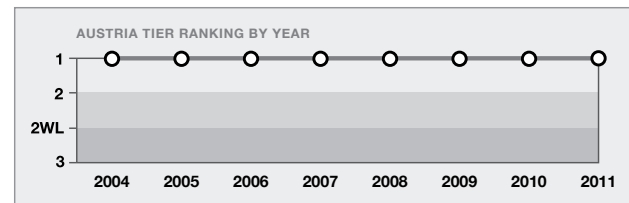
The Government of Australia continued to demonstrate efforts to prevent trafficking in persons during the year. In November 2010, the government convened the third annual National Roundtable on People Trafficking, a mechanism for coordinating among its agencies, NGOs, unions, and industry bodies. The government continued to fund the Australian Institute of Criminology \$600,000 a year to analyze trends in human trafficking in Australia and the region. During the year, the government announced that it would fund a total of \$1.4 million to four NGOs to provide *pro bono* legal services to trafficking victims, direct support for victims, and raise community awareness of trafficking. The government also reported that \$200,000 from confiscated criminal assets under the Proceeds of Crime Act of 2002 would be put towards labor trafficking protection and prevention efforts. The Fair Work Ombudsman continued to pursue efforts through the courts for workplace violations such as underpayment of wages; however, it was unknown whether any of its investigations led to criminal investigations for forced labor. During the year, the government published factsheets on identifying and acting on labor trafficking cases for its employees and employers. In 2007-2008, the government committed \$38.3 million over four years for anti-trafficking activities. The government also published papers on forced and servile marriage and the criminal justice response to trafficking, and undertook public consultations with the goal of improving government efforts in these areas. 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.

Australia is a regional leader in combating trafficking in persons. During the year, some observers believed that the Australian government's engagement with governments in the region seemed to emphasize people smuggling at the expense of trafficking in persons. At times, this impression was deleterious to efforts to improve anti-trafficking responses in the region. 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 (AusAID), continued to fund anti-trafficking activities in the Asia-Pacific Region, including efforts to improve criminal justice systems to address trafficking, conduct child protection workshops for hotel staff overseas, and anti-trafficking public awareness programs. In 2010, five Australian offenders of child sex tourism in Thailand, Papua New Guinea, Nepal, and Singapore were convicted and sentenced to between one and four years' imprisonment. The government did not take significant steps to reduce the demand for commercial sex acts aimed at clients of the sex trade 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 sex trafficking and forced labor. Victims originate from Eastern Europe, Africa, and Asia. An NGO reported that Austrians spent \$4.3 billion on domestic workers annually in 2009; exploitation is believed to be a problem in this sector. Some involuntary domestic service reportedly involves diplomats from Africa, Asia, Europe, and the Middle East. Forced labor also occurs in the agricultural, construction, restaurant, and tourism industries. Forced begging involving Roma children and others from Eastern Europe continues to be a problem. An NGO that works with Nigerian trafficking victims reported that 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. The government continued to fund comprehensive services for identified female victims of trafficking and continued its proactive efforts to prevent domestic servitude in diplomatic households in Austria. In 2010, the Austrian government convicted an increased number of trafficking offenders and strengthened the severity of some of the sentences imposed on them, but most traffickers continued to receive less than one year in prison. Despite extensive outreach efforts, it did not employ systematic procedures for the identification and referral of victims, and deported at least one trafficking victim who faced possible retribution from her exploiters in her country of origin.



Recommendations for Austria: Aggressively prosecute trafficking offenders to ensure that a majority are convicted and receive sentences that are proportionate to the gravity of the crime; improve collection of data to disaggregate forced labor and sex trafficking crimes; establish a systematic identification process with NGO partners throughout Austria, including in reception centers for asylum seekers; consider expanding implementation of the 2009 Residence and Settlement Act to protect more victims of trafficking and increase victims' incentives to cooperate with law enforcement; improve identification and specialized care for children who are victims of trafficking; and establish services for men who are victims of forced labor.

Prosecution

The Austrian government convicted more trafficking offenders and strengthened some sentences for convicted offenders in 2010. The government prohibits trafficking for both sexual exploitation and forced labor under Article 104(a) of the Austrian Criminal Code, but continued to primarily use Article 217, which prohibits cross border

trafficking for the purpose of prostitution, to prosecute traffickers. Article 104 criminalizes trafficking for the purpose of slavery and prescribes penalties ranging from 10 to 20 years in prison; few, if any, traffickers have been convicted under this law. 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. The government reportedly prosecuted 65 trafficking offenders using Articles 217 and 104 (a) in 2009, the most recent year that data were available, compared with 67 trafficking offenders prosecuted under these statutes in 2008. The government reported sentences for convicted offenders in which trafficking was the leading charge under Article 217, convicting 30 trafficking offenders under this article in 2009, compared with 18 convicted trafficking offenders in 2008. Sentences for 10 convicted traffickers were not subject to suspension and ranged from a minimum of three months' to a maximum of five years' imprisonment. This was an improvement from the previous year in which the maximum sentence was three years and courts handed down only three sentences not subject to suspension. However, as in the previous year, over half of all convicted traffickers spent only 12 months or fewer in jail, and one-third of convicted traffickers received no jail time. Local observers report a lack of anti-trafficking expertise among prosecutors and judges; training was offered to these judicial officials, though it was not mandatory. The Austrian government did not disaggregate its data to demonstrate it prosecuted or convicted labor trafficking offenders. The government did not prosecute any acts of trafficking-related complicity in 2010.

Protection

The Government of Austria continued to partner effectively with civil society to provide protection to identified trafficking victims and improved its capacity to identify forced labor in 2010. In January 2011, the government issued a decree instructing labor inspectors to pay particular attention to possible labor exploitation during their inspections. The Ministry of Interior reported registering 63 adult trafficking victims in 2010. Law enforcement officials referred some trafficking victims on an *ad hoc* basis; however, the government has yet to employ systematic procedures for the identification and referral of victims within labor or legal and illegal prostitution sectors, an ongoing deficiency identified by NGOs in Austria.

The Austrian government continued to fund a specialized anti-trafficking NGO, which provided open shelter accommodations and assistance to female trafficking victims in Vienna. The government provided \$840,000 to this NGO in 2010, compared with \$828,000 provided in 2009. This shelter did not detain victims involuntarily and was at its full capacity of 18 beds throughout 2010. It provided counseling and other assistance services, including responsible repatriation, to a total of 242 trafficking victims in 2010; compared to 182 victims in 2009. 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. The government, however, did not report on the number of resident permits it issued to trafficking victims in 2010. An NGO reported the government deported a trafficking victim in January 2011 who faced possible retribution in Nigeria; the victim previously cooperated with law enforcement and had agreed to testify against her trafficker in Austria. The government encouraged victims to assist with investigations and prosecutions, though NGOs reported that due to a lack of victims' confidence in the ability of the government to protect them, and fears of retaliation, very few victims assisted in prosecution of their traffickers in 2010. According to one NGO, the only systematic regulation by the government within Austria's sizable, legal commercial sex sector consisted of weekly health checks for sexually transmitted diseases and periodic police checks of registration cards. The government continued to fund the City of Vienna's specialist center for unaccompanied minors, which accommodated approximately 40 child victims of trafficking in 2010. Late in the reporting period the center ceased repatriating trafficked children back to Romania out of safety concerns upon their return. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked.

Prevention

Austria continued to serve as a leader in the region through its prevention of 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 domestic servants to have their own bank accounts and provide evidence of direct salary transfer. In July 2010, the Interior Ministry established an anti-trafficking hotline and email service targeted at sex trafficking and forced labor. In the fall of 2010, it launched a series of school exhibitions to sensitize Austrian youth to sex trafficking. Austria continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism in 2010. The government sustained a high level of transparency in its anti-trafficking efforts, publicly reporting on its policies and actions during the year, and continued partnerships with NGOs on the issue. Austrian law provided extraterritorial jurisdiction over Austrian nationals who travel abroad to engage in commercial sexual exploitation of children; the government reported it initiated at least one investigation under the law. 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 and Moldova. Women and children from Azerbaijan are subjected to sex trafficking in the

UAE, 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 serves as a transit country for women from Uzbekistan and Kazakhstan subjected to forced prostitution in Turkey and the UAE. Azerbaijan is a destination country for women from Uzbekistan and Kyrgyzstan subjected to forced prostitution. 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 within Azerbaijan.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking. The Government of Azerbaijan has not made sufficient progress in investigating, prosecuting, or convicting labor trafficking offenses or in identifying victims of forced labor; therefore, Azerbaijan is placed on Tier 2 Watch List for a fourth consecutive year. Azerbaijan was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan. During the reporting period, the government acknowledged that forced labor is a problem within Azerbaijan and investigated at least three reports of forced labor. It did not, however, prosecute or convict any trafficking offenders for forced labor. Moreover, the reported number of sex trafficking prosecutions and convictions declined from the previous year. The government identified three Azerbaijani victims of forced labor in Poland and investigated an allegation of 25 Azerbaijanis subjected to forced labor in Russia. The government also provided assistance to some domestic victims of trafficking without requiring them to submit a police report.



Recommendations for Azerbaijan: Improve efforts to identify victims of forced labor by more effectively implementing the national victim referral mechanism; sustain efforts to ensure identified victims of forced labor are provided access to government-funded victim assistance; demonstrate and report efforts to vigorously investigate, prosecute, convict, and criminally punish government officials, including regional police officers, complicit in both sex and labor trafficking; continue to provide initial assistance to domestic victims without requiring them to file a formal complaint with police; provide more victim identification and victim sensitivity training to low-level law enforcement officials; develop an effective and affordable birth registration process; continue

efforts to raise public awareness about both sex and labor trafficking; and increase efforts to inspect construction sites for potential victims of forced labor.

Prosecution

The Government of Azerbaijan demonstrated uneven 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 did not provide information on the number of sex trafficking investigations in 2010, though it reported at least three labor trafficking investigations. The government reported prosecuting 38 individuals for sex trafficking crimes in 2010, compared with 58 individuals prosecuted in 2009, a number newly clarified during the reporting period. The government convicted 28 sex trafficking offenders during the reporting period, a decrease compared with 58 trafficking offenders convicted during the previous reporting period; 11 cases remained pending at the end of the year. Twenty-five convicted offenders received sentences ranging from two to nine years' imprisonment and three convicted offenders received delayed five-year sentences.

The government investigated at least three reports of labor trafficking, though it did not prosecute or convict any individuals for forced labor in 2010. The government did not initiate any prosecutions regarding a 2009 case involving hundreds of Bosnian and Serbian labor trafficking victims. In response to this case, the government reported a new recognition of Azerbaijan's serious labor trafficking problem and the establishment of a procedure for joint investigations by the Ministry of Internal Affairs and the Ministry of Labor at construction sites. There were allegations that police officers controlled or influenced the activities of certain saunas, motels, and massage parlors where forced prostitution likely occurred. The government, however, did not investigate any allegations of government officials involved in either sex or labor trafficking. The government, in cooperation with NGOs, provided specific anti-trafficking training to government officials in 2010; some officials received training at 31 events organized by international organizations held in other countries.

Protection

The Government of Azerbaijan demonstrated efforts to protect and assist victims of trafficking during the reporting period. The government identified 31 adult female victims of sex trafficking, three child victims of sex trafficking, and three male victims of forced labor in 2010, a decrease from 220 total victims identified by the government in 2009. The victims of forced labor were identified as trafficking victims and repatriated by the Government of Azerbaijan after being jailed in Poland. The government provided medical, psychological, financial and housing assistance to all identified victims of trafficking; it also provided medical and psychological assistance to an additional 319 women, who were potential victims of trafficking, without requiring that they fill out a police report. During the year, the

government funded one trafficking shelter which assisted 27 victims of sex trafficking, compared with 48 victims assisted by the government-funded trafficking shelter in 2009. Shelter assistance was contingent upon filling out a report with shelter staff that was required to be shared with police. Victims were not detained at the government-funded shelter and could enter and leave the shelter freely. The government-funded shelter did not assist any victims of forced labor. The government placed two child victims in foster care and a third victim in a boarding school. During the reporting period, the government provided at least 12 victims of trafficking with vocational training and job placement through its victim assistance center. It also provided a one-time subsidy payment of \$40 to all identified victims, including child victims. During 2010, the government adopted resolutions to increase this one-time stipend to trafficking victims from \$40 to \$243 and increase the number of existing treatment facilities at which victims can receive psychological counseling.

The government did not demonstrate progress in its efforts to identify foreign victims of forced labor in Azerbaijan. Police and labor inspectors inspected 142 construction sites in 2010 and reported finding no cases of forced labor. Outside of official inspections, there were few civil society organizations able to monitor and report independently on potential labor trafficking situations. Law enforcement reported that all 34 victims of sex trafficking identified by authorities 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. The government offered some legal alternatives to foreign victims facing retribution or hardship upon return to their home country; the anti-trafficking law allows for a suspension of deportation proceedings for up to one year or the duration of the investigation and court proceedings. The law also allows victims to apply for temporary immigration relief.

Prevention

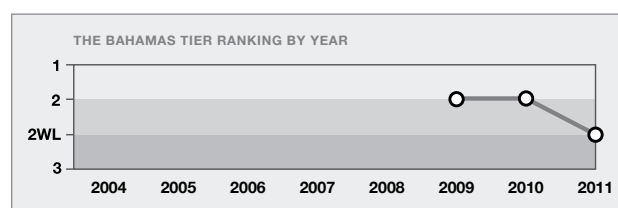
The Government of Azerbaijan sustained its trafficking prevention efforts during the reporting period. The government ran trafficking awareness public service announcements, developed by NGOs, on major TV networks. The Ministry of Internal Affairs, in cooperation with NGOs, conducted 53 anti-trafficking seminars, targeted primarily at high school and university students and local government officials, including police, immigration officers, customs and border police, Ministry of National Security officers, and health authorities. The government estimates that approximately 4,500 individuals from these groups attended these seminars. The government provided \$56,700 to anti-trafficking NGOs in 2010, though some NGOs not associated with the government did not receive funding. The government continued to fund an NGO-operated trafficking hotline that served to provide information to the public and identify potential victims of trafficking; it also helped create and distribute posters advertising the hotline in cooperation with other organizations. The government does not have an effective birth registration process, leaving some Azerbaijani citizens vulnerable to trafficking because they do not have legitimate identification documents.

The government did not conduct a public awareness campaign to reduce the demand for commercial sex acts. The Government of Azerbaijan continued to implement an action plan to combat trafficking, originally formed in 2009 though valid through 2013. In 2010, the government signed the Council of Europe Convention on Actions Against Trafficking in Human Beings.

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. Senior Bahamian officials during the year acknowledged that forced labor and forced prostitution exists in The Bahamas. NGOs and officials in The Bahamas are concerned that the estimated 30,000 undocumented Haitians, most of whom arrive in The Bahamas voluntarily, are highly vulnerable to forced labor in farming, landscaping, and housekeeping. NGOs allege there were cases where employers coerce Haitian workers into involuntary servitude by improperly holding work permits and threatening arrest and deportation. NGOs and local experts also have raised concerns that some workers from Jamaica, China, Peru, and the Philippines could be vulnerable to involuntary servitude. Anecdotal reports suggest that women from South American countries such as Brazil, Colombia, and Panama may be subjected to forced prostitution. Groups vulnerable to sex trafficking in The Bahamas include children engaging in sex with men for basics such as food, transportation, or material goods.

The Government of The Bahamas 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 – most notably increased government statements of commitment to address the country's human trafficking problem – the government did not demonstrate evidence of an overall increase in its anti-trafficking efforts over the previous year; therefore, The Bahamas is placed on Tier 2 Watch List. Specifically, there were no reports of victims assisted or trafficking offenders prosecuted and punished. The absence of a formal inter-ministerial coordination body and formal procedures to guide officials in how to identify and address suspected instances of forced labor or forced prostitution were obstacles to progress during the reporting period. Portending well for future results, by the end of 2010, the director of public prosecutions announced it had established a special cadre of prosecutors to prosecute trafficking cases.



Recommendations for The Bahamas: Develop and implement formal procedures to guide police, immigration officials, and labor inspectors in 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; identify potential victims of forced labor and forced prostitution; fund NGOs designated to assist victims; and vigorously prosecute, convict, and sentence trafficking offenders.

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. Penalties prescribed by the Act for trafficking in persons offenses range from three years' to life imprisonment, and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government reported at least three investigations of human trafficking offenses during the reporting period. The government reported that the results of investigations into suspected trafficking cases to date have not warranted prosecution. Responding to allegations of human trafficking occurring at the private estate of a wealthy Canadian resident of The Bahamas raised in a Canadian Broadcasting Corporation documentary, the government reported that an investigation into the matter yielded no evidence of human trafficking. By the end of 2010, the director of public prosecutions established a special cadre of prosecutors to prosecute trafficking cases. The government investigated officials for misconduct, but did not report any investigations or prosecutions of government officials for human trafficking complicity. Anecdotal reports suggest that human trafficking complicity may be a problem. Resource constraints and capacity, given the country's small population size and geographic spread, were also obstacles to law enforcement results. The government provided venues and required representatives from stakeholder agencies to attend training provided by foreign donors, IOM, and OAS. Representatives from the Ministry of National Security, Ministry of Labor and Social Development, Ministry of Foreign Affairs, Department of Immigration, Royal Bahamas Police Force, Royal Bahamas Defense Force, and national NGOs participated. These trainings included segments on victim identification, victim assistance, prosecutions, labor laws, and child sex tourism.

Protection

There was little progress made in the area of victim protection during the reporting period. Greatly hindering its ability to rescue victims, the government did not have formal guidelines or procedures in place to assist law enforcement personnel, labor inspectors, and health workers in how to proactively identify victims of forced prostitution and forced labor; while the government reported conducting trafficking investigations, no victims were identified as a result of these investigations. The government provided space in medical facilities and long term shelters to assist trafficking victims. According to

two NGOs, the government did not report using a formal plan to refer trafficking victims to the Bureau of Women's Affairs. One local NGO that provides services to trafficking victims – in addition to its main focus on domestic violence and sexual abuse – faced closure and eviction due to lack of funding during the reporting period.

Although Bahamian law encourages victims to participate in investigations and prosecutions of trafficking offenders, no victims were identified during the reporting period. Similarly, though the law allows for temporary relief from deportation for foreign trafficking victims, officials reportedly deported some probable trafficking victims during the reporting period. Following anti-trafficking training, Bahamian authorities implemented new protocols to ensure that identified victims are not inappropriately penalized for immigration violations or any unlawful acts committed as a result of being trafficked.

Prevention

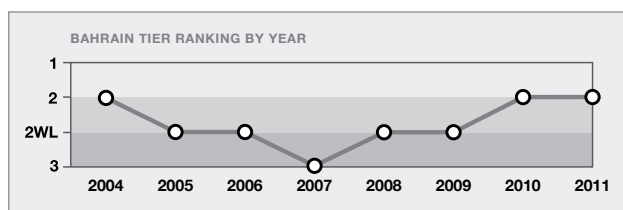
Senior government officials, in particular the minister of state for labor and social development, were outspoken in their advocacy of efforts to address human trafficking during the reporting period. The government did not conduct any formal trafficking prevention campaigns during the reporting period, but the Ministry of Labor and Social Development announced that it was developing public service announcements to raise awareness of human trafficking in English and Creole. One NGO operated a government-funded hotline for domestic violence, providing operators trained to assist victims of trafficking. The government lacked adequate coordination of its anti-trafficking efforts, specifically a focal point official or inter-ministerial body. The government did not conduct any specific awareness campaigns to reduce the demand for commercial sex. The government did not identify a problem of its nationals or foreign nationals engaging in child sex tourism.

BAHRAIN (Tier 2)

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 use of such practices as unlawful withholding of passports, restrictions on movement, contract substitution, nonpayment of wages, threats, and physical or sexual 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). The LMRA estimates 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, 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. The government continued to investigate and prosecute forced prostitution cases and convicted nine trafficking offenders during the reporting period. In addition, the government assisted 17 victims of forced prostitution. Nonetheless, there were no reports of government efforts to punish forced labor crimes nor any indication that the Government of Bahrain took steps to institute a formal victim identification procedure or otherwise improve victim protection efforts during the reporting period. The government’s lack of efforts to acknowledge and address forced labor remains a key gap in its anti-trafficking response.



Recommendations for Bahrain: Continue to enforce the 2008 anti-trafficking law; 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; 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 sustained moderate efforts to prosecute sex trafficking offenses during the reporting period, but made no reported efforts to punish forced labor. 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 12 cases of forced prostitution, five of which were prosecuted during the reporting period, resulting in the conviction of nine trafficking offenders; this is generally on par with law enforcement efforts against trafficking in the previous reporting period. In one case, two convicted traffickers received five years’ imprisonment and fines for forcing women into prostitution, while in the other case, seven convicted traffickers received three years’ imprisonment and fines for running a prostitution ring. There were no reports, however, that the government adequately investigated or punished trafficking cases involving forced labor despite common reports of domestic workers facing serious conditions indicative of forced labor. The government also did not report efforts to investigate government complicity in trafficking offenses.

Protection

The Government of Bahrain made no reported progress in improving protection for victims of trafficking over the last year. The government continued to lack a formal procedure 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. This shelter reported assisting 17 victims of forced prostitution during the reporting period. The government did not, however, report assisting any victims of forced labor during the reporting period. The majority of victims continued to seek shelter at their embassies or at the shelter of the *Migrant Workers Protection Society*, 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 2010. There remained no shelters or other protection services for male trafficking victims provided by the government. 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 legal alternatives for the removal of foreign victims to countries where they faced retribution or hardship. The Ministry of Interior continued to operate a toll-free hotline for trafficking victims, but the government did not report how many calls this hotline received or how many victims were assisted.

Prevention

The government made no clear efforts to prevent trafficking in persons during the reporting period. While Bahrain's Ministry of Labor has pledged for several years to end the sponsorship (*kafala*) system – which creates vulnerabilities to trafficking – it has not completely 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 also 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, and the practice remained widespread. The government reported no efforts to reduce the demand for commercial sex acts or child sex tourism.

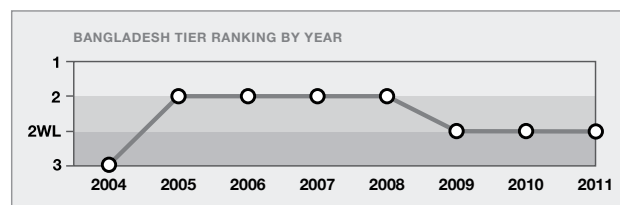
BANGLADESH (Tier 2 Watch List)

Bangladesh is a source and transit country for men, women, and children subjected to forced labor and sex trafficking. A significant share of Bangladesh's trafficking victims consists of men recruited for work overseas with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage. Bangladeshi children and adults also are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labor. Some children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Internal trafficking often occurs from poorer, more rural regions, to locations with more commercial activity including Dhaka and Chittagong, the country's two largest cities. Women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labor. Many Rohingya refugees from Burma transit through Bangladesh using unofficial methods, leaving them vulnerable to traffickers inside Bangladesh and in destination countries. In 2010, some Rohingya girls were forced into prostitution.

Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, the Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Libya, Europe, and other countries for work, often under legal and contractual terms. Most Bangladeshis who seek overseas employment through legal channels rely on the over 1,000 recruiting agencies belonging to the Bangladesh Association of International Recruiting

Agencies (BAIRA). These agencies are legally permitted to charge workers up to \$1,235 and place workers in low-skilled jobs typically paying between \$100 and \$150 per month, but workers are sometimes charged \$6,000 or more for these services. Many Bangladeshi migrant laborers are victims of recruitment fraud, including exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment; high recruitment fees increase vulnerability to debt bondage and forced labor among transnational migrant workers. Women typically work as domestic servants; some find themselves in situations of forced labor or debt bondage where they face restrictions on their movements, nonpayment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently forced into prostitution. Some Bangladeshis have been convicted by foreign governments for their human trafficking crimes abroad. There are reports of an increased number of Bangladeshis transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf, and many of them are likely trafficking victims. Many Bangladeshi migrant workers – including trafficking victims – were stranded in Libya in early 2011 due to the civil conflict in that country. Trafficking victims among these migrant workers may be particularly vulnerable to being trapped in Libya as a result of the confiscation of their travel documents and unpaid wages. Some of these migrants who have been able to return to Bangladesh are under pressure to repay the high debts they incurred for recruitment fees.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking, and is placed on Tier 2 Watch List for a third consecutive year. Bangladesh was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has shown evidence of a credible, 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 is devoting sufficient resources to implement that plan. The Government of Bangladesh demonstrated increased attention to the issue of human trafficking. The government continued to address the sex trafficking of women and children, drafted and submitted a comprehensive anti-trafficking law to the cabinet, and created an interagency task force mandated to monitor recruiting agencies and address high recruitment fees. The government did not prosecute or convict those who trafficked men, as well as those responsible for subjecting Bangladeshi workers to forced labor overseas through fraudulent recruitment mechanisms. The government did not report on law enforcement efforts against Bangladeshi officials who were complicit in human trafficking.



Recommendations for Bangladesh: Enact the draft comprehensive anti-trafficking legislation that criminalizes the forced labor of men, in order to integrate anti-labor trafficking objectives into national anti-trafficking policies and programs; increase criminal prosecutions and convictions for all forms of labor trafficking, including those involving fraudulent labor recruitment and forced child labor; take steps to address the allegations concerning the complicity of public officials in trafficking, particularly through the criminal prosecution and punishment of those found involved in or abetting human trafficking; increase the capacity of the Vigilance Task Force and improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; place Anti-Trafficking Monitoring Cell officers in Bangladeshi embassies in destination countries; and provide protection services for adult male trafficking victims and victims of forced labor.

Prosecution

The Government of Bangladesh showed progress in convicting sex traffickers of females, but not traffickers of men, during the reporting period; however, the government drafted an anti-trafficking law that includes criminal prohibitions for all forms of trafficking, with stringent sentences, and submitted the proposed law into the parliamentary process in December 2010. Bangladesh prohibits the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude under the Repression of Women and Children Act of 2000 (amended in 2003), and prohibits the selling and buying of a child under the age of 18 for prostitution in Articles 372 and 373 of its penal code. Prescribed penalties under these trafficking statutes range from 10 years' imprisonment to the death sentence. These penalties are very stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 374 of Bangladesh's penal code prohibits forced labor, but the prescribed penalties of imprisonment for up to one year or a fine are not sufficiently stringent.

During the reporting period, the government obtained the convictions of 42 sex trafficking offenders and sentenced 24 of them to life imprisonment under Sections 5 and 30 of the Repression of Women and Children Act; 18 were sentenced to lesser prison terms. This is an increase from the 32 convictions obtained in 2009, with 24 offenders sentenced to life imprisonment. The government prosecuted 80 cases involving suspected trafficking offenders and conducted 101 investigations, compared with 68 prosecutions and 26 investigations during the previous year. Fifty-three prosecutions resulted in acquittals; however, under Bangladeshi law the term "acquittal" also can refer to cases in which the parties settled out of court or witnesses did not appear in court. The government did not report any criminal convictions for labor trafficking offenses, although some unconfirmed reports noted that the government prosecuted some labor trafficking cases. Most sex trafficking cases are prosecuted by 42 special courts for the prosecution of crimes of violence against women and children spread throughout 32 districts of the country; those courts are generally more efficient than regular trial courts. The Ministry of Home Affairs' Anti-

Trafficking Monitoring Cell continued to collect data on trafficking arrests, prosecutions, and rescues.

The complicity in human trafficking crimes of Bangladeshi government officials remained a serious problem, though the government made no discernible efforts to address it. During the year, there were allegations that a Bangladeshi diplomat facilitated human trafficking of Bangladeshi migrants. Several NGOs reported a nexus among members of parliament and corrupt recruiting agencies and village level brokers and indicated that politicians and regional gangs were involved in human trafficking. NGOs and press reports indicate official recruitment agencies in Dhaka have linkages with employers and brokers in destination countries and help facilitate fraudulent recruitment. In addition, some of these employers put their migrant workers in situations of servitude. The Government of Bangladesh did not provide data on investigations, prosecutions, convictions, and sentencing of public employees complicit in human trafficking. There was no further information about the prosecution of a civil servant last year who was complicit in trafficking, as noted in the 2010 TIP Report. The country's National Police Academy continued to provide anti-trafficking training to police officers who went through entrance training.

Protection

The Government of Bangladesh made some efforts to protect victims of trafficking over the last year. The government's insufficient efforts to protect victims of forced labor – who constitute a large share of victims in the country – and adult male victims of trafficking is a continuing concern. The government did not have a systematic procedure to identify trafficking victims and vulnerable populations, and to refer victims of trafficking to protective services. An NGO report indicated that many brothel owners and pimps coerce Bangladeshi girls to take steroids, with devastating side effects, to make them more attractive to clients; the drug is reported to be used by 90 percent of women between the ages of 15 and 35 in Bangladeshi brothels; this phenomenon made it sometimes difficult for the government to identify prostituted minors. Bangladesh's courts and police refer some victims of trafficking to NGO shelters; other times, those victims were either self-identified or identified by an NGO. One hundred thirty-seven victims (83 adult women, zero adult men, and 54 children) were self-identified or identified and rescued by law enforcement officials or NGOs in the reporting period, but it is uncertain whether they were referred to shelters. In the previous year, law enforcement officials identified and rescued 68 victims. While the government did not provide shelter or other services specifically dedicated to trafficking victims, it continued to run nine homes for women and children victims of violence, including trafficking, as well as a "one-stop crisis center" for women and children in the Dhaka general hospital. These centers, in cooperation with NGOs, provided legal, medical, and psychiatric services. An NGO noted that adult female victims could leave the shelters at will; children's decisions to leave were dependent on their families' permission. No male victims were assisted in these shelters. It is not known how many trafficking victims were served by government and NGO care facilities in Bangladesh. The

government continued to run some shelters in Bangladeshi embassies abroad, but closed other shelters. Law enforcement personnel encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers by providing transportation to courts. Authorities did not penalize Bangladeshi victims for unlawful acts committed as a direct result of their being trafficked. When no space was available in shelter homes, however, female victims of trafficking were placed in divisional custody facilities at government-run prisons, which include access to medical care and cooking facilities. Unregistered Rohingya refugees who were trafficking victims were detained indefinitely for their undocumented status. At least 36 Bangladeshi sex trafficking victims were repatriated to Bangladesh from India from 2010-2011, although repatriation remained a challenge for other victims. Some of them had been in shelters in India for almost a year and a half, awaiting the verification of their Bangladeshi identities by the Government of Bangladesh. Bangladesh established a trafficking task force with India.

While workers ostensibly had several options to address complaints of labor and recruitment violations and to get compensation, the process most often used – arbitration by Bangladesh Association of International Recruiting Agencies (BAIRA) – did not provide sufficient financial compensation and rarely addressed the illegal activities of some BAIRA-affiliated recruitment agents. Workers were encouraged to seek resolution for their complaints directly from BAIRA, rather than file cases against the company, by both BAIRA and the Bureau of Manpower Employment and Training. This resolution generally led to cash-payouts much less than the wages they were denied and the recruitment fees paid. If there are “major” disputes, recruitment agencies may lose their licenses. NGOs and news reports alleged instances of officials working at some Bangladeshi embassies abroad were mostly unresponsive to complaints and attempts to seek restitution abroad were rare. Bangladeshi officials noted that embassies in destination countries do not have enough staff to combat labor exploitation.

Prevention

The Bangladeshi government took efforts to prevent trafficking over the reporting period. In July 2010, the Ministry of Expatriate Welfare and Overseas Employment (MEWOE) created a Vigilance Task Force charged that improving the oversight of Bangladesh’s labor recruitment process. Through the task force, MEWOE launched an advertising campaign directed at potential migrants which detailed the dangers of migration, offered tips for safe migration, and provided contact information for relevant ministries through which migrants could reach assistance. The Ministry of Women and Children’s Affairs held events in villages explaining recourses for victims under the Women and Children’s Repression Prevention Act. In the reporting period, the government shut down three recruiting agencies, blacklisted their owners, and seized their assets. The government cancelled the licenses of 25 recruiting agencies for involvement in fraudulent recruitment practices that potentially facilitated human trafficking. The agencies in question have the right to appeal the cancellation, and until all the appeals are

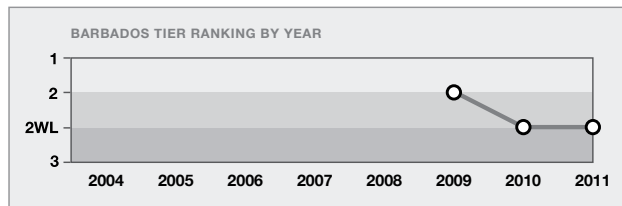
exhausted – a process that could take several years – they are allowed to continue business operations; however, during the appeals the agency is not allowed to engage in any labor recruitment. This is a large increase from the shutting down of one agency and the cancellation of licenses and forfeiture of money from six other agencies in the previous reporting period. NGOs and a government official reported, however, that friends and family members of agency heads are sometimes able to file successfully for new licenses. Bangladesh took a leadership role in the region, chairing the Colombo Process, a consortium of labor contributing countries that seeks to address issues such as rights and conditions for migrant workers and human trafficking. Under Bangladeshi leadership, consultations between European and Colombo Process countries took place in February 2011. 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 not exercising adequate oversight over this consortium of labor recruiters to ensure their practices do not facilitate debt bondage of Bangladeshi workers abroad. The home secretary continued to chair the bi-monthly inter-ministerial National Anti-Trafficking Committee Meetings, which oversees district-level committees in 64 districts. The home secretary also regularly holds coordination committee meetings with NGOs. The national rate of birth registration is only between seven and 10 percent, and most children born in the rural areas are still not properly documented. 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. In a welcomed move over the last year, officials spoke more openly about the likely profile of human trafficking in Barbados, which 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. There is also evidence that some foreigners 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; however, it is making significant efforts to do so. Despite these efforts, the government has not shown evidence of increasing efforts over the previous year; therefore, Barbados is placed on Tier 2 Watch List. The main obstacles to anti-trafficking progress in Barbados were: the new legislation’s failure to criminalize all forms of trafficking in persons; the government’s absence of formal procedures

to guide officials in victim identification and assistance; and the absence of a formal mechanism to coordinate government and NGO actions on trafficking issues.



Recommendations for Barbados: Amend the new 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 proactively identify trafficking victims among vulnerable populations, such as people in prostitution and migrant workers; 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; establish a formal inter-ministerial coordination group; and raise awareness of 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 significant efforts in its anti-trafficking law enforcement activities during the reporting period. Barbados enacted the Transnational Crime Bill (pt.III) in February 2011. Inconsistent with international standards, this law requires migration as a necessary element of human trafficking offenses and apparently does not criminalize the forced labor or forced prostitution of Barbadian citizens and residents, only of persons who enter, exit, or are received into Barbados. The law prescribes maximum penalties of 15 years' imprisonment. These prescribed penalties are sufficiently stringent but are not commensurate with penalties for other serious crimes, such as rape, and are lower than the separate crime of human smuggling. Low awareness of human trafficking among law enforcement officials, as well as the absence of legislation criminalizing all forms of trafficking, were significant limitations in the government's ability to address human trafficking in Barbados during the reporting period. The government did not report data on any investigations, prosecutions, convictions, or sentences of trafficking offenders or public officials complicit in human trafficking during the year. Barbadian officials contributed in-kind assistance to an OAS-sponsored human trafficking awareness training.

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 include victim protection provisions in the new law and did not have a formal policy in place to guide officials in how to identify victims of sex trafficking and forced labor proactively; the government did not report identifying any victims during the year. Officials drafted a formal protocol to guide authorities in the identification and protection of victims, though this document had not yet received cabinet approval. In the past, police have referred suspected victims to the Bureau of Gender Affairs for support services. 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 have been in human trafficking situations. Despite significant financial strain, this organization provided very high quality services, had staff trained to handle trafficking cases, and has assisted trafficking victims. The government provided funding to another NGO that could provide temporary shelter to adult male trafficking victims though there were no reports that any victims were assisted. 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 that identified victims would not be inappropriately punished for unlawful offenses committed solely as a direct result of being trafficked.

Prevention

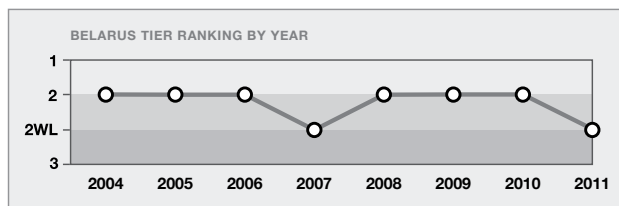
The government made limited progress in efforts to prevent human trafficking in Barbados. There was no formal awareness campaign, but various officials raised awareness of human trafficking through the public debate surrounding the introduction of anti-trafficking legislation to the parliament. The Bureau of Gender Affairs distributed materials from IOM and worked with regional and local NGOs, religious organizations, and community advocates to raise awareness. The government did not have a formal mechanism for coordinating government and NGO action on trafficking issues or a national action plan. The government funded the operation of a hotline staffed by professionals from the women's crisis center who were 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, destination, and transit country for women, men, and children subjected to sex trafficking and forced labor. Women and children are subjected to sex trafficking in Russia, Germany, Poland, the Czech Republic, Lithuania, Spain, Greece, Belgium, Turkey, Israel, Lebanon, Egypt, the United Arab Emirates, and within Belarus. Reports continued of women from low-income families in Belarus subjected to forced prostitution in Minsk. Belarusian men, women, and children are found in forced begging, 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 a victim of human trafficking. Belarusian men seeking work abroad are increasingly subjected to forced labor. Traffickers often used informal social networks to approach potential victims. Some labor trafficking victims returned to Belarus with severe injuries, such as amputated limbs.

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. The government demonstrated weaker victim protection efforts during the year – identifying 50 percent fewer victims – and prosecuting and convicting fewer trafficking offenders than in previous years. There were no reports of public officials complicit in trafficking; however, there were also no signs that the government made discernible efforts to investigate or prosecute such officials. A full and accurate assessment of the government's response to trafficking was difficult due to the closed nature of the government and sparse independent reporting. The government conducted anti-trafficking prevention campaigns jointly with NGOs, identified a number of victims of trafficking, and provided limited in-kind assistance to anti-trafficking NGOs.



Recommendations for Belarus: Promote a victim-centered approach to prosecuting trafficking cases and increase resources devoted to victim assistance and protection within Belarus; ensure all victims, including children, are provided with access to appropriate assistance and protection; 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; and ensure that information is made publicly available on anti-trafficking efforts, including the number of prosecutions and convictions of trafficking offenders and the number of victims identified and referred to NGOs for assistance.

Prosecution

The government demonstrated decreased law enforcement efforts during the reporting period. Belarusian law prohibits trafficking in persons for both sexual exploitation and labor exploitation 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 38 trafficking investigations in 2010, including four labor trafficking investigations, a decrease compared with 61 human trafficking investigations reported in 2009. Officials reported prosecuting 48 cases and convicting 12 trafficking offenders under Article 181 in 2010, compared with 47 cases prosecuted and 15 offenders convicted under Article 181 in 2009. Eleven of the 12 trafficking offenders received sentences of imprisonment; one was given a deferred sentence. The government did not provide data on specific sentences imposed on any of the convicted offenders. The number of investigations and prosecutions listed in the previous report may have included investigations and prosecutions into crimes related to trafficking rather than trafficking crimes themselves. While reports indicated that officials engaged in corrupt practices, there were no reports of government complicity in human trafficking during the reporting period – such information may have been limited because of lack of press freedom and imprisonment of citizens for criticizing government officials in Belarus. The government anti-trafficking center housed at the police academy, with the assistance of NGO instructors, trained 10 Belarusian government officials and a number of foreign government officials in 2010. NGOs are permitted to use this facility to conduct independent training and NGOs reported providing training on trafficking victim identification to border guards and other government officials. The government reported jointly investigating several trafficking cases with the governments of Spain, the United Kingdom, Turkey, Poland, Germany, Lithuania, and Ukraine.

Protection

The government demonstrated insignificant progress in protecting victims of trafficking during the reporting period. The government identified 64 victims of human trafficking compared with the 147 victims identified in 2009. The number of victims reported in the previous report may have included victims of trafficking-related crimes. State medical and rehabilitation services were available to trafficking victims, but most declined assistance from government sources. NGOs identified and assisted 159 victims of trafficking, the majority of whom were referred by law enforcement. Anti-trafficking NGOs reported that the government provided some support for their efforts in the form of in-kind contributions; however, the government did not provide any funding for NGOs assisting victims of trafficking, despite the 2005 presidential edict mandating such funding. The government reported that it encouraged all 64 trafficking victims to participate in the investigation and prosecution of traffickers; NGOs report that at least one victim did so. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked. Belarusian law allows authorities to grant temporary residency status to foreign victims which would permit foreign victims to work while in the country.

Prevention

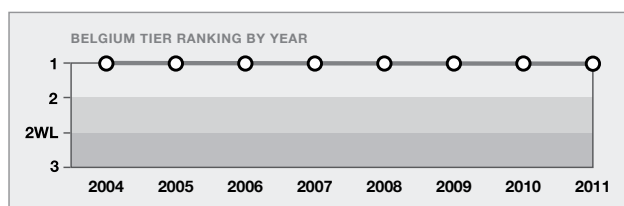
The government sustained its limited trafficking prevention activities during the reporting period. Government-

owned TV channels continued to air six NGO-sponsored anti-trafficking messages and continued to display anti-trafficking awareness billboards. Anti-trafficking materials developed by NGOs were distributed at all land border crossings and at the airport. Government officials continued to conduct press conferences and briefings on the anti-trafficking situation in Belarus. The Ministry of Interior continued to run a hotline to offer information regarding the licensing status and legitimacy of marriage and modeling agencies and agencies involved in work and study abroad. The government did not report any actions to reduce the demand for commercial sex acts.

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. Some victims are smuggled through Belgium to other European countries, where they are subsequently subjected to forced labor and sex trafficking. Male victims are subjected to forced labor in restaurants, bars, sweatshops, horticulture sites, fruit farms, construction sites, and retail shops. Belgian girls are seduced by local pimps and then subjected to sex trafficking within the country. Furthermore, the government reported that foreign children, including ethnic Roma, are subjected to sex trafficking within more hidden forms of prostitution. 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 proactively investigated and prosecuted sex trafficking offenders during the reporting period; however, the government reported that it did not vigorously pursue forced labor cases. The government funded three NGOs providing comprehensive protection and assistance to victims, but identified very few child trafficking victims, despite reports of a significant number of children in prostitution in the country. The Belgian government continued to serve as a leader in the region for its efforts to monitor and prevent domestic servitude within Belgium's diplomatic community. The government's Centre for Equal Opportunity and Opposition to Racism served as a *de facto* rapporteur and continued to publish a comprehensive self-critical annual report to improve the government's anti-trafficking efforts in 2010.



Recommendations for Belgium: Demonstrate vigorous prosecution and punishment of forced labor and forced prostitution offenders; pursue criminal sentences of imprisonment for convicted human trafficking offenders; improve collection of victim assistance statistics to demonstrate proactive identification of victims and ensure that victims are provided with access to services; improve outreach to children who are engaged in sex trafficking and forced begging; consider consolidating current multi-agency directives on identification and protection into formal standard operating procedures for all front-line responders in Belgium as means of avoiding inadvertent deportation of trafficking victims; and implement a nation-wide comprehensive demand campaign to educate clients of Belgium's commercial sex industry about forced prostitution within the legal and illegal sectors, as well as consumers of the products made and services provide through forced labor.

Prosecution

The government sustained strong law enforcement efforts against sex trafficking offenses but made only modest efforts to address forced labor 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 reported it conducted 341 trafficking investigations in 2009, the most recent year full data were available. During this same time period, it convicted 132 trafficking offenders; sentences for 10 convicted traffickers were over five years' imprisonment, 93 offenders received one to five years' imprisonment, and 12 offenders received less than one year in jail. Seventeen convicted traffickers received no jail time. Other data showed courts used fines and community service in lieu of criminal penalties, although it is unclear if these punishments were for crimes of sexual and economic exploitation rather than trafficking. The government did not disaggregate these statistics to demonstrate how many convictions involved forced labor. Additionally, a recent government report noted that prosecutors in Belgium handle few cases involving forced labor. In May 2010, however, a court of appeals increased the sentence of an Antwerp lawyer who subjected a Moroccan child to domestic servitude, including sexual abuse, from five to eight years' imprisonment; the court added that contradictions in the victim's statements did not diminish her credibility. The government reported it prosecuted some traffickers who subjected women to forced prostitution in the legalized commercial sex industry in the country. The government reported that the employers' intention to exploit their workers was considered of paramount importance to prove a crime of trafficking. The failure of an employer to meet wage, hours, and working conditions in accordance with prevailing labor legislation and collective bargaining agreements can constitute "exploitation" under Belgium's anti-trafficking law; these cases may be included as trafficking offenses in the government's data. An EU Schengen evaluation report issued in December 2009, stated that anti-trafficking prosecutors in Belgium report difficulty distinguishing

between sexual exploitation as such and sexual exploitation related to trafficking; this report also noted prosecutor's difficulty in separating a victim of trafficking for economic exploitation from one of illegal employment.

In November 2010, judicial authorities reported their decision to formally prosecute eight family members of the royal family of Abu Dhabi (UAE) of abuse and sequestration for subjecting 17 girls to forced servitude while staying at a Brussels hotel in 2008. The convicted sheikha and seven other family members have not returned to Belgium. The government did not vigorously investigate, prosecute or convict any Belgian officials for trafficking-related complicity in 2010.

Protection

The government continued its efforts to protect victims of trafficking in 2010. According to the government, 141 new trafficking victims were identified and referred to service providers during the first half of the year. The government continued to fund three NGOs that provided shelter and comprehensive assistance to these trafficking victims. The government reportedly used proactive procedures to identify victims of trafficking based on a 2008 interagency directive on coordination and assistance to trafficking victims; according to a recent NGO report, standard operating procedures for all front-line responders are lacking. The government reported it issued 52 unlimited residence permits and 108 temporary permits to trafficking victims in 2010. Children who were victims of trafficking reportedly were granted three months in which to decide whether to testify against their traffickers. According to a 2009 ECPAT report, Belgian officials will only officially recognize a person as a victim of trafficking if that person has broken off all contact with their traffickers, agrees to counseling at a specialized reception center, and officially files a complaint against the traffickers; the report noted that these conditions for victim assistance are too high for child victims to meet. According to the government, if a child did not qualify for victim status, they may still have qualified for protection under the government's rules for unaccompanied minors. Victim witnesses were entitled to seek legal employment during the relevant legal proceedings. Identified victims were not inappropriately incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked.

The Ministry of Justice reported it finalized a cooperation project with hospitals in Belgium to improve detection of potential trafficking victims who seek medical care in 2010. Further, *Surya*, one of the three government-funded NGOs, continued a pilot project to improve detection of trafficking victims at the Liege University Hospital, to assess both the feasibility and the efficiency of using medical staff to improve victim identification. Preliminary findings from the pilot project verified that trafficking victims are more willing to talk to medical staff than police; the government reported it continued to review the project before expanding it to the national level.

Prevention

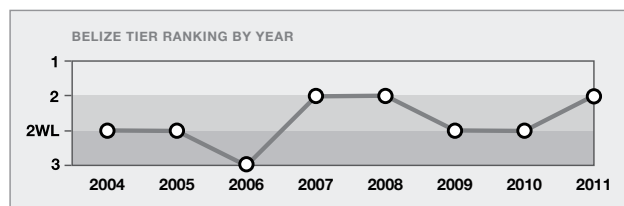
The Government of Belgium sustained progress to prevent trafficking in 2010. A 2011 OSCE Report cited Belgium as a country with best practices in its outreach to domestic employees to inform them of their rights and provide them with avenues to report abuse. Among other measures, the government required domestic workers to appear in person once a year to renew their identification cards. Further, the government has expelled foreign diplomats found to be engaged in exploitation, despite pressure from foreign diplomatic interlocutors. The government transparently reported on its anti-trafficking efforts in 2010; the Center for Equal Opportunities and Opposition to Racism served as a *de facto* anti-trafficking national rapporteur for the government and published an independent annual report on human trafficking and smuggling. This report highlighted both good and bad practices in the government's anti-trafficking efforts and made recommendations for improvement. The 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 before they were deployed 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 trafficking in Belize is the coerced prostitution of children, particularly situations in which poor parents push their school-aged children to provide sexual favors to wealthy 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 occurs in bars, nightclubs, and brothels throughout the country. Foreign men, women, and children, particularly from Guatemala, Honduras, El Salvador, Mexico, and Asian countries migrate voluntarily to Belize in search of work; some may fall victim to sex trafficking or 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 amongst the South Asian and Chinese communities of Belize, primarily in restaurants and shops with owners from the same country. There reportedly has been at least one case of a Belizean citizen in forced domestic service in the United States during the reporting period.

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. While the government has not successfully prosecuted a trafficking offender for over five years, the government increased prosecutions of trafficking offenders, identified more human trafficking victims, and conducted an awareness campaign in several languages. The Belizean government demonstrated impressive efforts to forge and expand partnerships with NGOs during the reporting period to address child sex trafficking, a form of human trafficking

that is a taboo subject in much of the Caribbean region. The government arrested a police officer in relation to a human trafficking case, though it did not convict or sentence any officials complicit in sex trafficking or forced labor; lack of accountability for trafficking offenders, especially complicit officials, remained a significant obstacle to effective anti-trafficking reforms.



Recommendations for Belize: Enact legislation that would make penalties for human trafficking commensurate with those for other serious crimes, such as rape; demonstrate 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 linked with human trafficking; increase efforts to prosecute sex and labor trafficking offenses and convict and punish trafficking offenders; employ formal procedures to guide officials (including law enforcement, health workers, and labor inspectors) in how to identify 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 funding and collaborating with NGOs to sensitize 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

The government made some progress in law enforcement efforts during the reporting period, though the government has not obtained a conviction of a trafficking offender, including officials complicit in human trafficking, since 2005. Belize's government prohibits all forms of trafficking through its Trafficking in Persons Prohibition Act of 2003, which prescribes punishment between one and five years' imprisonment and a \$5,000 fine. These penalties are sufficiently stringent but are not commensurate with penalties prescribed for other serious crimes such as rape, which carries a penalty of eight years' to life imprisonment. Under the existing legislation, trafficking cases are tried in the lower courts, where they are often dismissed, indicating a lack of severity assigned to the crime of trafficking. Draft proposed legislation, which the government has announced it was committed to passing, would lead to significant improvements, including ensuring legally

qualified judges and prosecutors handle trafficking cases, and the continuous trial of cases.

The government initiated 12 new prosecutions of suspected trafficking offenders during the reporting period, at least five of which involved the alleged commercial sexual exploitation of children, and at least three of which involved alleged labor trafficking; two labor trafficking prosecutions from the previous reporting period remained pending. Trafficking-related complicity reportedly remained a serious problem. In an initial positive step during the reporting period, authorities arrested and charged one government official with rape and aggravated assault resulting from human trafficking investigations; the case is pending in the court system. For the fifth consecutive year, the government reported no convictions of trafficking offenders, including officials complicit in human trafficking. Court delays have caused victims to become frustrated, and often led them to cease cooperation as witnesses in trafficking prosecutions, despite their interest in seeking justice. The government conducted human trafficking awareness training for at least 86 customs and immigration officers and 12 labor inspectors during the reporting period; the government reported that at least 12 percent of all Belize police officers have been trained on identifying commercial sexual exploitation of children and other human trafficking issues.

Protection

The government made progress in victim protection during the reporting period. The government showed improvements in victim identification efforts, identifying and assisting 13 new trafficking victims in 2010, including three victims of forced labor, in addition to providing services for eight victims identified in previous years. 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, though Belize's anti-trafficking committee employed a formal mechanism to refer victims to available services. In an unprecedented effort to improve transparency and effectiveness of victim protection services, the government reported the amount it spent in providing assistance to victims of human trafficking in 2010 – \$87,000. The government reportedly 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. There were two government-operated shelters for adult victims; the government has placed child victims in foster care or with relatives. There were no reports that victims were held involuntarily in these shelters. Authorities in Belize encouraged victims to assist with the investigation and prosecution of their traffickers. Authorities provided temporary residency for foreign trafficking victims participating in court cases. After the conclusion of court cases, 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. Authorities reportedly often jailed and prosecuted foreign women found in prostitution; without

formal trafficking victim identification procedures, this practice greatly increased the chances that victims were systematically jailed or penalized for crimes committed as a direct result of being trafficked. Also, there were reports that the government deported some foreign victims before they were able to receive assistance.

Prevention

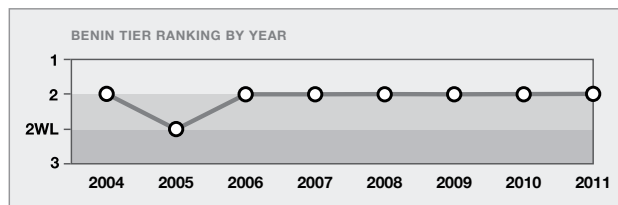
The government made progress in prevention efforts during the reporting period. The government continued to coordinate Belize's anti-trafficking initiatives through operating an anti-trafficking committee chaired by a high level official from the Ministry of Human Development. During the reporting period, the anti-trafficking committee produced and disseminated public service announcements via radio, television and print media in English, Spanish, Chinese, and Hindi with the goals of raising general awareness about human trafficking and providing basic information to victims. In March 2011, the government placed six large anti-trafficking billboards outside the entrance to the international airport, at border entry points, and in tourist areas. Officials conducted a poster contest and three teacher workshops to raise awareness of human trafficking among school children and teachers. The government continued implementation of the 2006-2010 National Strategy for Human Trafficking with the support of local NGOs. The government did not have a formal mechanism to monitor its anti-trafficking efforts. In support of reducing the demand for commercial sex acts and child sex tourism, the government provided some funding toward an NGO that raises awareness about the consequences of commercial sexual exploitation of children and operates a hotline for reporting child trafficking. The prime minister's spouse and the Ministry of Human Development and Social Transformation led a two-day symposium on commercial sexual exploitation of children in August 2010.

BENIN (Tier 2)

Benin is a country of origin and transit for children, and possibly men and women, subjected to forced labor and sex trafficking. The majority of victims are girls subjected to forced domestic service or sex trafficking in Cotonou, the administrative capital. Children are also forced to labor on farms or construction sites, to produce handicrafts, or hawk items on the street. The majority of child trafficking victims are from the northern regions of Benin. Reports indicate that children may be exploited in the sex trade near Pendjari National Park in northwest Benin to meet the demand of foreign tourists. Children are recruited and transported to Nigeria and Gabon, and to a lesser extent Cote d'Ivoire, Ghana, Democratic Republic of the Congo, Togo, Cameroon, and Niger, where they are forced to labor in mines, quarries, restaurants, street vending, and on cocoa farms.

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 trafficking is a problem in Benin, and during the year authorities

continued to proactively identify child victims and coordinate efforts to provide for their short and long-term protection. The government identified 241 victims during the year and prosecuted an unknown number of trafficking offenders. However, the government does not recognize the trafficking of adults, and despite reports of children held in commercial sexual exploitation, it neither investigated nor apprehended any suspected sex traffickers during the year.



Recommendations for Benin: Increase efforts to convict and punish trafficking offenders, including using existing statutes to successfully prosecute trafficking crimes committed against adults; develop and enact legislation to criminalize all forms of trafficking of adults; improve efforts to collect law enforcement data on trafficking offenses, including cases involving the trafficking of adults, prosecuted under separate statutes in the penal code or legal code, and make this data available to the public; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and children laboring in the informal sector, and refer them to protective services; and employ active measures to monitor and raid brothels to remove children from the sex trade and bring their traffickers to justice.

Prosecution

The government continued its anti-trafficking law enforcement efforts during the last year. Benin does 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 trafficking of adults for forced labor and forced prostitution is not adequately prohibited by Beninese law. Some cases of trafficking of adults could be prosecuted under other criminal statutes, but these articles were not used to prosecute trafficking cases. 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 imprisonment or a fine. These punishments are neither sufficiently stringent nor commensurate with those prescribed for rape. The government provided data on its law enforcement efforts from six of its nine courts related to a variety of crimes against children, including child trafficking; it reported prosecuting 93 such cases and obtaining 84 convictions. It is unknown how many of these cases constituted trafficking offenses. During the year, the Minors' Protection Brigade (BPM) arrested and referred 14 individuals for trafficking and related offenses, including the illegal movement of children and child labor, to the

court of Cotonou; an additional 35 identified cases did not result in any arrests. The government neither specified which of these cases involved child trafficking nor provided information on the outcome of these prosecutions. *Gendarmes* arrested an unreported number of individuals in Prekete for attempting to transport 16 children to Cotonou for domestic servitude; the suspected traffickers were prosecuted in Natitingou, but the outcome of this case is unknown.

The government did not report efforts to investigate, prosecute, convict, or sentence government employees complicit in human trafficking, and there were no reports that such complicity occurred. Some government officials may be tolerant of trafficking, but observers report this tolerance is decreasing. The government did not provide specialized training to law enforcement officials to identify, investigate, or prosecute trafficking offenses.

Protection

The Government of Benin sustained its modest efforts to protect child victims during the year, but did not protect any adult victims of trafficking. Four government ministries collaborated to provide services to victims and refer them to NGOs to receive additional care. The BPM took proactive measures to identify child trafficking victims by interviewing the children it took into custody. During the year, the BPM identified 241 child victims and provided them with temporary shelter, as well as legal, medical, and psychological services in a transit center staffed by NGO personnel – located on police premises in Cotonou – before referring them to long-term NGO shelters. In December 2010, the Ministry of Family and the BPM repatriated 19 Beninese child victims from Nigeria, and referred them to NGO shelters for care; an additional 40 children were repatriated from Gabon and other countries in the region during the year. The Ministry of Family and National Solidarity reunited 193 victims with their families, but only after determining the child's reintegration prospects were good, based on prospective services such as education or vocational training. In 2010, the Ministry of Family and Children built seven new Social Promotion Centers and restored eight of its 77 existing centers which provide social services at the community level. An unknown number of trafficking victims may have received services from these centers. The BPM 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. Parents were reluctant to bring charges against traffickers, though the government prosecuted some cases without relying on the support of the victims or their parents. 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 law violators.

Prevention

The government took some steps to prevent trafficking in persons during the year. In April and May 2010, the Ministry of Justice conducted trainings in three cities

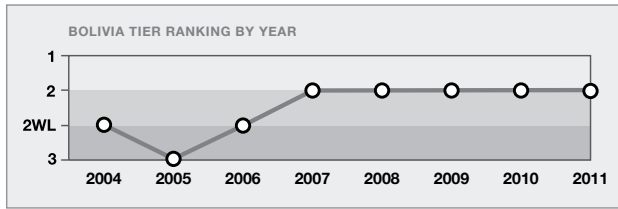
in northern Benin for 120 government officials and civil society members on the legal protections available for children. The ministry distributed 6,000 brochures detailing the country's child trafficking laws, printed with the assistance of international organization partners, to law enforcement agents in four cities. The National Child Protection Coordination and Monitoring Working Group, which includes a committee on trafficking and exploitation, continued to meet quarterly and issue a newsletter. The Beninese government hosted several anti-trafficking meetings with other governments and multilateral institutions during the year, though it did not report taking any additional actions as a result of this engagement. Both the BPM and the Family and Child Monitoring Office at the Ministry of Family and National Solidarity maintained databases on child trafficking; in September 2010, the ministry used the data to create a Social Scoreboard to make child protection data available to the public. The government took no steps to reduce the demand for commercial sex or forced labor during the reporting period, and no arrests were made for the sex trafficking of children. The government did not provide Beninese troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though such training was provided by a foreign donor.

BOLIVIA (Tier 2)

Bolivia is principally a source country for men, women, and children who are subjected to conditions of sex trafficking and forced labor within the country or abroad. A large number of Bolivians are found in conditions of forced labor in Argentina, Brazil, Chile, Peru, Spain, and the United States in sweatshops, factories, and agriculture. A Bolivian consular official noted an increase in exploited Bolivian laborers in Brazil during the year. Within Bolivia, young women and girls from rural areas are subjected to sex trafficking in urban areas. Bolivian women and girls are also subjected to sex trafficking in neighboring countries, including Argentina, Peru, and Chile. Members of indigenous communities are at risk of forced labor within the country, particularly in the Chaco region. A significant number of Bolivian children are subjected to conditions of forced labor in mining, agriculture, and as domestic servants. Reports also indicate some families lease their children for forced labor in mining and agriculture near border areas with Peru. In Chile and Brazil, authorities identified some Bolivian children forced to courier drugs. Despite some officials' assertions otherwise, some NGOs and the human rights ombudsman report that a small number of children serve in the Bolivian armed forces. The country's porous borders facilitate the movement of undocumented migrants, some of whom may be victims of trafficking.

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. The government maintained law enforcement efforts against sex trafficking crimes involving children and, with support from a foreign government, opened four trafficking investigative units during the reporting period in border areas with identified trafficking problems. Despite these

efforts, convictions of trafficking offenders remained disproportionately low compared with high numbers of trafficking victims identified by Bolivian authorities. The government did not show evidence of adequately addressing forced labor, and most victim services were available only to girl sex trafficking victims.



Recommendations for Bolivia: Intensify law enforcement efforts against the forced labor of adults and children and the forced prostitution of adults; increase efforts to prosecute trafficking offenses, and convict and punish trafficking offenders, especially in cases involving forced prostitution of adult women or forced labor; increase efforts to proactively identify victims of forced labor and adult sex trafficking victims; pass the draft comprehensive trafficking law to establish more robust victim protections; enhance victim services across the country, particularly for victims of forced labor, through increased resources designated for victim assistance; increase resources for dedicated anti-trafficking prosecutorial and police units to address the challenges in moving from victim identification to successful prosecution; enhance training opportunities for police officers, judicial officials, and other government officials; develop formal procedures for identifying trafficking victims among vulnerable populations; provide enhanced legal protections to trafficking victims, including legal alternatives to deportation for foreign victims; and increase public awareness about the dangers of human trafficking, particularly among Bolivians seeking work abroad.

Prosecution

The Bolivian government sustained anti-trafficking law enforcement efforts over the last year, though it did not demonstrate increased efforts to prosecute and punish trafficking offenders. Bolivia prohibits all forms of human trafficking through Law 3325, a trafficking and smuggling law enacted in 2006, which 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. A draft trafficking and smuggling law before Bolivia's congress would enhance the government's ability to conduct in-depth trafficking investigations and would improve victims' access to specialized services. The Bolivian National Police reported investigating 219 cases suspected of involving human trafficking in 2010, compared with 288 investigations initiated during the preceding year. Authorities prosecuted 15 suspected trafficking offenders under the anti-trafficking law, as well as prosecuting 16 trafficking offenders under pimping statutes and three offenders under statutes prohibiting the sexual exploitation of minors. The government achieved the conviction of

seven sex trafficking offenders in 2010 under statutes prohibiting pimping and the sexual exploitation of minors, with sentences ranging from six to 20 years' imprisonment. The government did not achieve any convictions under the trafficking law in 2010. In comparison, in 2009 the government prosecuted 21 suspected trafficking offenders and convicted seven, three of which were given suspended sentences.

The majority of anti-trafficking law enforcement efforts continued to focus on the prostitution of children, and there were no reports that charges were filed for forced labor crimes. The government continued to operate four specialized anti-trafficking police units in La Paz, El Alto, Santa Cruz, and Cochabamba. During the reporting period, authorities inaugurated four additional units along Bolivia's borders with Brazil in Cobija and Puerto Quijarro, with Argentina in Yacuiba, and with Peru in Desaguadero, with the support of a foreign government. Each unit was staffed by four officers, and prosecutors were assigned to these new units to support their investigative work. Law enforcement officials and prosecutors received anti-trafficking training funded by NGOs, international organizations, and a foreign government. Bolivian police continued targeted law enforcement operations against brothels that exploited children. The dedicated anti-trafficking prosecutorial unit in the capital was underfunded and understaffed. Some judges were reportedly reluctant to use the anti-trafficking law. Bolivian officials pursued partnerships with counterparts in the governments of Argentina and Peru to investigate trafficking cases and repatriate victims. Authorities reported no investigation, prosecutions, or convictions of government officials for trafficking-related complicity.

Protection

The Bolivian government sustained efforts to protect female trafficking victims over the last year with funding from civil society organizations and foreign governments. Although law enforcement officials identified a significant number of child victims during police operations in brothels, the government lacks effective procedures for identifying trafficking victims among other vulnerable populations, such as child laborers. Authorities ran a closed shelter for underage female sex trafficking victims, as well as other underage female victims of abuse, in La Paz. Similar shelters in Potosi, Cochabamba, and El Alto housed trafficking victims during the reporting period; these shelters also housed juvenile offenders. In addition to investigating and prosecuting cases, the anti-trafficking police unit in Santa Cruz provides victims of trafficking and domestic violence with medical assistance, counseling services, and shelter, and is seen as a successful model of integrated care in the country. NGOs and religious groups provided additional shelter care and reintegration programs to trafficking victims, but do not receive government funding.

Temporary and long-term services for victims remained unavailable in parts of the country. Services for adult female victims and for male victims were minimal, and in one case a male victim of sex trafficking from Argentina was placed in police detention to protect him from his

traffickers. Police reported identifying 277 sex trafficking victims during the reporting period; 154 were referred to government-run facilities, and 84 were referred to shelters run by civil society. Authorities reported adopting the IOM care protocol for trafficking victims in 2010 in an effort to standardize the approach of different government entities, but there was no designated funding to implement this protocol. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders, though victims often chose not to cooperate because of their fears of reprisals from traffickers. 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 hardship or retribution. While the government provided no specialized training in the identification of trafficking victims, other partners, including NGOs and foreign governments, provided training to police, prosecutors, and the general population.

Prevention

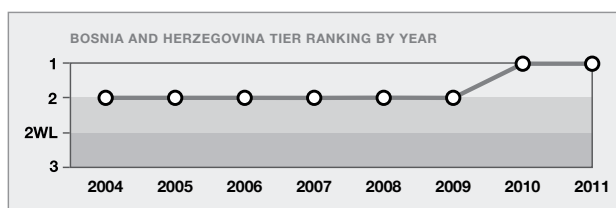
The government sustained its prevention and public awareness efforts, largely in collaboration with international donors. The National Anti-Trafficking Council met four times during the year and was responsible for implementing the 2006-2011 national plan to combat trafficking, though many of the plan's goals remain unmet. In 2010, authorities sponsored the second meeting of the separate National Council to Combat Trafficking in Migrants. Officials from different government agencies and the IOM committed to various anti-trafficking initiatives, including enhanced victim identification efforts along the border with Argentina and enhanced coordination with the Government of Chile regarding Bolivian children exploited in Chile. Bolivian authorities continued to forge partnerships with NGOs, international organizations, and other governments on prevention activities. No efforts to reduce demand for commercial sex acts or forced labor were reported during the year. The government provided human rights training for its troops before they deployed on international peacekeeping missions, though this did not involve training specifically on human trafficking.

BOSNIA AND HERZEGOVINA (Tier 1)

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 and other countries in Europe. Women from Albania, Serbia, Kosovo, and Bosnian women and young girls were subjected to sex trafficking within the country. Local girls, particularly Roma, were trafficked, using forced marriage, for the purpose of domestic servitude. Roma boys and girls, some as young as 4 years old, were subjected to forced 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 fully complies with the minimum standards for the elimination of trafficking. The government demonstrated sustained law enforcement and victim protection efforts, and set a leading example in a forced begging case in 2010. However, it did not proactively identify trafficking victims, likely resulting in their punishment for unlawful acts committed as a result of being trafficked. Some NGOs reported that trafficking-related corruption significantly hampered the government's ability to vigorously prosecute trafficking and to identify and protect victims.



Recommendations for Bosnia and Herzegovina:

Vigorously investigate all potential trafficking cases to ensure trafficking offenders are aggressively prosecuted and punished; ensure identified victims are not punished as a direct result of being trafficked; move towards a more victim-centered, multi-disciplinary response to trafficking by expanding partnerships with specialized NGOs to ensure their role in victim identification and assistance; vigorously investigate and prosecute trafficking-related complicity; improve statutory protections for foreign victims to ensure they are not prematurely expelled before the reflection period or involuntarily repatriated; mandate anti-trafficking training for all law enforcement and other front-line responders; and develop comprehensive national level campaigns to educate the public about trafficking and to reduce the local demand for commercial sex.

Prosecution

The Government of Bosnia maintained its anti-trafficking law enforcement efforts in 2010. 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 2010, the national government prosecuted and convicted seven trafficking offenders, compared with 11 in 2009. Sentences ranged from one suspended sentence to six years in prison. Three of these sentences were over 4.5 years in length. Courts in the Federation prosecuted and convicted three trafficking offenders, and sentences ranged from six months to 2.5 years' imprisonment. This compares with 11 convicted offenders in 2009. In the Republika Srpska, authorities prosecuted and convicted two trafficking offenders resulting in a suspended sentence and one year's imprisonment; this compares with convicting five trafficking offenders in 2009. Finally in the Brcko District, courts prosecuted and convicted

four trafficking offenders with sentences ranging from 2.5 to 3.5 years' imprisonment. Regional experts report that authorities often fail to recognize trafficking cases and prosecute offenders under other criminal statutes, resulting in continued use of suspended sentences for trafficking offenders. The government continued efforts to improve cooperation and coordination through its Anti-Trafficking Strike Force, resulting in improvements in its data collection on trafficking cases. Further, under the leadership of the Strike Force, authorities executed an unprecedented, coordinated operation involving large-scale raids against forced begging rings in Sarajevo, Banja Luka, and Brcko, and pursued an investigation of the suspected trafficking offenders.

There were continued anecdotal reports of police and other officials' facilitation of trafficking, including by willfully ignoring, exploiting trafficking victims, and actively protecting traffickers or exploiters of trafficking victims in return for payoffs. The government at times failed to vigorously investigate or prosecute such cases during the reporting period. In September 2010, the government suspended an investigation of 17 individuals for charges including the sex trafficking of a child from the Roma community, from which potential victims are especially vulnerable. The investigation, initiated in March 2010, included some government officials. Citing a lack of credible evidence, the state prosecutor determined the individuals under investigation could not be prosecuted for trafficking. However, an NGO providing assistance to the victim, whose exploitation began when she was 14, reported strong indications of trafficking. Furthermore, the government did not report on any progress made in a case involving two local officials under investigation by the state prosecutor for their December 2007 involvement in forced prostitution of three children who were released from custody on February 12, 2009.

Protection

The Government of Bosnia sustained its efforts to protect some trafficking victims, though it did not demonstrate concrete improvements in the proactive identification of trafficking victims in 2010. Authorities identified 37 trafficking victims in 2010, compared with 46 victims in 2009. Local experts report police are not using proactive identification techniques to locate victims increasingly kept in more private locations throughout the country. All stakeholders report a lack of clarity in the current procedures used for identification and referral of victims, and local experts report multiple instances of potential victims not being recognized as such. Furthermore, according to local experts, children in prostitution who are over 14 years of age are generally treated as juvenile offenders and can be punished for crimes committed as a direct result of being trafficked. In July 2010, the government reduced the number of NGOs who receive funding for the reintegration and rehabilitation of victims from seven to two, reporting its intention to focus on building the capacity of two partner NGOs to provide these services for foreign and domestic trafficking victims. However, NGOs with a history of providing assistance to trafficking victims in Bosnia report this decision resulted in their increasingly marginalized role in overall anti-

trafficking efforts. The government's funding for victim assistance came from a general fund for all victims of sexual violence, reporting \$45,000 for domestic victims and \$69,000 for foreign victims of sexual violence. The government identified four foreign trafficking victims in 2010. Authorities reported victims are not entitled to leave the shelters unchaperoned, citing safety concerns.

The government demonstrated regional leadership in conducting large-scale raids against a forced begging ring operating throughout the country in December 2010 and January 2011. In this case, police rescued and referred 10 children to a shelter, rather than simply returning them to their parents, as is the general response in the region, after suspecting their parents were colluding with the ringleaders. The government encouraged victims to assist in the investigation and prosecution of traffickers and relied on the voluntary cooperation of victims as witnesses in all of its prosecutions in 2010. However, local experts continued to report that the protection of witnesses in Bosnia remained inadequate. The government reported it provided legal alternatives to the removal of foreign trafficking victims to countries where they face hardship or retribution through the provision of short- and long-term residence permits. However, NGOs report that prosecutors initiated 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. In 2010, the government provided five victims with residence permits, compared to six in 2009. One border official reported authorities did not use formalized systematic procedures to identify trafficking victims at border points.

Prevention

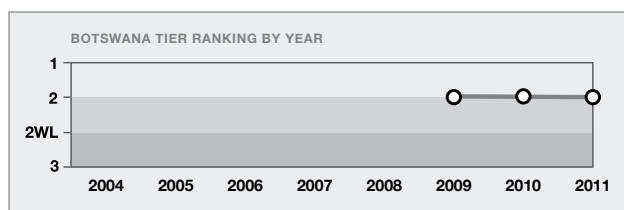
The Bosnian government did not initiate any new anti-trafficking awareness initiatives in 2010, although it continued to partner with NGOs conducting campaigns. The Office of the State Coordinator assisted in the development of anti-trafficking educational materials for school children and continued to serve as a general point of contact for anti-trafficking stakeholders. The government also continued specialized anti-trafficking training of Bosnian troops before their deployment 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. 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 Botswana, serving as domestic workers for extended family or friends of family, in some cases may be subjected to verbal, physical, or sexual abuse and denied access to education and basic necessities, conditions indicative of forced labor. Botswana girls are exploited in prostitution within the country, including in bars and by truck drivers along major highways. A report indicates that the organized prostitution of underage girls may be occurring in Gaborone. 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. Botswana families who employ Zimbabwean women as domestic workers at times do so without proper work permits, do not pay adequate wages, and restrict or control the movement of their employees by threatening to have them deported to Zimbabwe.

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, including the launching of the government's first anti-trafficking awareness campaign, in partnership with UNICEF, and working with UNODC to train officials and formulate anti-trafficking legislation. Despite these efforts, however, the government has not finalized draft comprehensive anti-trafficking legislation, and has failed to prosecute and convict trafficking offenders, but made social services available to potential trafficking victims. While high-level officials display an apparent willingness to address the issue, a government-wide mandate to begin coordinated anti-trafficking work does not yet exist.



Recommendations for Botswana: Complete the drafting of and enact comprehensive legislation that criminalizes all forms of trafficking in persons; increase efforts to investigate and prosecute suspected traffickers under existing laws; develop a formal system to proactively identify trafficking victims and train law enforcement, immigration, and social welfare officials to identify such victims, especially among vulnerable populations such as irregular migrants and women and children in prostitution; expand existing public awareness campaigns to educate the general public on the nature of human trafficking; and begin maintaining detailed records of anti-trafficking law enforcement efforts.

Prosecution

The Government of Botswana made limited progress in anti-trafficking law enforcement efforts over the last year. The government investigated several suspected trafficking cases; however, it did not report any prosecutions of trafficking offenses or convictions of trafficking offenders in 2010. 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), 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. These sections have never been used to prosecute or convict a suspected trafficking offender. Sections 57 and 114 of the 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. Although the Ministry of Defense, Justice and Security began drafting a comprehensive anti-trafficking law in October 2009, no action was taken on this bill during the reporting period; however, the government is considering inclusion of anti-trafficking provisions in the revised Serious Crimes Act.

The police reportedly investigated one case of a five-year old who was promised an education by her aunt, but was instead forced to do domestic work and suffered severe physical and verbal abuse. Police and social workers brought the victim to a local shelter; the police formally charged the aunt and she is awaiting trial. Multiple law enforcement officials were trained to effectively investigate cases of human trafficking or to differentiate between smuggling and trafficking. In December 2010, in partnership with UNODC, the government provided law enforcement training, including anti-trafficking issues, to 50 law enforcement officers. A police officer in the National Central Bureau of Interpol is assigned to work exclusively on transnational human trafficking issues.

Protection

The government demonstrated minimal efforts to protect victims of trafficking. Botswana has no social services specifically to assist victims of human trafficking. NGO-operated shelters, which received government funding, provided general services to children, including children in prostitution. During the reporting period, police and social workers brought at least one child victim of forced labor to one of these shelters, where she received shelter and assistance. Although the Government of Botswana made available counseling, medical services, food, and accommodation to potential trafficking victims, it did not provide assistance to any persons it identified as victims of trafficking during the reporting period. Law enforcement and social services personnel have not established formal procedures to proactively identify victims of trafficking among vulnerable populations. The government deports undocumented foreign migrants in 24 hours from arrest and, due to limited time and resources, provides informal screening for trafficking victimization for the 300 undocumented foreign migrants deported each day.

Prevention

The government made moderate efforts to prevent trafficking in and through Botswana. During the reporting period, however, it took no action to complete or implement the draft national action plan it began developing in 2008 and the country remains without a formal inter-ministerial body to coordinate its anti-trafficking work. In June 2010, the Director of Social Services, in partnership with UNICEF, launched an anti-trafficking awareness campaign in preparation for the World Cup in South Africa, which included awareness raising and training for stakeholders. A national committee was formed to oversee this campaign, which held a workshop for stakeholders in April 2010.

The committee also held an outreach event for children in May 2010, which included speeches, a march, poetry, and art competitions, as well as a live radio program on trafficking; 290 participants attended this event, including 260 children. In June and July 2010, the Department of Social Services, the Immigration Department, the Tribal Administration, as well as UNICEF and a local NGO, facilitated three workshops in Gaborone, Lobatse and Palapye; 91 teachers, social workers, immigration officials, and officers from the Botswana United Revenue Service received training on how traffickers operate, what child trafficking entails, and the management of trafficking cases.

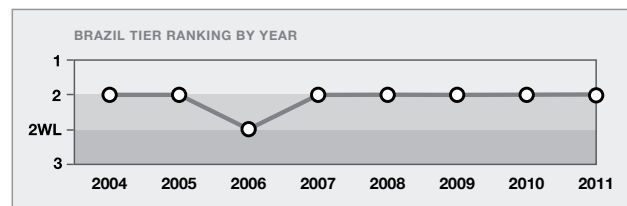
BRAZIL (Tier 2)

Brazil is a 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 and women in forced labor and forced prostitution. According to the UNODC, sex trafficking of Brazilian women and girls occurs in all 26 Brazilian states and the federal district, and the federal police continued to estimate that upwards of 250,000 children were involved in prostitution. A large number of Brazilian women and children are found in sex trafficking abroad, often in European countries, including Spain, Italy, Portugal, the United Kingdom, the Netherlands, Switzerland, France, Germany, Norway, and Luxembourg, as well as in the United States, and as far away as Japan. 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, women from neighboring countries have been identified in sexual servitude in Brazil. During the year, some Brazilian transsexuals were forced into prostitution within the country, and some Brazilian men and transsexuals were forced into prostitution in Spain and Italy.

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. More than 25,000 Brazilian men are subjected to *trabalho escravo* within the country, typically 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 as slave laborers in cattle ranching, mining, and agriculture. Forced labor victims are commonly lured with promises of good pay by local recruiters – known as *gatos* – in rural northeastern states to interior locations where many victims are subjected to debt bondage. Many of these internally trafficked laborers originated from the states of Maranhao, Piaui, Tocantins, and Bahia, while Para and Mato Grosso states received the higher number of slave laborers from within the country. Children in domestic servitude, particularly involving teenage girls, also constitute a problem in the country. To a lesser extent, Brazil is a destination for the trafficking of men, women, and children from Bolivia, Paraguay, Peru, and China for forced labor in garment factories and textile sweatshops in metropolitan centers, particularly Sao Paulo.

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.

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. Human trafficking investigations and prosecutions increased during the year, and authorities convicted seven police officers of trafficking-related complicity. Few convicted trafficking offenders served jail time, however, and there were no reported convictions for internal sex trafficking offenses. Authorities continued mobile labor inspection operations to identify *trabalho escravo* victims and maintained anti-trafficking offices in eight states to assist trafficking victims and raise awareness. Government-provided shelter services and protections for trafficking victims remained inadequate, including those for male victims of forced labor and sex trafficking. Authorities continued to partner with civil society and international organizations to raise awareness about sex trafficking and to punish companies that profited from *trabalho escravo*. Despite continued prevention efforts on child sex tourism, there were no reported prosecutions or convictions of child sex tourists.



Recommendations for Brazil: Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including those involved in internal cases of sex trafficking; vigorously investigate and prosecute those who engage in the prostitution of children; amend legislation to apply more stringent sentences for trafficking offenders so that sentences are not commuted to community service; consider increasing penalties for fraudulent recruiting crimes to target and punish unscrupulous recruiters of forced labor more effectively; increase efforts to prosecute and convict child sex tourists; strengthen the interagency mechanisms at the federal, state, and local level and enhance collaboration between government entities involved in combating forced labor and forced prostitution; increase designated funding for specialized assistance, shelters, and protection for trafficking victims, especially for victims of *trabalho escravo* who are vulnerable to being re-trafficked; supplement victim services by dedicating resources for male and transsexual victims of sex trafficking; continue to increase training for local level law enforcement officers, judicial officials, and social workers; pass a second national plan to combat trafficking with designated funding for victim services and for law enforcement efforts; and expand 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. Few convicted trafficking offenders served jail time, however, and authorities did not vigorously investigate or prosecute internal sex trafficking crimes, including the prostitution of children. In some forced labor and forced prostitution convictions achieved during the year, judges commuted sentences of less than four years' imprisonment to community service, which in rare cases are partially satisfied through making food donations to the victims, 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. Law 12.015, which entered into effect in August 2009, amended Sections 231 and 231-A of the Brazilian Penal Code to strengthen penalties against potential sex trafficking offenders. Sections 231 and 231-A 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 eight years' imprisonment; sentences may be increased up to 12 years' imprisonment when violence, threats, or fraud are used, or if the victim is a child. The above penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. These statutes encompass activity that does not constitute trafficking, however, such as movement for the purpose of prostitution, whether across international or state borders. They only prohibit forced prostitution that involves movement. The offenses of forced prostitution without an element of movement is covered under other statutes, including Section 228, which prohibits inducing, attracting, and facilitating the prostitution or sexual exploitation of another person, or impeding or making leaving prostitution or sexual exploitation difficult for another person; penalties range from two to eight years' imprisonment.

Labor trafficking is criminalized pursuant to Section 149 of the penal code, which prohibits *trabalho escravo*, or reducing a person to a condition analogous to slavery. Section 149, however, goes beyond cases in which people are held in service through forced, fraud, and coercion and includes cases in which persons were subjected to exhausting work days or degrading working conditions. This statute, therefore, prohibits treatment that is considered human trafficking, such as forced labor, as well as other treatment, such as poor labor conditions that are not considered human trafficking. The statutory penalty of two to eight years' imprisonment is sufficiently stringent. In practice, however, few convicted labor trafficking offenders have ever served jail time in Brazil. Brazilian law does not appear to adequately criminalize other means of non-physical coercion or fraud used to subject workers to forced labor, such as threatening foreign migrants with deportation unless they continue to work. A bill first proposed in 2001 that would allow the government to confiscate and redistribute property on which forced labor

has been employed remained pending, due to opposition from rural landowners in Congress.

During the reporting period, the federal police reported investigating 74 transnational sex trafficking cases, an increase from 43 investigations during the previous year, and 45 separate criminal suits were filed for sex trafficking in 2010. Authorities prosecuted 31 sex trafficking offenders and achieved four convictions under Article 231. Of the four traffickers convicted under Article 231, two received sentences of three years' imprisonment that were then commuted to community service, a decision being appealed by the prosecutor. The other two received sentences of eight years and 10 months' and eight years and 11 months' imprisonment. In addition, four trafficking offenders were convicted under charges of forming a gang, and received sentences that ranged from fines and community service to 11 years' imprisonment. In comparison, five transnational trafficking offenders were convicted under Article 231 during the previous year. There were no reports of prosecutions or convictions for internal sex trafficking under Article 231-A in 2010, nor were there any convictions for this crime in 2009. Brazilian authorities collaborated with foreign government counterparts in a number of transnational sex trafficking cases involving victims trafficked to Italy, Spain, Portugal, Canada, Switzerland, Mexico, Argentina, Serbia, and the United States.

To investigate potential cases of *trabalho escravo*, the Ministry of Labor conducted 141 operations targeting 305 properties in 2010, compared with 156 operations involving 350 properties in 2009. The federal police reported investigating 323 potential cases of forced labor in 2010, a significant increase from the 2009, when they reported investigating 142 cases. In most cases, these investigations were in tandem with Ministry of Labor operations. In 2010, authorities filed 177 *trabalho escravo* civil and criminal suits in federal and labor courts. The largest numbers of cases were filed in the states of Mato Grosso and Para. During the reporting period, federal and labor courts prosecuted two cases involving eight defendants and handed down eight convictions under the *trabalho escravo* law. Seven convicted offenders were given fines, and one trafficking offender was given a sentence of 3.5 years' imprisonment plus fines, a sentence that was then commuted to community service. In comparison, authorities reported 15 convictions for *trabalho escravo* during the previous year. During the year, a court upheld a previous fine of \$3 million, the largest amount awarded for a *trabalho escravo* case. Despite a federal ruling in 2006 establishing that *trabalho escravo* cases fall under federal and not state jurisdiction, NGOs reported that there was occasionally still confusion about which authorities were responsible for these cases, causing delays in prosecutions.

The Ministry of Labor's anti-*trabalho escravo* mobile units, created in 1995, continued to free victims and require those responsible to pay fines. Fines varied significantly in amount. Over \$4.5 million in fines were levied during the year, but there is no public information on how many of these 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 practiced have been cited as impediments in the investigation of these cases. During the reporting period, local landowners threatened some members of mobile inspection teams in the state of Santa Catarina. Since the murder of three labor inspectors in 2004, mobile inspection teams should be accompanied by federal police for physical protection, though this did not always occur. In urban areas, particularly Sao Paulo, the shortage of labor inspectors, as well as difficulties in prosecuting companies who subcontracted with sweatshops using forced labor, were cited as impediments to criminal prosecution of trafficking offenders, and in most cases inspectors only levied administrative fines.

Credible NGO reporting indicated 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. One NGO providing services to sex trafficking victims in Sao Paulo noted that several victims reported receiving threats from certain local police officers. In 2010, authorities sentenced seven police officers for falsifying documents and passports used to facilitate crimes of smuggling and forced prostitution of Brazilian citizens abroad, in the culmination of an investigation launched in 2003. Sentences ranged from 11 years and 4 months' imprisonment to 12 years and four months' imprisonment, plus fines; all were free awaiting appeal at the end of the reporting period. Officials launched an online anti-trafficking training publication during the year, and reported that 8,000 social workers were trained during the reporting period. In 2010, 4,577 federal and state police officials, as well as other law enforcement officials completed online training on human trafficking. The Ministry of Foreign Relations launched a guide for Brazilians returning from abroad intended for Brazilian victims and consular officials and NGOs assisting these victims. An integrated trafficking database that will collect information from law enforcement, the judiciary branch, and anti-trafficking centers around the country will not be launched until 2011, despite plans to do so in 2010.

Protection

The Brazilian government made sustained efforts to provide trafficking victims with specialized services during the year; although authorities continued to operate regional offices to assist sex trafficking victims in eight states, funding for victim services was limited, and there were few specialized services or shelters for trafficking victims, particularly for male victims and forced labor victims. Authorities continued to use mobile inspection teams to identify forced laborers, but did not report formal procedures for identifying trafficking victims among other vulnerable populations, such as people in prostitution. The federal government did not fund specialized shelters for trafficking victims. The Ministry of Social Development

provides generalized shelter, counseling, and medical aid to women through its network of 400 centers for victims of domestic violence and sexual abuse, although 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. 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 opened during the year in Bahia: it was limited only to girls and was funded by the state government with civil society support. Due to a lack of victim identification, the local government decided to open the shelter to girls subjected to other forms of abuse. NGOs noted that some government-run centers were not prepared or willing to handle trafficking cases and were underfunded. NGOs 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. Long-term shelter options for sex trafficking victims were generally unavailable.

The Brazilian government, with assistance from UNODC, continued to fund regional anti-trafficking offices in conjunction with state governments in Sao Paulo, Rio de Janeiro, Goias, Pernambuco, Ceara, Pará, Acre, and Bahia, and launched two additional offices in Acre during the reporting period. These offices are responsible for providing victim assistance, in addition to preventing and combating human trafficking, although NGOs report that quality of service varies, and that some centers focus on public awareness as opposed to victim care. The Pernambuco office reported assisting 398 female trafficking victims during the year, 236 of whom filed formal complaints with the police. Authorities continued to fund assistance posts to aid repatriated citizens who might be trafficking victims at airports in Sao Paulo and Belem and inaugurated posts in Rio de Janeiro and Fortaleza in 2010 and 2011, respectively. The post in Belem only functioned for limited hours and days. During 2010, the Sao Paulo airport post assisted 219 individuals, 13 of which were identified as trafficking victims. Previous plans to open a similar post in Salvador during the year were unrealized.

In 2010, the Ministry of Labor's mobile units identified and freed 2,617 victims of *trabalho escravo*. In comparison, authorities identified and freed 3,769 victims in 156 operations targeting 350 properties in 2009. 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 three months' salary at minimum wage, as well as job training and assistance when available. Although the Ministry of Labor reported awarding forced labor victims a portion of funds that were derived from fines levied against employers identified during operations, forced labor victims in some isolated cases have waited up to 10 years before receiving

such compensation. The state of Mato Grosso was one of the only states that funded a program to provide vocational training and other services to freed slave laborers; however, this program is beginning to be replicated by other states. According to NGOs, a significant percentage of rescued slave laborers have been re-trafficked, due to a lack of effective prosecutions of recruiters of *trabalho escravo*, few alternate forms of employment for the rescued workers, and a lack of legal aid to help them pursue their own complaints against exploitative employers. Authorities, however, reported placing more freed forced labor victims in the *Bolsa Familia* social welfare program due to improved cooperation between the Ministry of Labor and Employment and the Ministry of Social Development.

The government encouraged sex trafficking victims to participate in investigations and prosecutions of trafficking, and five did so during the reporting period. 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 discrimination or prejudicial treatment due to the fact that they had engaged in prostitution prior to being subjected to coercive conditions; in some cases, evidence of initial consent to engage in prostitution prevented the identification of a woman in prostitution as a trafficking victim. Victims of sex trafficking could be offered short-term protection under a protection program for witnesses active in some states, but this program was generally regarded as lacking sufficient resources. The government did not generally detain, fine, or otherwise penalize identified victims of trafficking for unlawful acts committed as a direct result of being trafficked. Some officials and NGOs noted, however, that undocumented victims of forced labor were sometimes threatened with deportation or were deported. In December 2010, the national immigration council issued a decree granting permanent visa status to foreigners considered victims of trafficking. Information on the number of foreign victims receiving this status during the period of January to March 2011, however, was not yet available. Brazilian consular officers received guidance on how to report trafficking cases and assist trafficking victims.

Prevention

The Brazilian government maintained strong efforts to prevent human trafficking last year. Federal authorities generally maintained good cooperation with international organizations and NGOs on anti-trafficking activities. The first national anti-trafficking action plan ended in January 2010, and authorities published an in-depth analysis of the plan's implementation during the reporting period. In November 2010, the Ministry of Justice convened the first national meeting of the Network to Combat Trafficking to analyze the first plan; authorities reported spending \$200,000 to bring over 200 representatives from NGOs, international organizations, and government agencies at the federal, state, and local level to participate. Officials used feedback from this event to begin drafting a second national plan for 2011-2013 during the year and to seek public commentary, although it was not published at the time of this writing. There was no permanent interagency committee

to address sex trafficking, though there was an assessment group to oversee the implementation of the first national plan, which met irregularly. Some states or municipalities had local-level anti-trafficking coalitions or committees, and the state of Sao Paulo established 11 regional committees during the year. The national Commission to Eradicate Slave Labor, a permanent council composed of government agencies, civil society organizations and international organizations, continued to coordinate efforts against forced labor, and six states had local commissions displaying varying degrees of activity. Civil society organizations, religious officials, and various federal, state, and municipal agencies collaborated on anti-trafficking initiatives. Authorities maintained partnerships with foreign governments to cooperate on anti-trafficking efforts.

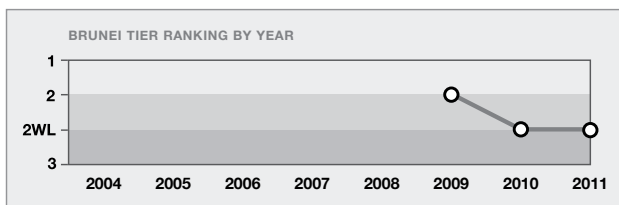
The Ministry of Labor's "dirty list," which publicly identifies individuals and corporate entities the government has determined to have been responsible for crimes under the *trabalho escravo* law, continued to impose civil penalties on those engaged in this serious crime. According to NGOs and the Ministry of Labor, the "dirty list" is the most effective tool against *trabalho escravo*, although a study released in 2010 found that only half of the companies on the list between 2004 and 2007 have been subject to criminal prosecution. The most recent version, released in December 2010, cited 220 employers, some of whom were denied access to credit by public and private financial institutions because of this designation. During the year, however, a large company that had previously sued to remove its name from the list reportedly negotiated a temporary injunction with the Federal Solicitor General's office to keep its name off the list, a move protested by NGOs and other government officials as undermining the dirty list's effectiveness. The agreement is not yet finalized.

A national hotline for reporting incidents of child sexual abuse and exploitation received approximately 12,000 calls on sexual exploitation of children, including a total of 38 reported calls on children moved for the purposes of prostitution. Authorities partnered 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 2011 Carnival holiday period targeting the 12 cities that will host the 2014 World Cup, as well as three other cities. Authorities continued to reduce demand for commercial sex acts involving children along Brazil's highways and published a report mapping vulnerable points of child prostitution along federal highways. 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. Authorities, however, cooperated with U.S. officials on one child sex tourism case pursued in U.S. courts and reported working with European countries' law enforcement and judicial officials to combat child sex tourism. The Brazilian military used the UN Peacekeeping Office's anti-trafficking and forced labor training modules to train its troops prior to their deployment abroad as part of international peacekeeping missions.

BRUNEI (Tier 2 Watch List)

Brunei is a destination, and to a lesser extent, a source and transit country for men and women who are subjected to forced labor and forced prostitution. Men and women from Indonesia, Malaysia, the Philippines, Pakistan, India, Bangladesh, China, and Thailand migrate to Brunei for domestic work or other low-skilled employment, but sometimes face conditions of involuntary servitude after arrival. There are over 87,500 migrant workers in Brunei, some of whom face debt bondage, nonpayment of wages, passport confiscation, confinement to the home, and contract-switching – conditions widely recognized as key indicators of human trafficking. There were credible reports of South Asian nationals in Brunei who are subjected to nonpayment of wages and debt bondage of up to a year's wages in order to pay off fees owed to labor recruitment agencies. Some of the 25,000 female domestic workers in Brunei were required to work exceptionally long hours without being granted a day for rest, creating an environment consistent with involuntary servitude. Although it is illegal for employers in Brunei to withhold wages of their domestic workers for more than 10 days, some families are known to withhold wages to compensate for labor broker or recruitment fees they are charged and as a tool with which to maintain the service of the workers. Although government regulations prohibit wage deductions by agencies or sponsors and mandate that employees receive their full salaries, some foreign workers continued to pay high fees to overseas recruitment agents to obtain work in Brunei, leaving them vulnerable to debt bondage. There are reports of women forced into prostitution in Brunei, and that women arrested for prostitution attest to having been victims of trafficking. Many of these victims enter the country on social visit passes or tourist visas. Brunei is a transit country for trafficking victims in Malaysia, including Filipinas, who are brought to Brunei for visa renewals before being returned to Malaysia.

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. Despite these efforts and ample resources, the government has not shown evidence of increasing efforts to address human trafficking over the previous year; therefore, Brunei is placed on Tier 2 Watch List. The government has yet to prosecute a human trafficking case using its 2004 anti-trafficking law. In November 2010, authorities announced plans to create an anti-trafficking unit within the Royal Brunei Police Force, though the unit has yet to begin operations. During the year, the government did not identify or assist any trafficking victims. The government has yet to develop or implement formal procedures to identify victims of trafficking.



Recommendations for Brunei: Use the 2004 anti-trafficking in persons law to increase significantly the number of investigations and prosecutions of both sex trafficking and labor trafficking offenses and convict and punish trafficking offenders; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as migrant workers and females arrested for prostitution; apply stringent criminal penalties to 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 intimidating workers and holding them in a state of involuntary servitude, or use other means to extract forced labor; expand cooperative exchanges of information about trafficking cases with foreign governments in order to arrest and prosecute traffickers who enter Brunei; ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a direct result of being trafficked; train law enforcement, immigration, and prosecutors on the use of the anti-trafficking law; and implement and support a comprehensive and visible anti-trafficking awareness campaign directed at employers of foreign workers and clients of the sex trade.

Prosecution

The government failed to make concrete progress in 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. While the government used its 2004 law to prosecute a smuggling case during the year, it has yet to use the law to prosecute or convict a human trafficking offender. The 2004 Order prescribes punishments of up to 30 years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In November 2010, the government announced its plans to create an anti-trafficking unit within the Royal Brunei Police Force, but the unit has not yet begun operations, and no date has been set for the unit to begin work, as it has not yet received budgetary approval. Authorities continued to rely on victims coming forward or being identified by foreign embassies to begin investigations, and did not make efforts to proactively identify suspected trafficking victims among vulnerable groups, such as women in prostitution. During the year, there continued to be complaints by foreign workers, some of whom may have been trafficking victims, against employers who failed to pay salaries; however, authorities did not investigate these cases for potential trafficking. The government often relied on mediation or administrative rather than criminal penalties in labor-related offenses. Two employers received a punishment of a fine or imprisonment for failure to pay wages to their employees, but authorities did not report investigating these cases to see if there was any further evidence of trafficking.

Protection

Brunei's efforts to identify and protect trafficking victims during the reporting period remained inadequate. Brunei does not have a proactive system to formally identify victims of trafficking among vulnerable groups, such as foreign workers and foreign women and children in

prostitution, and the government did not implement training for its officials on identifying trafficking victims. While authorities reported identifying and deporting one “trafficking victim” during the year, the individual was in fact a smuggled migrant and did not appear to be a trafficking victim. The government did not identify or assist any victims of trafficking during the year. While immigration authorities actively identified and charged violators of immigration law, there were no cases reported of authorities identifying and assisting trafficking victims among immigration violators during the reporting period. Foreign females in prostitution were most often arrested and deported without effective screening to determine if they were subjected to forced prostitution. During the year, three Chinese women were prosecuted and imprisoned for three months for prostitution offenses. As there may have been trafficking victims among these immigration violators and females in prostitution, some may have been penalized for unlawful acts committed as a direct result of their being trafficked. Trafficking victims were likely detained in prison in close proximity to their traffickers while judicial and immigration proceedings were ongoing. The government reported funding three general purpose shelters that could be used to assist trafficking victims, but none of these shelters have ever been used to assist trafficking victims. There were no NGOs or international organizations in Brunei that provided support to trafficking victims, though the embassies of several source countries in coordination with the Brunei government provided shelter, mediation, and immigration assistance to their nationals. The government did not provide any funding to civil society actors to assist trafficking victims, and also did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

Prevention

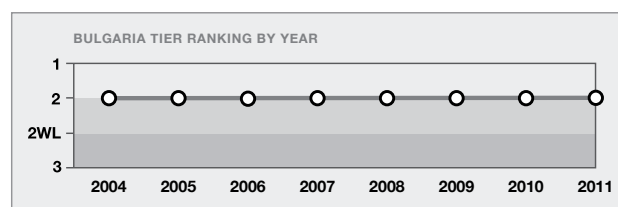
The Brunei government demonstrated limited prevention efforts during the reporting period. Government-influenced newspapers published articles on problems facing foreign workers, such as the nonpayment of wages, but the government did not conduct any public awareness campaigns on trafficking. The government hosted a regional anti-trafficking training jointly organized with the French Government. The government provides arrival briefings for foreign workers and runs a telephone hotline for worker complaints. During the year, the government convicted two employers for failing to pay wages to their domestic workers, and punished them with fines. In March, a court sentenced a Vietnamese national to eight months’ imprisonment and one stroke of the cane after he pleaded guilty to hiring women in prostitution. There were no other measures taken to reduce the demand for commercial sex acts. 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, Italy, Spain, Norway, Poland, Portugal, Switzerland, Turkey, and Cyprus. Ethnic Roma men, women, and children are particularly vulnerable to becoming trafficking victims and are overrepresented among identified trafficking victims. Bulgarian men, women, and children are subjected to conditions of forced labor in Greece, Italy, Spain, Denmark, Slovenia, and the United Kingdom. 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 progress by adopting a national referral mechanism and making greater efforts to ensure that no victims of trafficking were punished. In 2010, the government increased the number of victims identified by law enforcement personnel and increased funding for child victims of trafficking. The government opened a second trafficking shelter for adults in February 2011; bureaucratic problems, however, prevented the shelters from helping more than one victim in total. Although the government increased the number of officials investigated for trafficking-related offenses, they did not convict or criminally punish any officials complicit in trafficking-related crimes and less than 40 percent of trafficking offenders convicted in 2010 served time in prison.



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 Romani children; continue to increase the number of victims referred by government officials to service providers for assistance; ensure the National Referral Mechanism is fully implemented; and ensure administrative hurdles do not inappropriately prevent victims from receiving assistance.

Prosecution

The Government of Bulgaria demonstrated increased law enforcement efforts during the reporting period; however, they did not take sufficient steps to address public officials’

complicity in human trafficking. Bulgaria prohibits trafficking for both sexual exploitation and forced labor through Article 159 (a, b, and d) of its Criminal Code, which prescribes penalties of between two and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2010, police conducted 160 new trafficking investigations including 11 labor trafficking investigations, compared with 149 sex trafficking and nine labor trafficking investigations conducted in 2009. Authorities prosecuted 113 individuals for sex trafficking and five for labor trafficking in 2010, compared with 77 persons prosecuted for sex trafficking and four for labor trafficking in 2009. A total of 117 trafficking offenders were convicted in 2010 – 112 for sex trafficking and five for labor trafficking offenses – compared with 80 sex trafficking offenders and three labor trafficking offenders convicted in 2009. Only 43 of the 117 convicted trafficking offenders were sentenced to time in prison, with sentences ranging from one to seven years' imprisonment, compared with 51 of 83 convicted trafficking offenders sentenced to imprisonment in 2009. In March 2011, for the first time the government successfully seized assets from a convicted trafficker; the property was worth \$575,000. In 2010, 400 police officers, 50 diplomats, and 88 judges, prosecutors, and investigators were given anti-trafficking training as part of the standard curriculum of the Police Academy, Foreign Ministry Diplomatic Institute, and the National Institute of Justice. During the year, the government pursued partnerships with NGOs and IOM to provide trafficking-specific training to 72 members of law enforcement and social workers on victim referral and assistance, including a section on prevention, reintegration, and long-term assistance for Roma victims. Bulgarian law enforcement officials also collaborated with law enforcement counterparts in other governments on 17 human trafficking investigations.

Government complicity in human trafficking remained a problem. 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 did not show appreciable results in combating this complicity. Despite a notable increase in the number of investigations against police officers – 12 police officers were investigated in 2010, compared with four officers investigated in 2009 – no new prosecutions were started or convictions were obtained against government officials complicit in human trafficking. Trials against three police officers and one elected municipal official, however, continued from 2009.

Protection

The Government of Bulgaria made modest progress in identifying and protecting victims of trafficking in 2010. In November 2010, the government adopted a national referral mechanism to coordinate state actors and civil society for the protection and support of trafficking victims. 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 2010, the government identified a total of 558 victims of trafficking, including 89 child victims and one foreign victim. This represented a significant increase from 2009, in which the government identified 289 victims of trafficking, including 44 children. NGOs identified an additional 55 victims in 2010. Victims who did not cooperate with police investigations were not formally identified under the victim referral mechanism in place in 2010; however, some of the potential victims of trafficking not formally identified were still referred to NGOs after declining to participate in an investigation. The government assisted a total of 110 victims of trafficking, referred 17 identified victims to NGOs for assistance, and advised the remaining victims of available NGO services in 2010. The national government, in cooperation with local governments, continued to fund one state-run trafficking shelter for adults and opened a second state-run trafficking shelter for adults in February 2011; however, both shelters experienced administrative problems and only one trafficking victim was assisted by these shelters 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. Government-funded child centers provided shelter assistance to 79 child victims of trafficking in 2010, a significant increase from the 44 children provided with shelter assistance in 2009. The Government of Bulgaria increased funding for child victims of trafficking to \$725,000 through government-funded child crisis centers, which provided rehabilitative, psychological, and medical assistance to identified child victims of trafficking, as well as other children in distress. Foreign victims of trafficking were eligible for all assistance available to Bulgarian victims of trafficking. Although the government did not provide financial assistance to anti-trafficking NGOs, it provided 10 NGOs with limited in-kind assistance. The government encouraged victims to assist in trafficking investigations and prosecutions; all 558 victims identified by the prosecution chose to cooperate with law enforcement in 2010. 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; however, no foreign victims opted for this status during the reporting period. Although Bulgaria does not expressly prohibit the prosecution of trafficking victims for acts committed as a direct result of their being trafficking, there were no reports of trafficking victims punished for such acts in 2010.

Prevention

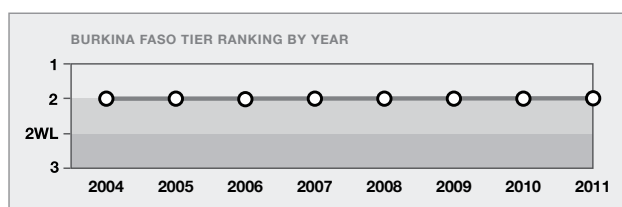
The Bulgarian government demonstrated significant efforts to prevent human trafficking during the reporting period. The government sponsored several trafficking awareness campaigns, including training over 300 teachers and distributing 10,000 interactive anti-trafficking CDs to students containing movies, songs, videos, and interviews with trafficking victims. The government, in partnership with local commissions, organized a trafficking awareness campaign entitled "Time for Action." Information events took place across the country, including theater performances, mock trials of trafficking cases, discussions, and anti-trafficking essay and painting competitions. The local government in Varna allocated \$20,000 for trafficking

prevention activities, including a “Summer without Risk” campaign which reached over 3,000 students in 2010. The Bulgarian government maintains a website providing potential victims of trafficking with information and published an anti-trafficking handbook. The government also demonstrated efforts to reduce demand for commercial sex acts and to combat child sex tourism by convicting seven offenders for exploiting sex trafficking victims and producing and distributing prevention cards in clubs and bars to raise awareness about trafficking among potential clients. In 2010, the Government of Bulgaria adopted an 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 forced into labor as farm hands, gold panners and washers, street vendors, domestic servants, beggars recruited as pupils by unscrupulous religious teachers, and exploited in the sex trade. Burkinabe children are also transported to Cote d’Ivoire, Mali, or Niger for subsequent forced labor or sex trafficking. Burkina Faso is a transit area for traffickers transporting children from Mali to Cote d’Ivoire, and may be a destination for children trafficked from other countries in the region. To a lesser extent, traffickers recruit Burkinabe women for forced prostitution in Europe. Women from other West African countries are fraudulently recruited for employment in Burkina Faso, and subsequently subjected to situations of forced labor in restaurants, domestic servitude, and forced prostitution.

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 child trafficking is a problem in the country, and it continued its efforts to proactively identify child victims. A police operation launched following an INTERPOL-supported training event was successful in rescuing 103 children from situations of forced labor, many at artisanal gold mining sites, and the Ministry of Social Action reported identifying an additional 557 child victims during the year. The government did not take steps to identify adult victims of trafficking among vulnerable populations, such as women in prostitution. During the year, the government sustained anti-trafficking law enforcement efforts which led to the arrest of 24 suspected traffickers and the conviction of six trafficking offenders. However, the government struggled to obtain complete data on its law enforcement efforts.



Recommendations for Burkina Faso: Strengthen the system for collecting anti-trafficking law enforcement data and ensure that the 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 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. Burkina Faso’s May 2008 anti-trafficking law prohibits all forms of trafficking and prescribes maximum penalties of 10 years’ imprisonment, and up to life imprisonment under certain aggravating circumstances; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. The government reported investigating 24 trafficking cases in 2010. Three of these cases did not have sufficient evidence to go to trial; two resulted in acquittals; six resulted in convictions; and the rest remain ongoing. The government provided incomplete data on sentences imposed on the six convicted offenders, though they ranged from six months’ to one year’s imprisonment. The Ministry of Justice reported that in 2009, high courts considered 32 criminal cases against child traffickers – information which had been previously unavailable due to the destruction of court records in a natural disaster – though it did not provide information on the outcomes of these cases. The Ministry of Social Action disseminated 1,000 copies of the country’s 2008 anti-trafficking legislation to law enforcement and border officials throughout the country, and in October 2010, the government coordinated with INTERPOL to conduct three days of anti-trafficking training, which included sessions led by officials from the Ministry of Justice and Ministry of Social Action, for nearly 100 law enforcement officers in the Cascades region, a transit area for the trafficking of children *en route* to Cote d’Ivoire. There were no reports of government officials’ complicity in trafficking.

Protection

The Government of Burkina Faso sustained its overall efforts to proactively identify and provide protective services to child victims during the year, but did not identify or provide protective services to any adults. The Ministry of Social Action identified 660 child victims, 562 of whom were boys, in 2010, exceeding its target of identifying 500 child victims during the year. A police operation launched following an INTERPOL-sponsored anti-trafficking training in October 2010 led to the identification of 103 of these victims. Reports indicate that

these children were not all of Burkinabe origin, but the government did not maintain comprehensive statistics as to the national origin of the victims identified. The Ministry of Social Action reported it worked with donors and the diplomatic representatives of neighboring countries in order to repatriate those of non-Burkinabe origin. During the year, the government continued to operate 23 transit centers with international organization partners, and referred an unknown number of victims to these centers to receive food, medical care, and clothing before being reunited with their families. Although the majority of the government's protection efforts provide only short-term care for victims, in 2010 the government worked with international donors to provide vocational training for 120 trafficking victims. Burkinabe authorities repatriated one 11-year-old girl who was suspected to have been a trafficking victim in Ghana, and collaborated with NGOs to repatriate 75 foreign victims identified in Burkina Faso. 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, though no trafficking victims sought this protection during the year. No victims are known to have assisted in the investigation and prosecution of trafficking offenders; it is not known whether authorities encouraged them to do so. There were no reports that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked. Government personnel did not employ procedures to proactively identify trafficking victims among vulnerable populations such as women in prostitution.

Prevention

The Government of Burkina Faso sustained modest efforts to prevent trafficking in persons. The country's national committee for the coordination of anti-trafficking activities, led by the Ministry of Social Action's Directorate for Child Protection and Combating Violence Against Children, did not meet during the year. Thirteen regional vigilance and surveillance committees, composed of local officials and community leaders, met during the year to coordinate activities to identify and assist potential victims. The Ministry of Social Action plans to publish a report on the government's 2010 anti-trafficking efforts in June 2011. The government estimates that its public anti-trafficking awareness campaigns, including workshops, movie discussions, debates, live plays, and seminars, financially supported through partnerships with NGOs and international organizations, reached more than 20,000 people during the year. The government also used nationwide radio and television to broadcast anti-trafficking programs. The government took some steps to implement its anti-trafficking National Action Plan, adopted in 2007. The government also undertook measures to decrease the demand for forced labor by increasing the number of labor inspectors it trained and employed, though it did not take steps to reduce the demand for commercial sex acts. The government provided Burkinabe troops anti-trafficking and human rights training prior to their deployment abroad on international peacekeeping missions.

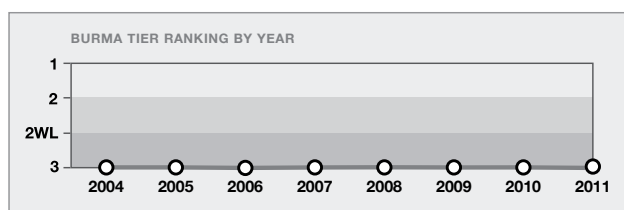
BURMA (Tier 3)

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. Burmese children are forced to labor as hawkers and beggars in Thailand. 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 as far as 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 has yet 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 continues to be a significant problem, as the military engages in the unlawful conscription of child soldiers and continues to be the main perpetrator of forced labor inside the country. Burmese civilian and military authorities' use of forced or compulsory labor remains a widespread and serious problem, particularly targeting members of ethnic minority groups. Complainants to the ILO during the year indicated a trend of forced farming accompanied by threats of fines, loss of farmers' land, and imprisonment for those refusing to comply. Beneficiaries of these actions are the Burmese military, defense-owned commercial interests, and large private corporations; these arrangements are facilitated by local government authorities, who maintain that such activities are carried out in line with the law. A study published during the year found an acute problem in Chin State where 92 percent of over 600 households surveyed reported at least one episode of a household member subjected to forced labor, including being forced to porter military supplies, sweep for landmines, or build roads, with the Burmese military imposing two-thirds of these forced labor demands. Because authorities refuse to recognize members of certain ethnic minority groups (including the Rohingyas) as citizens and provide them with identification documentation, they are more vulnerable to trafficking. Military and civilian officials have for years systematically used men, women, and children for forced labor for the development of infrastructure and state-run agricultural and commercial ventures, as well as forced portering 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 ethnic groups, are most at risk for forced labor. The regime's treatment of ethnic minorities makes them particularly vulnerable to trafficking.

Military and civilian officials subject men, women, and children to forced labor, and men and boys as young as 11 years old are forcibly recruited to serve in the Burma army as well as the armed wings of ethnic minority groups through intimidation, coercion, threats, and violence. Some observers estimate that thousands of children are forced to serve in Burma's national army as desertions of men in the army continue. Children of the urban poor are at particular risk of conscription. 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. Children are threatened with jail if they do not agree to join the army, and are sometimes physically abused. Subsequent to cyclone Giri in October 2010, there were verified reports of underage recruitment in cyclone-affected areas by the Burmese armed forces. 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 – normally long-term residents in Burma – occasionally exploit Burmese children in the country.

The Government of Burma does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Authorities continued efforts to address the cross-border sex trafficking of women and girls, but the forced labor of civilians perpetrated by regime officials and the conscription of child soldiers by military officials remained serious problems. The Burmese regime's gross economic mismanagement and human rights abuses, coupled with the Burma military's continued widespread use of forced and child labor as well as recruitment of child soldiers, remain the driving factors behind Burma's significant trafficking problem, both within the country and abroad. The climate of impunity and repression and the regime's lack of accountability in forced labor and the recruitment of child soldiers represent the top causal factors for Burma's significant trafficking problem. Although the government of Burma took some steps to address cross-border sex trafficking, it has not demonstrated serious and sustained efforts to clamp down on military and local authorities who are themselves deriving economic benefit from forced labor practices. On key human trafficking issues, most notably the complicity of public officials and the use of forced labor, the Government of Burma is not making significant efforts to comply with the minimum standards for the elimination of trafficking, warranting a ranking of Tier 3.



Recommendations for Burma: Cease the use of forced labor by civilian and especially military entities; cease the unlawful conscription of children into the military and ethnic armed groups; 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; end the involuntary detention of adult victims of trafficking in government shelters; release and drop the charges against the four citizens imprisoned for their role in reporting cases of forced labor to international organizations; increase 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

While 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 incarcerate four individuals who reported forced labor cases involving the regime to the ILO or were otherwise active in working with the ILO on forced labor issues. This included two complainants in forced labor cases involving over 500 farmers in Magwe Division, 18 of whom were prosecuted and jailed by local authorities for their role in reporting forced labor perpetrated by local government officials, as reported during the previous reporting period. In addition, the advocacy licenses of two lawyers associated with the ILO complaints have remained revoked by the Bar Council since 2007. Burma prohibits sex 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. The recruitment of children into the army is a criminal offense under Penal Code Section 374, which could result in imprisonment for up to one year, or a fine, or both. The continued primacy of the Burmese military in the regime significantly limited the ability of civilian police and courts to address the recruitment of child soldiers and military-perpetrated forced labor – the most severe forms of trafficking prevalent in the country. Burmese law enforcement officials generally were not able to investigate or prosecute cases of military-perpetrated forced labor or child soldier recruitment absent assent from high-ranking military officers. While the military prosecuted several of its uniformed members for complicity in child soldier recruitment during the previous reporting period, it did not report any such prosecutions during the reporting period.

The police focus on cases that are within their authority to pursue, namely cross-border trafficking. While forced labor is widely considered to be the most serious trafficking problem in Burma, authorities reported that most trafficking cases investigated and prosecuted continued to involve women and girls subjected to forced marriage or recruited and transported with the intention to be subjected to forced marriage, typically in China. Some of these cases, however, may have involved Burmese women voluntarily working with brokers to attempt to cross into China with the understanding that they would be married to Chinese men. The Burmese regime reported investigating 173 cases of trafficking, and convicting 234 offenders in 2010; however, these statistics include cases of abduction for adoption, rather than human trafficking. Additionally, Burmese court proceedings are not open, and lack due process for defendants. Burma lacks rule of law and an independent judiciary, and the regime rules arbitrarily through its unilaterally imposed laws. International organizations and NGOs were not able to verify the statistics provided by the regime. 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; Burma continues to be consistently rated among the most corrupt nations in the world. 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. Nevertheless, authorities reported punishing four police officers who were members of the Anti-Trafficking Task Force in Mawlamyaing for taking money from Burmese attempting to gain employment overseas; one police captain was forced to retire, two police lieutenants were demoted, and one policeman lost one year's seniority. These punishments were insufficient. During the year, a foreign donor provided some training on human trafficking to police officials.

In 2010, the ILO continued to receive and investigate forced labor complaints; 333 complaints were received during the year. The ILO submitted 354 cases to the Burmese government for action in 2010. The government resolved 161 cases; 159 cases are pending resolution and 34 cases were closed with an "unsatisfactory outcome" according to the ILO. Of the total, 194 complaints were for recruitment of child soldiers, representing a more than two-fold increase over 2009, according to the ILO. Victims of forced labor cases are not protected from countersuit by regime officials. The central government did not intervene with local authorities to stop the politically motivated harassment, including lengthy interrogations, of forced labor complainants in one prominent case. Such unaccountable harassment and punishment presumably discouraged additional forced labor complaints.

Protection

The regime continued some efforts to assist repatriated victims of cross-border sex trafficking, though it exhibited no discernible efforts to identify and protect victims of internal trafficking and transnational labor trafficking. In

forced labor cases, some victims were harassed, detained, or otherwise penalized for making accusations against officials who had forced them into labor. The government did not report the number of victims identified during the year. Authorities reported assisting 348 Burmese victims identified and repatriated by foreign governments in 2010, including 183 from China and 134 from Thailand. Seventy-five of the 348 repatriated to Burma were male victims of trafficking. This represented a decrease from 425 victims repatriated to Burma by foreign authorities in 2009. Victims were housed, some against their will, in Department of Social Welfare (DSW) facilities 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. Some victims were sent to one of eight residential vocational training centers, which offered limited facilities for training and education. The government allocated scant resources to longer-term support for trafficking victims. Victims in DSW shelters were not free to leave, either with or without supervision. While in government facilities, victims received basic medical care and had access to counseling, which was often substandard. Victims had very limited access to social workers. There remained no shelter facilities available to male victims of trafficking. NGOs were sometimes allowed access to victims in government shelters, but the regime continued to bar NGOs from operating shelters for trafficking victims. The regime did not have in place formal victim identification procedures. While the government reported that it encouraged victims to assist in investigations and prosecutions, it did not appear to provide financial support or other assistance to victims to serve as incentives to participate in the prosecution of their traffickers. Burmese law provides for the financial compensation to trafficking victims from the disposal of seized assets, but there were no known cases where victims received such compensation. Similarly, victims have the right to file civil suits against their traffickers, but the government did not provide access to legal assistance to enable victims to do so. The ILO received 201 complaints of under-age recruitment in 2010. The regime continued to cooperate with the ILO on the military's conscription of child soldiers and released 70 child soldiers in 2010. However, this number is extremely small when compared to the large number of children who undoubtedly continue to serve in the Burma Army and in ethnic militias. The government has done little to help international organizations assess the scope of the problem. Additionally, some child recruits have been prosecuted and sentenced for deserting the military and remain in prison.

Prevention

The Government of Burma continued limited efforts to prevent international trafficking in persons over the last year, but made few discernible efforts to prevent the more prevalent internal trafficking, particularly forced labor and child conscription by regime officials and ethnic armed groups. The Women's Affairs Federation, a government-linked entity, conducted educational sessions for women around the country to discuss trafficking risks associated with emigrating for employment. The government continued awareness campaigns through billboards, flyers, and public talks during the reporting period. The Burmese

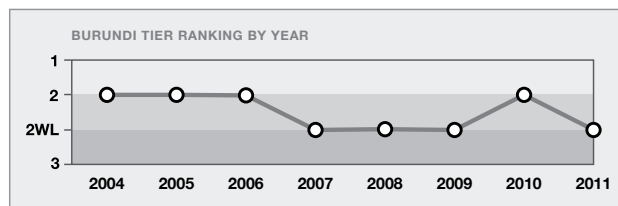
government reported forming a new anti-trafficking unit in Chin Shwe Haw during the year. The National Task Force on Anti-Trafficking in Persons helped coordinate activities among domestic and international organizations. The government, in conjunction with the ILO, published a brochure on trafficking disseminated widely throughout the country. Additionally, informational billboards were posted at bus and railway station to increase public awareness. UN sources reported increased access to military recruitment centers during the year, and conducted training courses for military and civilian officials. During the year, authorities reported convicting one foreigner for 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 begging and sex trafficking. Children and young adults may also be 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 disabled children or adults, accepting payment from traffickers who run forced street begging operations. Older females offer vulnerable younger girls room and board within their homes under the guise of being benevolent, and in some cases push 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 exploitation in various types of forced labor in southern Burundi and Tanzania.

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. Within its limited capabilities, the government continued its efforts to identify trafficking victims, investigate potential trafficking offenses, and raise public awareness. Despite these efforts, the government did not demonstrate overall increased efforts to address human trafficking over the previous year, particularly in prosecution and protection; therefore, Burundi is placed on Tier 2 Watch List. The government investigated several trafficking cases; however, the government did not prosecute or convict any trafficking offenders, including public officials suspected of complicity in trafficking crimes, during the reporting period. Following raids in 2010, brothel owners housing trafficking victims were fined but did not face criminal prosecution. Although

the Ministries of Health and Solidarity provided *ad hoc* support to victims through the provision of medical care vouchers and limited funding to some service providers, most victim assistance continued to be provided by NGOs and local organizations, without government support. The government expanded awareness campaigns, although there still remained a significant need for trafficking awareness among both the general population and government officials.



Recommendations for Burundi: Complete and enact anti-trafficking legislation; enforce the trafficking provisions in the 2009 Criminal Code amendments through increased prosecutions of trafficking offenses and conviction and punishment of trafficking offenders; consider a criminal code amendment to provide a legal definition of human trafficking and penalties for forced labor; establish anti-trafficking standards within all parts of the police force; continue the anti-trafficking public awareness campaign; establish standardized policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; establish mechanisms for providing increased protective services to victims, possibly through the forging of partnerships with NGOs or international organizations; provide additional training on human trafficking to police and border guards; and establish broad-based institutional capacity to combat trafficking by forming an inter-ministerial committee to coordinate and guide government efforts to combat human trafficking.

Prosecution

The Government of Burundi's anti-trafficking law enforcement efforts decreased during the reporting period. The government investigated several trafficking cases but did not prosecute or convict any trafficking offenders. In at least one case, a trafficking offender was released prior to prosecution after only paying a small fine. The government faced systemic challenges in holding trafficking offenders accountable, including reliance on victim complaints to bring a case to trial, lack of investigative equipment and training, and official complicity. Local and national government officials tend to place emphasis on responding to transnational rather than internal trafficking cases. 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 offenders. Sex trafficking offenses can also be punished using penal code statutes on brothel-keeping and pimping, imposing penalties of one to five years' imprisonment, and child prostitution, with

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. During the reporting period, the Ministry of Justice forged a partnership with UNODC to draft comprehensive anti-trafficking legislation as part of a donor-funding project; the legislation will rectify gaps in existing anti-trafficking legislation.

In 2010, the government did not collect aggregate data on its anti-trafficking law enforcement efforts; however, according to police statistics, there are 222 cases of incitement to debauchery and prostitution and 52 cases of kidnapping of minors pending. Police claim the majority of these cases involved trafficking. The commander of the Women's and Ethics Brigade reported the investigation of at least 18 serious trafficking cases. In August 2010, police arrested three Tanzanians for attempting to force 10 Burundian children to labor in Tanzania's tobacco fields; Burundian authorities extradited the three trafficking offenders to Tanzania for prosecution. In another forced labor case, an employer was investigated after allegedly hitting his 14-year-old female domestic servant on the head; however, the Chief of Police released the suspect after payment of a small fine. Burundian authorities also conducted several raids on hotels functioning as brothels in the Industrial Quarter of Bujumbura between March and July 2010, in which they discovered and rescued children in prostitution. The prosecutor of Bujumbura fined the brothel owners, though they did not face criminal prosecution; three establishments were closed and one reopened after it met regulatory guidelines as a legitimate hotel. During the raids conducted in the Industrial Quarter of Bujumbura, police discovered government officials soliciting people in prostitution, including children; despite these reports the Government of Burundi did not prosecute or convict any officials for involvement in trafficking. In November 2010, an employer allegedly burned an adult domestic servant with a smoldering plastic bag; a local association alerted the authorities and brought the case to civil court. Fearing prosecution, the offender fled and has not been located or charged by police. Burundian authorities collaborated with neighboring countries such as Rwanda, Tanzania, and Kenya, as well as with INTERPOL, to investigate trafficking cases and facilitate the return of victims of trafficking. For example, the National Police assisted in the repatriation of at least four child victims of trafficking from Rwanda in 2010.

Protection

The government made minimal efforts to ensure trafficking victims received care during the reporting period. While the government identified and repatriated several trafficking victims, little was done to directly assist these individuals or formally support the organizations that did so. The care centers that exist in Burundi are operated by NGOs, religious organizations, and women's or children's associations; none are specifically focused on providing assistance to trafficking victims. The government operated two centers in Kigobe and Buyenzi Communes of Bujumbura to assist street children,

including victims of forced child labor. Government officials identified at least 70 trafficking victims in 2010; however, it is unknown how many of these victims were referred to and provided protective services. Some local NGOs received funding from the Ministry of Solidarity to assist victims of gender-based violence and trafficking in persons or vouchers for hospital care from the Ministry of Health for victims of physical or sexual abuse, including trafficking victims. In a few cases, the Ministry of Education provided school materials for child victims or inserted older youth into vocational schools. Police provided limited shelter and food assistance to child victims in temporary custody while authorities attempted to locate their families; these children were housed in a holding area separate from adult detainees. Children identified in the brothel raids in the Industrial Quarter of Bujumbura were reunited with their families and did not receive care. In some instances, the police, especially members of the Women's and Ethics Brigade, provided counseling to children in prostitution and mediated between these victims and their parents. Burundian authorities cooperated with governments of neighboring countries to repatriate children from Rwanda, Kenya, and Tanzania, though they were provided little assistance upon their return.

The government has not yet developed a system for proactively identifying trafficking victims among vulnerable populations or a process by which to refer such trafficking victims to organizations providing services. Police attempted to locate the relatives of child victims and referred some children to NGO care on an *ad hoc* basis, but provided no support of adult victims. Without standardized procedures for identifying trafficking victims amongst vulnerable populations, some adult trafficking victims were jailed, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked; the brigade did not attempt to identify trafficking victims among women in prostitution, who were arrested, jailed, and fined \$4 to \$8 before their release. While police interviewed child victims during the investigations of their abusers, the prosecutor's office did not pursue the possibility of child victims' participation – in an appropriate manner – in prosecutions of trafficking offenders and demonstrated laxness in following up on evidence or opening cases in the absence of a victim's complaint. Burundian law 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 efforts to prevent trafficking during the year. It did not appoint a ministry or establish a national committee to coordinate or lead its anti-trafficking efforts; neither has it developed a national plan of action on human trafficking. Coordination across government ministries to combat trafficking remained in its infancy. In 2010, the Ministry of Labor, in partnership with UNICEF, began sponsoring working groups with government and civil society representatives on forced child labor, while the Municipal Council for Youth and Children of Bujumbura had ministerial representatives on a committee that addressed human trafficking. In 2010, the Women's and Ethics Brigade, partnering with local government officials and police, informed local populations in seven provinces

on the danger of human trafficking, encouraging citizens to report trafficking cases to local authorities. Rather than waiting for victims to file a complaint in order to begin investigations on potential offenders, the national police, through their awareness campaigns, encouraged the population to contact local police or the Women's and Ethics Brigade if they suspected trafficking had occurred in their communities. In 2010, the Ministry of Labor sponsored five workshops for communal administrators, civil society including children protection associations, trade unions, and employers associations to raise awareness of the dangers of child labor and trafficking. The Ministry of Labor's 12 inspectors conducted no child labor inspections during the year. In September 2009, the Ministry of Labor adopted a five-year action plan to address forced child labor in Burundi that it advertised to the government and population in 2010; however, the action plan remained unimplemented due to lack of funds. In March 2011, at a meeting of governors and regional police commissioners, the President cited his concerns regarding trafficking and requested regular progress reports on the government's anti-trafficking efforts. The brothel raids in Bujumbura's industrial quarter resulted in the arrest of three "clients" of the establishments; the offenders are on provisional release awaiting trial. Police investigated incidents of child sex tourism and arrested suspected offenders, including three Lebanese businessmen found sexually exploiting two underage girls in a local guesthouse in March 2011. Burundian authorities charged the offenders with rape and incitement to prostitution and deported them to Lebanon. 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. Burundi is not a party to the 2000 UN TIP Protocol.

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 Thailand, Malaysia, and other countries for work, and many are subsequently subjected to sex trafficking or forced to labor in the Thai fishing and seafood processing industry, on agricultural plantations, in factories, in domestic work, or for begging and street selling. The number of workers who migrated to Malaysia for employment through Cambodian recruiting companies increased significantly since 2008. In 2010, licensed Cambodian labor recruitment agencies – members of the Association of Cambodian Recruiting Agencies – trained and sent 16,395 workers to Malaysia, of which 11,918 were females trained as domestic workers. This was an increase from 9,982 Cambodians who migrated to Malaysia in 2009, and 2,654 in 2008. Some Cambodian migrants become victims of labor trafficking when they pursue what they believe to be legitimate employment opportunities abroad, but are then forced or coerced to work through debt bondage.

Although the practice was prohibited late in 2010, it was common for recruiting agencies to require families of Cambodians traveling to Malaysia for work to agree

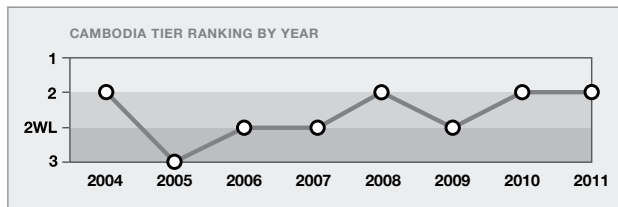
to repay pre-departure loans, a means of ensuring the departing worker would fulfill employment contracts in Malaysia. Some workers do not understand their obligations or cannot read the contracts, which note \$800 to \$1,200 in placement and processing fees deducted from the worker's expected wages in destination countries, amounting to four months' to one year's wages. Other workers agree to the terms because, even with the risk and required salary deductions, they see no other viable opportunities to pull themselves out of poverty. Workers are sometimes not given copies of their employment contracts, and typically have their passports confiscated. Recruitment agencies also reportedly engaged in the falsification of legal identification and age verification documents to allow for the illegal recruitment of children. During the three-to six-month training period, recruitment agencies often place restrictions on women and children from leaving the training center, sometimes incurring hefty fees if they leave in violation of their contracts. Once in Malaysia, some Cambodian domestic workers report experiencing indicators of trafficking including long working hours, no days off, inability to leave their workplace, nonpayment of wages, payment delays, and wage deductions. These high fees and abusive practices have been used to facilitate forced labor and debt bondage of foreign migrant workers in Malaysia.

During the year, Cambodian men who were victims of forced labor on fishing boats were returned from India, Thailand, and Malaysia. One United Nations study estimated that among some 89,000 Cambodians deported from Thailand at the Poipet border alone, over 20,000 of them were actually trafficking victims not identified by Thai authorities. Some Cambodian men report being deceived by Thai fishing boat owners about the expected length of service and the amount and circumstances of their payment. Remaining at sea for up to several years, some men report witnessing severe abuses by Thai captains, including violence towards, and murder of, fellow fishermen. Cambodian children are also taken across the border to Thailand and Vietnam by Cambodian traffickers and forced to beg, sell candy and flowers, and shine shoes. Parents sometimes sell their children into conditions of forced labor, including domestic servitude. Organized Vietnamese criminal gangs move Vietnamese women and girls through Cambodia to onward destinations in Thailand and Malaysia for forced and child prostitution.

Within the country, Cambodian and ethnic Vietnamese women and children are trafficked from rural areas to Phnom Penh, Siem Reap, Poipet, Koh Kong, Sihanoukville, and Svay Pak for commercial sexual exploitation. Some large entertainment establishments each may exploit between 100-200 women and children on premises on a given night. In an effort to evade prosecution, many of these establishments have stopped offering sex on premises in favor of having customers pay to take the women and girls off-site. In a similar manner, underage girls, many of whom are brought in from Vietnam, remain available upon demand to brothels and guesthouses in Svay Pak area, but are not kept on site. Children are also subjected to forced labor, including being forced to beg, scavenge refuse, work in quarries, as domestic servants, or in the production and processing of bricks, rubber, salt, and shrimp. According

to the International Labor Organization, there are an estimated 28,000 child domestic workers in Phnom Penh alone. Cambodia is a destination for Vietnamese women and girls subjected to prostitution, many of whom are also victims of debt bondage. The sale of virgin girls continues to be a serious problem in Cambodia, with Cambodian and foreign (mostly from Asia) men paying hundreds to thousands of dollars to have sex with virgins. A significant number of Asian and other foreign men travel to Cambodia to engage in child sex tourism. Some Cambodians who migrate to Taiwan and the Republic of Korea through brokered international marriages may subsequently be subjected to forced prostitution or forced labor. Forced labor in drug treatment centers in which administratively-sentenced drug offenders are reportedly required to perform low-skilled labor was also a concern.

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 to prosecute sex trafficking cases, convicting 20 trafficking offenders during the year – a decrease from 36 during the previous reporting period. Corruption at all levels continued to impede progress in combating trafficking and fostered an enabling environment for trafficking. Labor trafficking of Cambodians migrating abroad for work continued to be a serious concern. The government has never convicted any labor recruiters whose companies were involved in labor trafficking or fraudulent recruitment.



Recommendations for Cambodia: Significantly increase efforts to investigate and prosecute offenders of both labor and sex trafficking; conduct robust investigations and prosecutions of government officials involved in trafficking activities; institute and enforce a law to better regulate the recruitment, placement, and protection of migrant workers going abroad; hold labor recruitment companies criminally responsible for illegal acts committed during the recruitment process, such as debt bondage through exorbitant fees, detention of workers during pre-departure training, and recruitment of workers under age 18; increase efforts to make court processes sensitive to the needs and best interests of both child and adult trafficking victims; expand efforts to proactively identify victims of trafficking among vulnerable groups, including the institution of nationwide victim identification procedures and referrals to adequate victim services; increase engagement with governments of destination countries on the protection of migrant workers, as well as the safe repatriation of Cambodian trafficking victims and the prosecution of their traffickers; increase efforts to train and sensitize law enforcement, prosecutors, and court officials about trafficking, proactive identification of victims, victim referral procedures, and victim-sensitive handling of

cases; improve interagency cooperation and coordination between police and court officials on trafficking cases; and conduct a public awareness campaign aimed at reducing demand by the local population and Asian visitors for commercial sex acts.

Prosecution

The Government of Cambodia did not demonstrate progress in law enforcement efforts against trafficking crimes during the year. The February 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation covers a wide variety of offenses, with 12 of its 30 articles explicitly addressing trafficking offenses. The law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. Government officials reported prosecuting 72 trafficking cases and convicting 20 offenders, compared with 36 convictions in 2009. While labor trafficking remained a significant concern, there were no convictions of labor trafficking offenders during the year, and the government has yet to convict any labor recruiters whose companies were involved in labor trafficking or fraudulent recruitment. Prosecutors sometimes failed to charge trafficking offenders using the most appropriate articles of the 2008 law. In some cases, Cambodian police were reportedly unwilling to pursue investigations of several suspected trafficking establishments during the year because the establishments were thought to be owned by or affiliated with high-ranking officials. Information leaks by law enforcement authorities to traffickers were reported to significantly harm efforts to enforce anti-trafficking laws. Although the Ministry of Labor was aware of the seriousness of the abuse of Cambodian adult and child migrant laborers by licensed recruitment agencies within Cambodia and abroad, they have not adequately addressed the issue.

Sources reported that several labor recruitment agencies allegedly involved in labor trafficking reportedly are connected to senior Cambodian officials. NGOs reported witnessing recruitment, detention, and deployment of children by labor recruitment agencies for work abroad and submitting case information to authorities, but expressed concern authorities did not respond to, or act on, these reports. As reported in the previous reporting, one labor broker was arrested in December 2009 for the unlawful removal of nine children with the intent of selling them to work as servants in Malaysia; the broker was released on bail in April 2010. Authorities report initiating four prosecutions of Cambodian labor recruiting companies for abduction, detention, and confinement of women and children recruited for work abroad; the suspects are still in custody and no trial dates had been set at the time of this report. The government continued to cooperate with NGOs to educate police officers and other government officials on the 2008 law and its enforcement. Nevertheless, continued confusion by police and the judiciary regarding human trafficking and the 2008 law harmed anti-trafficking law enforcement efforts and victim protection efforts. Judges and prosecutors continued to inaccurately charge trafficking offenders under non-trafficking articles and laws, or prosecute non-trafficking cases using trafficking

statutes, resulting in difficulties in disaggregating trafficking and non-trafficking cases. A lack of coordination between police investigators and prosecutors continues to impede effective prosecution of trafficking offenders, as did delayed trials caused by absent defense lawyers and judges. In some cases, court officials also failed to notify parties when such trials were continued. Such delays caused unnecessary anxiety for victims, many of whom were children, and required additional preparation and travel for hearings. There was a decrease in the number of victim rescues and perpetrator arrests during the year.

During the year, the government passed a corruption law in April 2010 and declared a “zero-tolerance” policy for corrupt officials. Nevertheless, endemic corruption at all levels continues to create an enabling environment for trafficking, and in some cases, actively helped facilitate trafficking. Police and judicial officials continue to be both directly and indirectly involved in trafficking. One source reported that some large entertainment establishments involved in sex trafficking were connected to officials. Some local police and government officials extorted money or accepted bribes from brothel owners, sometimes on a daily basis, in order to allow the brothels to continue operating. Police tip-offs of impending anti-trafficking brothel raids continued to cause interference into investigations and planned rescues led by NGOs. The child sex trafficking ring in Svay Pak is believed to be well-connected and protected from effective government investigation and prosecution. Several informed sources report government officials are involved in the labor recruitment of Cambodians for work abroad; this is believed to be the cause of impunity of firms engaging in illegal recruitment practices that contribute to trafficking. During the year, there were some reports that Cambodian law enforcement authorities gave advance notification of inspections to labor recruitment firms so that the firms could remove children detained on their premises, some of whom may have been trafficking victims. In March 2011, authorities arrested a police major for trafficking-related corruption and reported ongoing efforts to investigate the case; the investigation was still ongoing at the time of this report. Authorities also reported the conviction of a provincial commune clerk in February 2011 for accepting bribes to forge an age document to assist a child in eligibility to work overseas; he was sentenced to five years in prison but will be released after one year.

Protection

The government did not improve efforts to identify and protect trafficking victims during the reporting period. The government continued to refer victims to NGO shelters, but did not itself offer further assistance. There continued to be a lack of shelter facilities to accommodate men and boys who were victims of trafficking. The government did not provide statistics on the total number of trafficking victims identified and assisted by authorities during the reporting period. The Ministry of Social Affairs, Veteran and Youth Rehabilitation (MOSAVY) reported assisting in the placement and temporary shelter of 595 trafficking victims referred by local police and 501 referred from foreign authorities during the year. MOSAVY continued to jointly operate with UNICEF a transit center in Poipet for victims returned from Thailand, and reported identifying 119

victims who had been deported by Thai authorities during the year. The government worked with NGO partners to repatriate five female trafficking victims to Vietnam during the year.

Authorities encouraged victims to participate in investigations and prosecutions of traffickers. However, Cambodia’s weak and corrupt judicial and law enforcement systems, the lengthy legal process, credible fears of retaliation, and the lack of witness protection continued to hinder victims’ willingness to cooperate in cases and impeded their access to legal redress. Additionally, authorities failed to make adequate efforts to provide child and victim friendly space for those waiting to give testimony, forcing victims to share spaces with their traffickers. Although victims legally had the option of filing civil suits to seek legal actions against their traffickers, most did not have the resources to do so, and the government did not provide assistance to victims for this purpose. Additionally, while the 2008 law allows for victims to pursue restitution from their traffickers, the victim is expected to wait until a perpetrator finishes a jail sentence before obtaining compensation.

Prevention

The Government of Cambodia’s efforts to prevent trafficking during the reporting period remained incomplete. The government continued some efforts with the help of international organizations and NGOs, but failed to make efforts to prevent the trafficking of Cambodian migrant workers or to reduce significant local demand for commercial sex acts. Authorities continue to negotiate additional labor agreements with other countries in Asia and the Middle East. Cambodian laws on the recruitment, placement, and protection of migrant labor are limited and outdated. They lack clear delineation of responsibilities of recruitment agencies during the recruitment process, do not detail suitable controls and monitoring of agencies to avoid abuses, and do not assign penalties for agencies’ misconduct. Additionally, there are no policies that regulate, restrict, or standardize the amount recruitment agencies may charge workers. During the year, the government drafted a sub-decree of regulations on international labor recruiters, though the sub-decree was not finalized as of April 2011. NGOs report the government limited their involvement in consultations about the sub-decree, while allowing substantial input from the Association of Cambodian Recruiting Agencies – a group representing the agencies the sub-decree intends to regulate. Cambodian migrant workers abroad lacked an understanding of where they could submit complaints regarding their labor experiences, and reports indicate when Cambodian government representatives intervene in dispute resolution, they generally negotiate for the recruitment agency rather than for the migrant worker. During the reporting period, the Ministry of Labor reported that it began providing pre-departure training for potential migrant workers on their rights.

In March, the government established a Department of Counter-Trafficking in Persons and Reintegration within MOSAVY. The ministry held “Anti-Human Trafficking Day” activities on December 10, 2010 in Phnom Penh, Siem

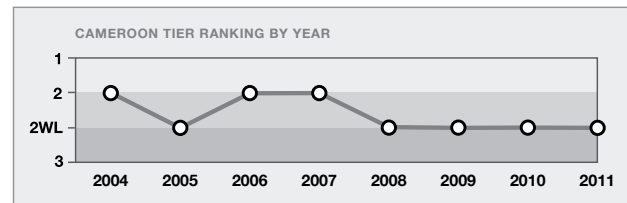
Reap, and Banteay Meanchey. The Ministry of Women's Affairs partnered with IOM to conduct safe migration campaigns in several provinces and participated in a radio talk show raising awareness of trafficking through marriage. While local demand accounts for the majority of demand for child trafficking, the government did not make efforts to reduce the local demand for commercial sex acts during the reporting period. The Ministry of Tourism continued efforts with NGOs to produce billboards, magazine advertisements, and handouts to reduce the demand for commercial sex acts, though these efforts were targeted at foreign sex tourists rather than local populations. Authorities convicted eight foreign child sex tourists during the year and initiated prosecutions against seven other foreigners. Cambodian military forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

CAMEROON (Tier 2 Watch List)

Cameroon is a country of origin, transit, and destination for children subjected to forced labor, and a country of origin for women subjected to forced labor. Trafficking operations usually target two or three children, as when rural parents hand over their children to a middleman promising education or a better life in the city. Cameroonian children from the country's 10 regions involuntarily work in domestic servitude, street vending, mining, and agriculture, including on tea or cocoa plantations. Cameroonian children are also exploited in prostitution within the country. Traffickers are increasingly kidnapping their victims, as heightened public awareness is diminishing the number of children given to middlemen by their parents. Nigerian and Beninese children attempting to transit Cameroon *en route* to Gabon, Equatorial Guinea, or adjacent countries often fall victim to traffickers, including Nigerian syndicates, who force them to remain in the country to work. Children from the Central African Republic (CAR) may be trafficked to Cameroon, and there have been recent reports of trafficked Cameroonian children in the CAR and Mali. 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 reported in the United Kingdom, Germany, Spain, Cyprus, Norway, and Senegal. This migration reportedly is facilitated by corrupt officials who accept bribes for the issuance of travel documents. Reports indicate the existence of hereditary slavery in northern chiefdoms. There were also allegations that after parents gave their children to Koranic teachers in Maroua and elsewhere in the Far North, some were kept in leg chains and subjected to forced labor.

The Government of Cameroon does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the fourth consecutive year. Cameroon was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan. While the government modestly increased its efforts to prevent trafficking, including the creation of an inter-ministerial committee and a national action plan, it failed to convict or punish trafficking offenders, including complicit officials, under its child trafficking law, did not take steps to enact a 2006 draft law prohibiting the trafficking of adults, and did not exhibit significant efforts to protect victims of trafficking.



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 law against child trafficking; finalize and enact the draft law criminalizing the trafficking of adults; develop formal procedures to identify trafficking victims among vulnerable groups and refer them to care centers; and investigate reports of hereditary servitude in the northern regions.

Prosecution

The Government of Cameroon demonstrated weak anti-trafficking law enforcement efforts over the last year, failing to enact much-needed anti-trafficking legislation and failing to use existing laws to prosecute and punish trafficking offenders. Existing laws do not prohibit all forms of trafficking in persons, as the 2006 draft law against the trafficking of adults has yet to be passed and enacted; however, in 2010, the Ministry of Justice completed draft revisions to the penal code, including expansion of human trafficking provisions, which is yet to be tabled before the National Assembly. The 2005 law, "Relating to the Fight Against Child Trafficking and Slavery," prescribes a penalty of 20 years' imprisonment for these offenses – a punishment that is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Article 292 of the penal code prohibits forced labor, prescribing sufficiently stringent penalties of between one to five years' imprisonment or fines of \$20 to \$1000. Article 293 of the penal code prohibits slavery and engaging in trafficking in human beings, and an amendment to this article prohibits procuring a person for trafficking for prostitution, prescribing sufficiently stringent penalties of 10 to 20 years' imprisonment for the enslavement of another. These provisions could be used to address crimes involving the trafficking of adults. The government did not provide data on its current anti-trafficking law enforcement efforts. Police in Kumba arrested two offenders for the alleged trafficking of nine children to Bamenda for an unknown purpose; however, the case did not go to court. The government did not investigate traditional leaders in the northern regions suspected of keeping hereditary servants in conditions of involuntary servitude during the

reporting period; however, it was reported during the year that the government sentenced a traditional ruler to 20 years' imprisonment for false arrest in August 2009, in an alleged trafficking case.

There were reports of some officials' involvement in trafficking, though there were no prosecutions or convictions for such trafficking complicity. The government continued to take no action on a 2009 complaint against a police commissioner for complicity in child trafficking. Additionally, there were reports that law enforcement officials use their positions to solicit bribes from trafficking offenders. The National Commission on Human Rights and Freedoms, working with international and local NGOs, trained an unknown number of law enforcement officers and magistrates. During the year, the Office of the Prime Minister requested international assistance for training of law enforcement and raising awareness of trafficking. The government did not disseminate the 2005 child trafficking law, nor did it provide training to law enforcement officials on this law.

Protection

The Cameroonian government showed minimal efforts to ensure that victims of trafficking received access to necessary assistance during the year. The government provided some direct assistance to child victims, including temporary residency status, shelter, and medical care. Children rescued from trafficking situations were either cared for in centers sponsored by the Ministry of Social Affairs or referred in an *ad hoc*, cumbersome fashion to local NGO centers while the ministry conducted family tracing. Government personnel did not demonstrate systematic and proactive efforts to identify trafficking victims among vulnerable groups, such as street children, women in prostitution, and illegal migrants, or refer these victims to necessary care. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government's renovation of a number of the few care centers it maintains for abandoned children, street children, and child trafficking victims – started in late 2009 – was completed during the reporting period, though the government did not report the number of trafficking victims cared for in these centers. In 2010, the Ministry of Social Affairs, in partnership with UNICEF, finalized a guide instructing families how to serve as foster parents by providing shelter, food, health care, and education to vulnerable children; during the reporting period, an international NGO used the program to place 14 child trafficking victims with foster families. Victims were provided the opportunity to file civil suits against trafficking offenders, though in the case of child victims, adult family members needed to initiate proceedings. Although this opportunity serves as a vehicle for restitution, there are allegations that victims were unable to access these funds. Between July 2009 and September 2010, an NGO reported identification of 204 trafficking victims, mostly in the North West Region. During the reporting period, the government identified nine potential child trafficking victims, who were returned to their families by the Ministry of Social Affairs.

Prevention

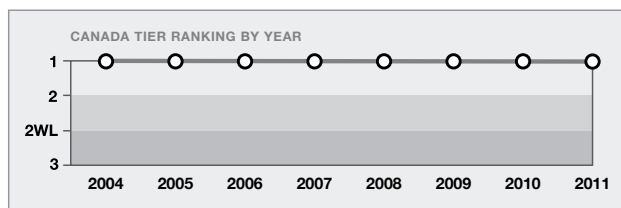
The Cameroonian government demonstrated modest progress in prevention efforts over the last year. In November 2010, the prime minister signed an executive order creating an Inter-Ministerial Committee, chaired by the secretary general of the Prime Minister's Office and charged with coordinating anti-trafficking efforts across the government. In December 2010, the government released "Cameroon's Strategy to Implement its Trafficking in Persons Action Plan." The plan commits the government to produce an annual progress report on its efforts to combat trafficking and, within one year, to train law enforcement to identify and investigate individuals engaged in hereditary slavery. Cameroon's 2011 budget, approved in December 2010, includes \$45,000 allocated to the Office of the Prime Minister for the Inter-Ministerial Committee's activities in the prevention of trafficking in persons. The Inter-Ministerial Committee is charged with implementation of the action plan. In February 2011, the Ministers of Social Affairs and Women's Empowerment, in collaboration with UNICEF, launched a nationwide sensitization campaign entitled "Campaign Against Sexual Exploitation and Traffic of Children" to build awareness and train on the identification of traffickers by visiting schools and distributing leaflets and posters. The government collaborated with an NGO to train prosecutors, magistrates, and law enforcement personnel in March 2011. In September and October 2010, the Ministry of Justice, in partnership with UNICEF, organized four separate regional seminars for stakeholders. The government reported no measures to reduce the demand for commercial sex acts within the country. The government provided 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 forced labor. Canadian women and girls, particularly from aboriginal communities, are found in conditions of commercial sexual exploitation across the country. Foreign women and children, primarily from Asia and Eastern Europe, are subjected to sex trafficking; sex trafficking victims have come from China, Hong Kong, Fiji, Taiwan, South Korea, the Philippines, Romania, Ukraine, and Moldova, in addition to other countries and territories. Asian victims tend to be prevalent in Vancouver and Western Canada, while Eastern European victims are trafficked to Toronto, Montreal, and Eastern Canada. Law enforcement officials report the involvement of organized crime in sex trafficking. Most suspected labor trafficking victims are foreign workers who enter Canada legally, but then are subjected to forced labor in agriculture, sweatshops and processing plants, or as domestic servants. Suspected cases of forced labor continue to be more prevalent in Ontario and Alberta and have involved workers from Asia, Eastern Europe, and Latin America. In October 2010, Ontario authorities brought forward the country's first charges in a labor trafficking case, involving

10 defendants accused of subjecting 19 Hungarian Roma victims to forced labor in their construction business and stealing the victims' social assistance money. A considerable number of victims, particularly South Korean females, transit Canada *en route* to the United States. 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 increased prosecutions of human trafficking crimes, passed legislation establishing a minimum sentence for child trafficking, and sustained victim protection and prevention efforts. However, some judges and prosecutors were reportedly hesitant to pursue trafficking charges. The government lacked a national strategy to combat trafficking, and limited coordination between the federal and provincial governments on anti-trafficking efforts continued to be a challenge.



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 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; increase investigations and prosecutions of Canadian child sex tourists abroad; establish formal mechanisms for officials to identify trafficking victims and refer them to protection services; continue efforts to improve trafficking data collection; and strengthen coordination among national and provincial governments on law enforcement and victim services, in part by adopting a national strategy to combat human trafficking.

Prosecution

The Government of Canada maintained law enforcement actions against trafficking offenders over the last year; a greater number of trafficking cases were prosecuted, and Parliament passed a law increasing the minimum sentence for child trafficking offenders. Section 279.01 of the Canadian Criminal Code prohibits all forms of human trafficking, prescribing a penalty of up to 14 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those for other serious crimes, such as sexual assault. Section 279.02 of the Criminal Code additionally prohibits a defendant from receiving a financial or material benefit from trafficking, prescribing up to 10 years' imprisonment. Withholding or destroying

a victim's identification or travel documents to facilitate human trafficking is prohibited by Section 279.03 and is punishable by up to five years in prison. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as engaging in conduct which causes a victim to provide a labor or 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 a \$1 million fine. A private member's bill on child trafficking was approved in June 2010, establishing a five year mandatory minimum sentence for trafficking of children and a maximum sentence of life imprisonment when the offense involves kidnapping, aggravated assault, or aggravated sexual assault. In September 2010 the Ontario Superior Court found three prostitution-related provisions often used to prosecute trafficking cases to be unconstitutional; the federal government has appealed. In addition to ongoing investigations, there were at least 46 human trafficking cases prosecuted by courts as of late February 2011, at least 23 of which were opened during the reporting period. These cases involved 68 accused trafficking offenders and 80 victims, and represent an increase in the number of prosecutions initiated and trafficking offenders identified from the previous reporting period. The government reported two convictions under trafficking-specific laws during the reporting period; the trafficking offenders received six-year prison sentences and received 30 months of credit for pre-trial custody. Prosecutors convicted at least seven trafficking offenders under other sections of the Criminal Code, including provisions against living off the proceeds of prostitution and sexual assault. Two of these convicted offenders were sentenced to 34 months' imprisonment, and the other sentences were not reported. 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. Although numerous cases of trafficking involving foreign victims have been investigated and prosecuted, none have resulted in convictions.

Canada's law enforcement efforts reportedly suffer from a lack of coordination between the national government and provincial and local authorities, which prosecute most human trafficking cases. Last year, the Royal Canadian Mounted Police (RCMP) continued extensive anti-trafficking training efforts for law enforcement officers, border service officers, and prosecutors, including the distribution of human trafficking tool kits to police services across Canada, as well as training sessions in Alberta and Ontario for labor inspectors on how to identify labor exploitation and trafficking. Officials in British Columbia continued to develop a standardized training program for officials and civil society actors on how to identify and assist 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. Immigration officials have guidelines to assess whether foreign nationals are potential victims of trafficking, but there were no nationwide protocols for other government officials to proactively identify trafficking victims among vulnerable populations, such as women in prostitution or migrant workers. Victim support services in Canada are generally administered at the provincial level. There were no dedicated facilities or specialized programs for trafficking victims. While some law enforcement officials and NGOs indicated that this was problematic, some shelter administrators reported caring for female trafficking victims at shelters designed for victims of domestic violence. In some cases, shelters for homeless persons provided basic services to male trafficking victims, while other male victims were housed in apartments and safe houses during the year. While each province or territory provides services for crime victims, including trafficking victims, the range and quality of these services varied. However, most jurisdictions provided access to shelter services, short-term counseling, court assistance, and other services. NGOs also provided victim services, ranging from shelter care to employment and resettlement assistance, and many of them received government funding. There were no reported formal systems for referring trafficking victims to care institutions; rather, officials relied on *ad hoc* practices. Provinces and territories had primary responsibility for enforcing labor standards, but NGOs and the media 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, and during the reporting period the government issued at least 49 TRPs to 45 foreign nationals, 21 of which were first-term permits and 28 of which were renewals. This is a significant increase from the previous year, when authorities granted TRPs to 15 foreign victims. During a 180-day reflection period, immigration officials determine whether to grant a longer residency period of up to three years, and victims have access to essential and emergency medical care, dental care, and trauma counseling. TRP holders may apply for fee-exempt work permits, and 40 foreign victims received these permits during the reporting period. Some officials and NGOs reported difficulties in getting TRPs for foreign victims due to disagreements between service providers, law enforcement officers, and immigration officials about whether or not an individual qualified as a trafficking victim. Identified victims are 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. During the reporting period at least one victim participated in a human trafficking case in court.

Prevention

The Government of Canada demonstrated increased anti-trafficking prevention efforts over the reporting period. Federal level anti-trafficking efforts were coordinated by the Interdepartmental Working Group on Trafficking in Persons (IWGTIP), which met twice during the reporting period. NGOs and some government officials continued to call for the IWGTIP to create and implement a national strategy to combat trafficking, as mandated in 2004. Anti-trafficking efforts on the provincial and local level varied in effectiveness. Alberta funded an NGO coalition to coordinate the province's actions to combat trafficking, while British Columbia had the only provincial anti-trafficking office in the country and developed trafficking awareness materials which were delivered to 4,000 event attendees in 2010. NGOs and law enforcement officers criticized Ontario for a lack of coordination on anti-trafficking efforts, though in February 2011 Ontario authorities announced a multi-pronged initiative to fight human trafficking with \$2 million in funding over three years. The RCMP continued to conduct widespread awareness-raising activities and maintained six regional human trafficking awareness coordinators across the country to facilitate these initiatives. The federal government reported conducting trafficking awareness sessions for 8,000 government officials and members of civil society. The federal Department of Citizenship and Immigration provided pamphlets and 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. Parliament reintroduced a bill to allow immigration officers discretion to refuse work visas if they judged the applicant to be risk for exploitation, but NGOs had mixed reviews regarding the effectiveness of the proposed legislation.

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 up to 14 years in prison. In July 2010, the government convicted a Canadian child sex tourist who abused girls in Cambodia and Colombia; he was sentenced to 11 years' imprisonment. Canada's Department of Foreign Affairs continued to distribute a publication entitled "Bon Voyage, But..." to warn Canadians traveling abroad about penalties under Canada's child sex tourism law, and every new Canadian passport issued is accompanied by a copy of the booklet. The government showed substantial transparency in its anti-trafficking efforts; in 2010, the RCMP published a national threat assessment on human trafficking, analyzing over 275 trafficking-related cases, as well as a study on the domestic trafficking of children and youth in Canada. The government also published a report on the feasibility of developing a national data collection framework for trafficking, in addition to updates on government anti-trafficking efforts. During the year the government provided over \$2 million in funding for anti-trafficking initiatives around the world through the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs. Media reports revealed that CIDA had received allegations of forced labor at a CIDA-funded project in Indonesia in 2008, but the independent investigation into the alleged exploitation was

not available to the public. 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 in a public place, and there were no known efforts to address demand for forced labor.

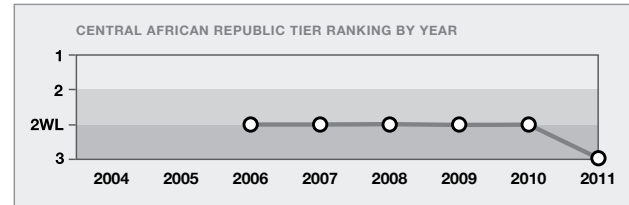
CENTRAL AFRICAN REPUBLIC (Tier 3)

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 most victims are trafficked within the country, but a smaller number move back and forth from Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo (DRC), and Sudan. Trafficking offenders, including members of expatriate communities from Nigeria, Sudan, and Chad, as well as transient merchants and herders, subject children to domestic servitude, commercial sexual exploitation, or forced labor in agriculture, 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, and girls are at risk of being exploited in the sex trade in urban centers. The Lord's Resistance Army (LRA), which operates in eastern regions of the CAR, continues to abduct and exploit enslaved Sudanese, Congolese, Central African, and Ugandan children for use as cooks, porters, concubines, and combatants; some of these children are also taken back and forth across borders into Sudan or the DRC.

Human rights observers reported that opposition militia groups in the north of the country continued to unlawfully use children in armed conflict, some of whom may be trafficking victims. They believe, however, that the two main rebel groups, the Union of Democratic Forces for Unity (UFDR) and the Army for the Restitution of Democracy (APRD), no longer recruit children, as a result of ongoing disarmament, demobilization, and reinsertion (DDR) activities initiated by the 2008 peace agreement signed with the government. Though the UFDR and APRD deny the presence of children in their ranks, some observers believe these groups, as well as the Convention of Patriots for Justice and Peace (CPJP), which is outside the country's peace process, still harbor children. Village self-defense units, which receive little, if any, support from the government, used children as combatants, lookouts, and porters during the year. UNICEF estimates that children comprise one-third of the self-defense units.

The Government of the Central African Republic does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last six consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, the CAR is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government,

which has limited human and physical capital, did not investigate and prosecute trafficking offenses, identify or provide protective services to trafficking victims, or take steps to raise public awareness about the dangers of human trafficking. The revised Central African penal code, enacted in January 2010, outlaws all forms of trafficking in persons, but awareness of this statute remained low. The government, via the Prime Minister's Office, took steps to create an inter-ministerial committee to fight child exploitation, including child trafficking, though its formal establishment remains on hold pending review by the government's Economic and Social Council.



Recommendations for Central African Republic:

Ensure that the Economic and Social Council receives the budget allocation necessary to reconvene; submit the plan for the National Council for the Protection of Children to the Economic and Social Council for review; in collaboration with NGOs and the international community, train law enforcement officials and magistrates to use the penal code's trafficking provisions to investigate and prosecute these offenses; increase efforts to identify trafficking victims among vulnerable populations, such as females in prostitution, street children, and Pygmies; in collaboration with NGOs and the international community, provide care to children in commercial sexual exploitation and forced labor; and develop and implement a program to educate the public about the dangers of trafficking.

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 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. Enforcement officials report 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. During the year, the country's military conducted joint operations with the Ugandan People's Defense Force against the LRA, resulting in the release of 43 child trafficking victims.

Protection

The government did not make significant efforts to ensure that victims of trafficking receive access to protective services during the reporting period. Moreover, the CAR government did not increase efforts to identify trafficking victims among vulnerable populations, though the government's presence outside the capital remained limited, restricting its capacity to do so. The government maintained its partnership with UNICEF and NGO implementing partners for the protection and reintegration of demobilized child soldiers, some of whom had been subjected to unlawful conscription and use. It took no further action, however, to promote a policy against child soldiering, and an investigation into the use of child soldiers in self-defense militias that may be supported by the government – initiated by the deputy minister of Defense during the previous reporting year – did not yield any results. 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 did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution, and did not offer assistance to its own nationals who are repatriated as victims of trafficking.

Prevention

The government undertook few anti-trafficking prevention efforts during the reporting period. Under the auspices of the Prime Minister's Office, the government took steps to establish the National Council for the Protection of Children that will be composed of committees to address specific topics related to child exploitation, including types of child trafficking. The Prime Minister's Office, with UNICEF's assistance, conducted meetings about the establishment of the national council with relevant government ministries, NGOs, and international organizations and conducted a national workshop to formalize its structure in November 2010. Several of the Council's committees will address issues relevant to human trafficking, including the sexual exploitation of children, child soldiers, and child labor. However, the Council can formally enter into existence only after review by the Economic and Social Council, an advisory body to the National Assembly which did not meet during the year, and signature by the prime minister.

During the year, the government signed, with UNICEF, a 2011 Action Plan for the protection of children, which includes a radio awareness campaign in which government officials would deliver messages to the public on the dangers of human trafficking. The government did not take any measures to reduce the demand for commercial sex acts during the year, but a regional official reported traveling to diamond mining regions in the western part of the country

to speak to local leaders to discourage the use of forced child labor in diamond mines.

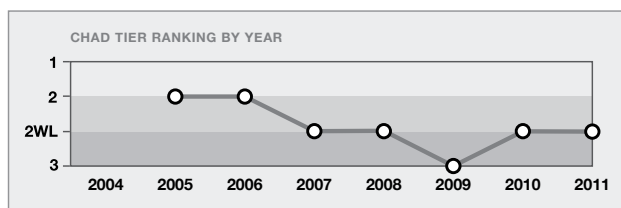
CHAD (Tier 2 Watch List)

Chad is a source and destination country for children subjected to conditions of 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 forced domestic service or forced herding is used as a means of survival by families seeking to reduce the number of mouths they need to feed. Child trafficking victims are primarily subjected to forced labor as herders, domestic servants, agricultural laborers, or beggars. Some sources report that children in religious schools (*madrassahs*) are forced to beg for long hours for the benefit of their teachers and may be denied food or 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 reports of child herders being employed by military officials 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 service. Some girls are compelled to marry against their will, only to be forced by their husbands into domestic service or agricultural labor.

In previous years, Chadian and Sudanese children were unlawfully conscripted, including from refugee camps, to engage in armed conflict, and used as combatants, guards, cooks, and look-outs. The government's conscription of children for military service, however, reportedly ceased during the reporting period, and a government-led, UNICEF-coordinated process to identify and demobilize remaining child soldiers in military installations and rebel camps continued. An unknown number of children may remain within the ranks of the Chadian National Army (ANT); UNICEF believes the number to be decreasing as recruitment has stopped and remaining children who might have been in the military in previous years would now be reaching adulthood. Sudanese children in refugee camps in eastern Chad were forcibly recruited by Sudanese rebel groups.

The Government of Chad does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite some improvements, the government did not show evidence of increasing efforts over the previous year; therefore, Chad is placed on Tier 2 Watch List. During the reporting period, the Government of Chad reportedly ended all child conscription into its national army and continued to engage in efforts to demobilize remaining child soldiers from rebel forces. The government also co-hosted a conference on child soldiers, at which Chad and five other countries signed a declaration committing to ending child soldiering in their countries. By the end

of the reporting period, the government and UNICEF had finalized a UN Children and Armed Conflict Action Plan with steps for Chad to take prior to being delisted from the UN state sponsors of child soldiers list. The government, however, made fewer efforts to address the forced labor of children in cattle herding, domestic service, and begging, or to combat the commercial sexual exploitation of Chadian children. The government did not enact legislation prohibiting trafficking in persons. The government undertook limited anti-trafficking law enforcement and victim protection activities. The country faces severe challenges including lack of communication and infrastructure and a rudimentary judicial system that relies largely on traditional forms of justice. Its resources are further constrained by the large numbers of refugees from neighboring states.



Recommendations for Chad: Pass and enact penal code revisions prohibiting 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, where appropriate, of suspected trafficking offenders; continue taking steps to ensure the end of child conscription and the demobilization of any remaining child soldiers from the national army and rebel forces; 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 draft a national plan of action to combat all forms of trafficking in Chad and identify resources to implement it.

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 address 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 of \$100 to \$1,000; these penalties fail to prescribe imprisonment and, as such, are 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 \$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 below the age of 18; punishment for those who violate this provision is conducted at the discretion of military justice officials, rather than via civilian court processes. Draft revisions to the penal code to prohibit child trafficking and provide protection for victims have not yet been enacted, but are under active consideration by the Supreme Court. Chad does not currently have the capacity to collect or report arrests, prosecutions, convictions, or sentencing data for trafficking offenses during the reporting period. One international organization, however, reported that four people, including parents and intermediaries, in southern Chad were convicted and sentenced to six months' imprisonment for offenses related to child cattle herding. Throughout the reporting period, the Ministry of Justice, in partnership with UNICEF, conducted training for regional technical committees charged with overseeing the rights of children. In addition, in November 2010, Ministry of Social Action conducted training for 47 military officials around the country to sensitize them on issues of child soldiers. The government did not prosecute military officials for previous unlawful conscription or use of child soldiers or any other government official suspected of complicity in trafficking offenses, although some military officials reportedly were subject to military discipline.

Protection

Chad was unable to take adequate steps to ensure that all victims of trafficking received access to protection services during the reporting period, though local NGOs who implement government programs reported a significant increase in government referrals and citizen requests for services in 2010. The government, in partnership with international and non-governmental organizations, continued to assist demobilized child soldiers, identified within the country some of whom may have been forcibly conscripted. In July 2010, the government facilitated the release of 45 child soldiers by rebel groups into UNICEF's care, including 30 children from the northwestern Tibesti-based Movement pour la Democratie et Justice au Tchad (MDJT), with whom the government had recently signed a peace agreement, and an additional 15 presumed children affiliated with the Front Populaire pour la Renaissance Nationale (FPRN). Among these children were the first group of female child soldiers who entered the UNICEF-led rehabilitation and reintegration process. The Ministry of Social Action operated a transit center in Moussouro for demobilized child soldiers, where they received basic food and clothing before being transferred to longer-term, NGO-operated rehabilitation and reintegration centers. The government provided in-kind assistance to these NGO centers. Other victims of trafficking, however, received few protection services.

The government used local-level committees comprised of law enforcement, judicial, and social service officials to identify and refer trafficking victims to protection services where available. These committees – located in N'Djamena, Abeche, and southern towns – encourage victims to file charges against and assist in the investigation

and prosecution of their traffickers. Chadian authorities did not formally report any victims as being identified or referred to protection services during the reporting period, although government officials sometimes protected children personally. UNICEF, however, reported that as a result of awareness raising programs local communities recovered 227 child cattle herders and reunited them with their families, returned them to school, or provided them with vocational training. 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. While the National Committee to Fight Trafficking drafted a "Guide for the Protection of Child Victims of Trafficking" that officials could use to promote the protection of children, due to weak state entities and a lack of capacity, the government could not allocate any resources, beyond salaries and time for attendance, of government officials, for training regarding the identification and treatment of trafficking victims during the reporting period.

Prevention

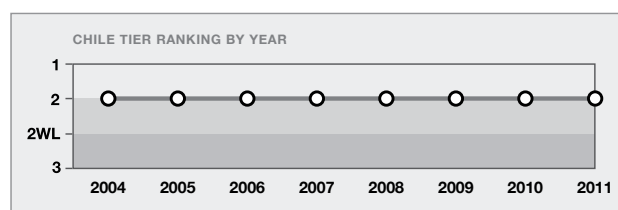
Chad made limited efforts to prevent human trafficking during the year, beyond those related to child soldiers. In June, Chad co-hosted with UNICEF a regional conference to eliminate the use of child soldiers in armed conflict; six countries – including Chad, Central African Republic, Cameroon, Niger, Nigeria, and Sudan – signed the N'Djamena Declaration, which committed governments to, *inter alia*, end unlawful recruitment and use of child soldiers, implement relevant regional and international instruments on child rights and child protection, cooperate with one another and international institutions, provide rehabilitation assistance to victims, develop a follow-on working group to implement their pledges, and harmonize national legislation with these commitments. In partnership with the UN, the government also developed an official action plan to end the use of child soldiers in Chad. The government served as a partner of UNICEF and UNFPA in its campaigns against forced labor of children. Chad's first lady, as the government's representative on public outreach programs related to children, traveled around the country, meeting with communities to instruct them on their rights and identify for them the various local government officials and UN agency representatives responsible for providing protection and assistance.

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, many victims are Chilean women and girls who respond to false job offers and subsequently are subjected to sex trafficking. To a limited extent, Chilean women and girls also are subjected to sex trafficking in neighboring countries such as Argentina, Peru, and Bolivia, as well as Spain. Women and girls from Argentina, Bolivia, Peru, Ecuador, Paraguay, and other Latin American countries are lured to Chile by fraudulent job offers and subsequently coerced into prostitution or forced domestic service. Foreign victims of labor trafficking, primarily from Bolivia, Peru, Colombia,

Ecuador, and China, have been identified in Chile's mining and agricultural sectors. There are reports that children are recruited against their will as drug mules along the borders with Bolivia and Peru.

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 increased their overall law enforcement efforts against sex trafficking offenses. Chilean law enforcement efforts shifted compared to the previous reporting period; the number of investigations and convictions for promoting or facilitating child prostitution increased, while the number of investigations and convictions for transnational sex trafficking decreased. In a notable sign of progress, in March 2011 the Chilean congress passed comprehensive anti-trafficking legislation that had been pending in the Senate since 2007. However, Chilean officials did not proactively investigate labor trafficking during the reporting period. The government offered limited services to adult sex trafficking victims and victims of labor trafficking, but increased specialized services for children exploited in commercial sex.



Recommendations for Chile: Implement new comprehensive anti-trafficking legislation; intensify efforts to investigate and prosecute all forms of human trafficking offenses and convict and punish trafficking offenders; proactively investigate possible cases of forced labor; train police officers, immigration officials, social workers, and judicial officials on the new law and on how to identify and respond to cases of labor trafficking and internal sex trafficking of adults; strengthen victim protection efforts, particularly for adult victims of forced prostitution and for forced labor victims, and ensure victim access to shelters and comprehensive services through increased funding and referral protocols; 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 increased law enforcement efforts against sex trafficking offenders during the reporting period and passed a new comprehensive anti-trafficking law in March 2011. This law prohibits all forms of human trafficking, as well as human smuggling. The law prescribes penalties ranging from five years and a day to 15 years of imprisonment for trafficking offenses, penalties which are raised to a minimum of 10 years and a day if the victim is a child. 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 other enhanced investigative tools in human trafficking cases. Prior to this, Chilean law did not prohibit all forms of human trafficking, though it criminalized transnational movement of persons for purposes of prostitution under Article 367 of its penal code. Penalties prescribed under this statute ranged from three to 20 years of imprisonment, depending on whether aggravated circumstances existed. The increase in the minimum sentence for human trafficking, as established in the new law, is significant because sentences of less than five years are often suspended in Chile, and individuals convicted of trafficking under Article 367 often did not serve jail time for their offenses. In cases of internal trafficking of children for prostitution, prosecutors can use sections of Article 361 of the penal code which address sexual crimes against children and prescribe penalties ranging from 10 to 20 years.

During the reporting period, the government opened 128 trafficking-related investigations – 112 for promoting or facilitating child prostitution, and 16 for cross-border sex trafficking. Chilean courts obtained 39 convictions in 2010, of which 38 involved promoting or facilitating child prostitution, and one which involved cross-border sex trafficking. Sentences ranged from 541 days to six years' imprisonment. In comparison, Chilean authorities achieved 34 convictions during the previous year, eight for promoting or facilitating prostitution of children, and 26 for cross-border sex trafficking.

During the reporting period, the government sentenced four police officers for obtaining sexual services from persons between the ages of 14 and 18; one officer was sentenced to three years' time while the other three officers received sentences of 541 days each and were given immediate parole. Chilean authorities conducted joint trafficking investigations with the governments of Paraguay, Colombia, Peru, and Spain. Specialized training on trafficking was limited, but in partnership with an international organization, Chilean officials sponsored training workshops on identifying and preventing trafficking for 172 officials across the country. The Chilean public prosecutor's office provided training on human trafficking to 250 prosecutors in Uruguay, Panama, and Guatemala.

Protection

The Chilean government delivered comprehensive victim services to child sex trafficking victims, but provided limited services to adult sex trafficking victims and victims of forced labor. The government did not employ a formal system to proactively identify trafficking victims among vulnerable populations, such as migrant workers or women in prostitution, but some government-funded staff working with sexually-exploited youth received training to become trainers on victim identification. No comprehensive data was available regarding the number of trafficking victims identified in Chile during the reporting period. However, authorities reported assisting seven child trafficking victims in 2010, and an international organization assisted 11 victims from Bolivia, Chile, Paraguay, Peru, and Kenya, three of whom were male. 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. SENAME had a budget of \$2.5 million in 2010 for these NGO-administered centers, which collectively had a capacity to serve 800 children, an increase from the capacity to serve 700 children reported during the previous year. 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, who also aided foreign victims with voluntary repatriation. The government did not operate any specialized shelters for adult trafficking victims. According to NGOs, it is difficult for adult female victims of trafficking to access services at one of 25 government-run domestic violence shelters. Authorities provided psychological and medical assistance to adult sex trafficking victims for cases under prosecution. As forced labor was not a crime in Chile until March 2011, there were no specialized services available to labor trafficking victims during the reporting period.

Chilean authorities encouraged victims to assist in the investigation and prosecution of their traffickers. The new comprehensive law includes provision of medical care, psychological counseling, and witness protection services to adult victims of trafficking who assist in trafficking investigations; no victims have yet received services under the new law's provisions. The new law formalizes victims' rights to request temporary residency for a minimum six-month period while they decide whether to participate in judicial proceedings. The law also establishes foreign victims' rights to take steps toward regularizing their legal status in Chile. Chilean authorities reported issuing humanitarian visas to foreign sex trafficking victims who wished to participate in the investigation of their traffickers during the year.

Prevention

The government sustained prevention efforts during the reporting period by continuing anti-trafficking education and outreach campaigns. Almost all of these efforts focused on the commercial sexual exploitation of children. In 2010, SENAME formed a working group on sexual exploitation of children which met nine times during the year. The separate Interagency Working Group on Trafficking in Persons did not meet in 2010. Transparency in the government's anti-trafficking efforts measures was limited; it reported trafficking prosecutions on government websites, but did not publish assessments of its own anti-trafficking policies or efforts during the year. SENAME continued to raise awareness about child prostitution through its "There is No Excuse" campaign, expanding efforts to the hotel sector. Immigration documents for travelers arriving in Chile include information about the penalties for the commercial sexual exploitation of children. The government forged partnerships with NGOs, international organizations, and foreign governments in implementing these prevention efforts. The government gave mandatory anti-trafficking and human rights training to Chilean troops prior to their deployment abroad for international peacekeeping missions. In an effort to reduce the demand for commercial sex, courts 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 far as Romania and Zimbabwe are reportedly trafficked to China for commercial sexual exploitation and forced labor. While the majority of trafficking occurs within China's borders, there are reports in recent years that Chinese men, women, and children may be subjected to conditions of sex trafficking and forced labor in numerous countries and territories worldwide. Low- and medium-skilled Chinese workers migrate voluntarily to many countries for jobs, but in some countries subsequently may face conditions indicative of forced labor, such as withholding of passports and other restrictions on movements, nonpayment of wages, and threats. High recruitment fees, sometimes amounting to 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 150 million people. Forced labor remains a notable problem, including in brick kilns, coal mines, and factories, some of which operate illegally and take advantage of lax supervision in the poorer regions of China. There were reports of forced labor, including forced begging, of children and adults during the reporting period, including in Hebei, Shanxi, and Sichuan Provinces. In Xinjiang, for example, media reports in December indicate a construction factory boss enslaved 11 mentally disabled workers who were regularly beaten and forced to work long hours. In Shanxi Province, one mentally disabled worker was lured with the promise of a job paying \$10 per day, but was then forced to work in a brick kiln where he was beaten and prevented from escaping. In recent years, workers participating in a government-sponsored program to transfer rural labor to jobs in the interior of China, including children, were allegedly coerced into the program through threats or fines for noncompliance; there were no official reports of this in 2010. Authorities in parts of Xinjiang province reportedly imposed mandatory labor of children for cotton-picking in at least three cases. Forced labor was a problem in some drug detention centers, 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. 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. Some reports show working conditions in Chinese manufacturing factories that may indicate forced labor, including forced and unpaid overtime, excessive work hours, restrictions on movement and breaks, and

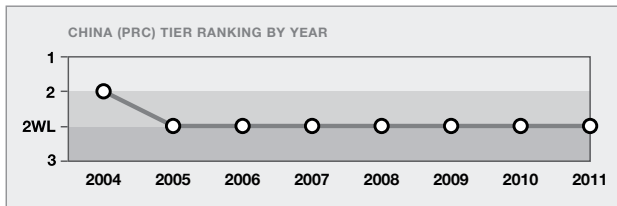
withholding of wages. Some children found in these conditions are particularly vulnerable to forced labor.

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; in previous years, there were reports of children forced into flower selling. Some children in work-study programs supported by local governments have been reported to face conditions of forced labor in factories and farms. The children of migrants are particularly vulnerable to trafficking, although the government implemented programs to provide mentoring and support services to reduce their risk of neglect leading to trafficking. The overall extent of forced labor in China is unclear in part because the government releases only limited information on the subject.

Well-organized international criminal syndicates and local gangs play key roles in both internal and cross-border trafficking. The Ministry of Public Security reported in January 2011 that the number of Chinese women forced into prostitution overseas was rising as they fall prey to international criminal gangs. Experts and NGOs report that China's population planning policies, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which may contribute to the trafficking of women and children from within China and from Mongolia, North Korea, Russia, Burma, Laos, and Vietnam for forced marriage.

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 significant efforts to address all forms of trafficking or effectively protect victims; therefore, China is placed on Tier 2 Watch List for a seventh consecutive year. China was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, the 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 is devoting sufficient resources to implement that plan. China increased its attention to trafficking of women and children nationwide; continued inter-agency coordination on anti-trafficking initiatives; established nationwide and local hotlines to report trafficking cases; increased funding for labor inspections; significantly increased prosecutions for offenses the government labeled as trafficking, which includes cases that are not trafficking offenses; updated the criminal code to expand the prohibition on forced labor and increase the prescribed penalty; worked with foreign governments and INTERPOL to improve law enforcement coordination on trafficking; and trained shelter managers on victim protection. The government began drafting the 2012 National Plan of Action for anti-trafficking efforts, which should be released in December 2011, in consultation with international organizations; at the publication of this report, the details of the draft plan were not public. 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 child abduction for 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. China continued to lack a formal, nationwide procedure to identify systematically victims of trafficking; however, the national police academies instituted anti-trafficking training for all new recruits, and a national directive instructed law enforcement officers to treat people in prostitution as victims of trafficking until proven otherwise. The government did not to provide comprehensive victim protection services to both internal and foreign victims of trafficking throughout the country, but is beginning to train shelter managers and refer victims to protection services. 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. The government's inadequate data collection system continued to impede progress in recording and quantifying anti-trafficking efforts.



Recommendations for China: Continue revisions to the National Action Plan to address all forms of trafficking, including forced labor and trafficking of men; continue to update the legal framework to further refine the definitions of trafficking-related crimes; provide disaggregated data on efforts to criminally investigate and prosecute sex and child trafficking; provide data on the number of criminal investigations and prosecutions of cases identified as involving forced labor, including of recruiters and employers who facilitate forced labor and debt bondage, both within China and abroad; investigate, prosecute, and impose prison sentences on government officials who facilitate or are complicit in trafficking; continue to institute proactive, formal procedures to systematically identify victims of trafficking, including labor trafficking victims and Chinese trafficked abroad, and among vulnerable groups such as migrant workers and foreign and local women and children arrested for prostitution, to ensure that they are not punished for acts committed as a direct result of being trafficked; expand victim protection services, including comprehensive counseling, medical, reintegration, and other rehabilitative assistance, as well as assistance to male victims and victims of forced labor; cease the practice of 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; expand protection services for Chinese trafficking victims abroad; expand upon existing campaigns to reduce the demand for forced labor and commercial sex acts; improve law enforcement data collection efforts for trafficking cases, consistent with the government's capacity to do so; and publish the findings of government-sponsored research on trafficking in persons in China and involving Chinese nationals.

Prosecution

The Government of the People's Republic of China reported progress on addressing sex trafficking of women; however, it reported significantly fewer prosecutions for forced labor than for other trafficking crimes. The Chinese government ratified the 2000 UN TIP Protocol in 2009 and continued to fill gaps which exist in its anti-trafficking legal structure; however, the legal definition of trafficking under Chinese law continued to include kidnapping for illegal adoption as a trafficking crime. Article 240 of China's Criminal Code prohibits "abducting and trafficking women or children," but does not adequately define these concepts. Article 358 prohibits forced prostitution, 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," in February 2011, the government raised the prescribed penalty under Article 244 to three to 10 years' imprisonment and a fine, and expanded culpability to those who also recruit, transport, or assist in "forcing others to labor." This law changes the definition of forced labor to include workers in informal or illegal workplaces, who were not covered previously under the law. 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 constituting a means of trafficking persons into prostitution or acts such as recruiting, providing, or obtaining persons for compelled prostitution. While trafficking crimes could perhaps be prosecuted under general statutes related to fraud and deprivation of liberty under Chinese law, authorities did not report using these provisions to prosecute and punish trafficking offenders.

Due to the government's expansive definition of "trafficking" and its 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. Based on the concept of *ren kou fan mai* (literally "the buying and selling of people") which includes non-trafficking offenses, the Supreme People's Court reported 1,990 cases prosecuted in 2010 resulting in the conviction of 3,138 offenders, an increase from 2009. Of those convicted, 2,216 received prison sentences of at least five years, an increase in the number of significant sentences reported in 2009. The Supreme People's Procuratorate reported a total of 4,422 suspects prosecuted

in 2010. These statistics include cases of kidnapping for illegal adoption. Eleven suspected traffickers were arrested for trafficking North Korean women for commercial sexual exploitation and forced marriage, four of whom were sentenced to three to 11 years' imprisonment, as reported by Chinese media. However, the Chinese government did not release statistics related to forced labor of men. Local contacts in Yunnan Province report that law enforcement officers are better able to obtain information on cross-province and cross-county trafficking, but local officials were still reportedly reluctant to allow investigations by NGOs and reported facing difficulty in dealing with police agencies from other provinces in China. According to Chinese law, criminal proceedings are closed in China and only the defendant, prosecution, and victim have a right to hear verdicts to protect rights and privacy of those involved. This made it difficult for outside observers to ascertain prosecution efforts in trafficking cases. Due to the government's continued conflation of child abduction and fraudulent adoptions with trafficking offenses, it is unclear how many actual child trafficking cases the government investigated and prosecuted during the reporting period. The Ministry of Public Security (MPS) continued with the anti-trafficking campaign started in April 2009, and in December 2010 called for all suspects wanted in human trafficking cases to surrender by March 2011 or face "severe punishment."

Chinese government authorities continue to focus heavily on trafficking of women and children for sexual purposes, but relatively less on the trafficking of men. The government did not disaggregate its law enforcement statistics by the number of investigations, prosecutions, convictions, and sentences for forced labor and sex trafficking, so it is unclear whether China improved on its efforts to pursue criminal investigations and prosecutions of cases specifically involving trafficking for forced labor. During the reporting period, there were several reports in Hebei, Shanxi, and Sichuan Provinces and in the Xinjiang Uighur Autonomous Region of Chinese men, some with disabilities, being subjected to forced labor. For example, in June 2010, police rescued 33 slave laborers and arrested 11 suspected traffickers from a brick kiln in Hebei Province where the workers were forced to work 14 to 18 hours per day in a brick kiln and beaten and given electric shocks if they attempted to escape. Throughout all of China, although police launched raids to rescue victims of forced labor, media reports show that 22 forced labor trafficking suspects were arrested. The status of their court cases is unknown.

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 the China's efforts to combat human trafficking. MPS also reported conducting an annual comprehensive assessment of anti-trafficking work in each area, using the findings to direct action carried out in the provinces, but did not publicly release this report. In April 2010, central government

authorities provided guidelines to local judicial and law enforcement officers and prosecutors on strengthening sentences for convicted traffickers and arranged training seminars to sensitize them to trafficking; these guidelines, however, continued to erroneously treat child abduction and fraudulent adoptions as trafficking crimes. In July 2010, the government organized a national anti-trafficking workshop for 140 government officials, including police, judges, and prosecutors, on implementing these guidelines. In addition, in June and July 2010, MPS convened video conferences with Public Security Bureaus (PSBs) nationwide to launch a campaign against the abduction and coercion of children for forced begging. The Ministry of Commerce approved approximately \$4.5 million to fund dedicated special investigators for labor inspections.

The government also increased cooperation with foreign governments on alien smuggling and trafficking, particularly with those bordering China, as well as with South Africa, the United Kingdom, France, and the DRC. French and Chinese law enforcement cooperated to dismantle a forced prostitution network which spread from Shanghai to Paris, rescuing 39 victims. China also cooperated with Thai law enforcement to address trafficking between the two countries. In August, China worked with Russian prosecutors to extradite a Russian national suspected of trafficking five women for forced prostitution into China. Some NGO sources report that cross-border police cooperation between China and Vietnam, Laos, and Burma has improved.

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, but domestic media reported, and government officials confirmed, that in May a Chinese court upheld the death sentence for former director of the Chongqing Municipal Judicial Bureau for accepting bribes to allow prostitution of underage girls in Chongqing; another four police officers were sentenced to three to 15 years' imprisonment in connection with this case. In August, three police officers were sentenced to three years' imprisonment for accepting bribes to allow traffickers to prostitute trafficking victims in Beijing. In response to a forced labor case in Xinjiang, government officials responsible for workplace inspections were not criminally prosecuted, and received only administrative penalties for failure to carry out their assigned duties. The shelter manager and his son who trafficked the men were charged and were awaiting trial during the reporting period. There have been reports that some Chinese border guards worked in collusion with traffickers and North Korean border guards to procure young North Korean women for forced prostitution in Chinese brothels. However, increased security in the border area in 2010 may have caused a drop in the numbers of North Koreans able to cross illegally and make contact with would-be traffickers.

Protection

The Chinese government made efforts to improve protection during the reporting period, but overall protection for victims of trafficking remained inadequate.

Authorities reported rescuing 10,385 women and 5,933 children from trafficking situations; however, these statistics included cases of kidnapping for illegal adoption. The government reported rescuing 109 victims of forced labor. The nationwide database of DNA samples could be used to reunite trafficked children and adults with their families; the government did not report, however, how many child victims of trafficking it reunited with their parents during the reporting period. The government did not institute proactive, formal procedures to systematically identify victims of all forms of trafficking, but began to provide training to law enforcement officers on identifying trafficking as part of mandatory training for new recruits. The Ministry of Public Security issued orders to police departments to treat all women arrested for prostitution as victims of trafficking. It was not clear during the reporting period to what extent local police units complied with the order. Police corruption in some cases and the lack of effective victim identification measures in China cause victims to be punished for crimes committed as a direct result of being trafficked. In response to two incidents where women caught in prostitution were publicly paraded, the Ministry of Public Security issued a circular to local Public Security Bureaus prohibiting this practice. There was no indication whether or not the women were screened to determine if they were victims of trafficking. The government established four nationwide hotlines to report suspected cases of human trafficking or access referral services for victims, including a trade union hotline for reporting labor abuses. Hotlines were also established at a provincial level to report human trafficking. The Ministry of Public Security translated and circulated anti-trafficking training materials from the IOM to train new police recruits. In June, 40 consular and immigration authorities received training on victim identification, which was reportedly replicated to additional officers. Nonetheless, under Chinese law, individuals found violating exit and entry law must be sent to a detention center pending an investigation. Procedures in place allow for persons found to be trafficked to be transferred to a transit center to await repatriation.

The quasi-governmental All-China Women's Federation (ACWF) allocated an unknown amount of funds to establish "Women's Homes" where women have access to referrals to legal aid and other support programs, can report human trafficking cases, and request assistance from trained social workers. Local police nationwide were also directed to work closely with the ACWF to refer victims of trafficking for assistance, but the government did not report how many victims were referred during the reporting period. Trafficking victims continued to only receive short-term assistance in just five dedicated shelters in the country, but also have access to basic care and referrals for a range of services at 1,400 shelters nationwide. Provincial governments in the southern border provinces, lacking resources, often relied upon NGOs to help provide services to victims. In Yunnan province, the ACWF, with the assistance of NGOs, provided some victims with medical care, counseling, and vocational training. Although shelter managers received training through IOM on victim care, independent sources were not able to visit these shelters to ascertain the quality of care they provide due to victim privacy concerns. Child trafficking

victims were placed in child welfare centers run by the Ministry of Civil Affairs which are linked with hospitals and professionals to provide specialized care. Male victims of trafficking and victims of forced labor – either male or female – did not receive regular protection services, but some were sent to hospitals for treatment of their medical needs and at least two victims received legal aid to gain financial compensation. The government did not report on its efforts to support legal assistance programs that assist both foreign and Chinese trafficking victims, but media reports indicate that legal assistance programs exist. Foreign victims were generally repatriated, sometimes involuntarily, since there is no mechanism by which to avoid deportation or repatriation of an identified trafficking victim, and were provided little access to rehabilitative, financial, or legal assistance before repatriation. 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. The government improved efforts to protect Chinese victims of trafficking abroad; in December, Chinese authorities reported assisting 15 victims of trafficking for commercial exploitation in the DRC with medical aid, shelter, and counseling. However, most victims reportedly did not contact Chinese authorities abroad, limiting consular officials' ability to provide support services. Chinese diplomatic staff overseas did not intervene in labor disputes, some of which may involve trafficking. Government regulations stipulate that repatriated Chinese and foreign victims of trafficking no longer face fines or other punishments upon return and government officials report that no criminal penalties were assigned to the 15 victims identified in the DRC. The Government of the People's Republic of China's unwillingness to repatriate its nationals from destination countries may result in trafficking victims not being able to return home and receive protection services.

Chinese authorities continued to repatriate North Korean refugees forcibly, including those found to be trafficked. The government continued to treat North Korean trafficking victims solely as illegal economic migrants, detaining and deporting them to North Korea, where they may face severe punishment. The Chinese government did not provide North Korean trafficking victims with legal alternatives to repatriation. Chinese authorities prosecuted citizens who assist North Korean refugees and trafficking victims, as well as those who facilitate illegal border crossings. The government continued to bar UNHCR from access to North Koreans in northeast China. The lack of access to UNHCR assistance and the constant fear of forced repatriation by Chinese authorities leaves North Koreans vulnerable to human traffickers.

All of the government's victim protection efforts need to be strengthened and standardized nationwide, and increased funding for victim care should be allocated.

Prevention

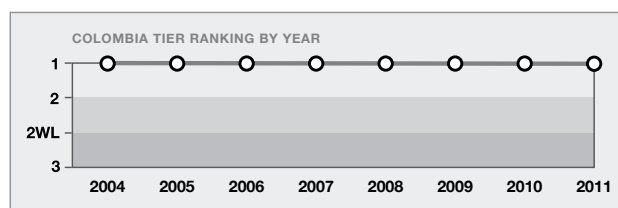
The Chinese government advanced efforts throughout China to prevent trafficking in persons, in some instances with assistance from international organizations and NGOs. China's highest-rated television channel ran 17 two-hour broadcasts raising awareness on human trafficking. The government continued to disseminate worker rights information and anti-trafficking messages in train and bus stations and through media such as cell phones, television, and the internet; these information campaigns included, among other issues, information on sexual harassment, workplace violence, and forced labor. The central government did not address the birth limitation policy, which may contribute to a gender imbalance that experts believe has led to trafficking of women into involuntary servitude through forced marriage in the Chinese population. In addition, the *hukou* household registration system may remain a factor contributing to the vulnerability of internal migrants to forced labor; it remains unclear, however, whether local government reforms to this system have addressed this concern. ACWF continued to work with the ILO to incorporate messages on avoiding human trafficking situations into school curricula. In February, ACWF announced a partnership with ILO to research the level of risk of trafficking of teenage girls and young women in eight provinces. The government instituted programs to address vulnerabilities within its intending migrant population. ACWF also reported working with the government to provide \$2.5 billion in microcredit loans with interest paid by the government to reduce vulnerability to trafficking for those at high risk. The Ministry of Public Security convened a meeting of the Inter-Ministerial Meeting Office against Human Trafficking (IMOAT) in March 2010 to coordinate the government's anti-trafficking efforts with the 31 government ministries and agencies involved. Chinese forces participating in peacekeeping initiatives abroad did not receive training on trafficking in persons prior to deployment. However, there have been no allegations of trafficking acts committed by Chinese peacekeepers.

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. 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 from rural areas into urban areas remains a significant problem. Some women and children are subjected to domestic servitude, and NGOs reported that forced begging was a problem in urban areas. Groups at high risk for internal trafficking include displaced persons, poor women in rural areas, indigenous communities, and relatives of members of criminal organizations. Continued armed violence in Colombia has displaced many communities, making them vulnerable to human trafficking. 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; an international organization estimates that at least 10,000 children participate in illegal armed groups. 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 is a destination for foreign child sex tourists from the United States and Europe, particularly to coastal cities such as Cartagena and Barranquilla. Migrants from South America, Africa, and China transit Colombia *en route* to the United States and Europe; some may fall victim to traffickers.

The Government of Colombia fully complies with the minimum standards for the elimination of trafficking in persons. During the reporting period, the government maintained law enforcement actions against transnational sex trafficking offenders, achieved its first conviction for forced labor, and continued robust prevention efforts. The government worked with NGOs and international organizations to provide adult trafficking victims with services; however, it did not fund specialized shelters or services for trafficking victims. Authorities did not utilize formalized procedures to proactively identify trafficking victims among vulnerable populations. 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 victim access to specialized services, including dedicated shelters for trafficking victims, in part through dedicated funding to administer these services; establish regulations for victim care to ensure victims are adequately protected during investigations and trials; create formal measures to identify trafficking victims among vulnerable populations; create formal referral mechanisms for victims to access care services; 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; offer anti-trafficking training for local police officers, immigration officials, prosecutors, and judges; and continue to raise public awareness about the dangers of human trafficking, particularly among young women seeking jobs abroad.

Prosecution

The Government of Colombia maintained law enforcement efforts in transnational human trafficking cases during the reporting period, and achieved its first labor trafficking conviction. 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 subjecting an individual to prostitution, 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 fails to include the element of force, fraud, or coercion.

In 2010, Colombian authorities reported investigating 144 trafficking cases involving 90 victims; the majority of the cases involved adult victims subjected to forced prostitution abroad. Authorities also investigated many cases of money laundering in relation to trafficking, identifying 46 individuals and eight organizations engaged in money laundering in connection with human trafficking offenses. To date, over 1,000 investigations of the unlawful recruitment and use of child soldiers are underway, some of which may have involved conscripted children. The government reported achieving 17 convictions overall in trafficking cases, sentencing trafficking offenders to periods of imprisonment ranging from seven to 23 years, and fines ranging from \$65,000 to \$338,000. In comparison, authorities reported 215 investigations and 14 convictions in trafficking cases for 2009. During the reporting period, the government achieved its first convictions for labor trafficking in one case involving a Colombian woman exploited within the country. A government-sponsored study released in 2010 found more than 50 fewer human trafficking convictions over the last decade than Colombian authorities have reported. The study noted that trafficking crimes are sometimes categorized under other statutes, such as those prohibiting pimping of minors or kidnapping, and most trafficking convictions and sentences in Colombia are for transnational cases of forced prostitution.

While the prosecutor general's human rights unit handles all transnational trafficking cases, there is no dedicated unit for internal cases. Rather, internal cases of trafficking are investigated by local sex crimes units. An NGO received reports that some police officers solicited bribes or sexual services in exchange for protecting brothels where trafficking victims were exploited, though many of these crimes were not reported. The government did not investigate, prosecute, or convict any officials for trafficking-related offenses. NGOs 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 and a foreign government, public officials received training on how to investigate and prosecute trafficking cases, as well as how to assist trafficking victims. The government maintained partnerships with foreign governments to repatriate trafficking victims and investigate trafficking cases.

Protection

The Government of Colombia maintained an anti-trafficking operations center to refer victims to care providers, and the government could care for child victims through a network of centers for child victims of violence, but did not fund specialized services for adult victims. The Colombian government referred adult victims to NGOs and international organization partners, who provided the bulk of specialized victim care. The majority of victims identified by authorities were adults. 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. A government-sponsored study released in 2010 noted a need to improve mechanisms for identifying victims of internal trafficking. In partnership with an international organization, authorities continued to operate COAT (Operational Anti-Trafficking in Persons Center), an interagency center which referred victims to providers of protective services, coordinated and tracked criminal investigations and prosecutions, and collected nationwide information and statistics about trafficking crimes. Authorities received reports of 42 suspected trafficking cases from COAT, mostly involving adult victims.

The government did not report funding any specialized services or shelters for trafficking victims nor funding civil society organizations to provide these services. However, it referred some victims to local NGOs for care services. Authorities began designing national assistance guidelines for trafficking victims in 2009 with an international organization, outlining which government agencies are responsible for ensuring various aspects of victim care. An NGO noted that the government had not yet published the decree, required by Law 985, which would formally assign responsibility for victim services to different government agencies. The government operated 34 centers that offered comprehensive services for child victims of sexual violence, although it is unclear if any child trafficking victims received services at these centers during the year. The government maintained a reintegration program for child soldiers and during the year 338 child soldiers were referred to the government's Family Welfare Institute for care services. Authorities reported providing medical and psychological care, access to financial and employment assistance, and information and legal support for judicial processes. Officials noted that the lack of legal guidelines for the care and protection of victims remained a significant challenge. The government identified 76 victims of transnational trafficking during 2010, consisting of nearly equal numbers of victims of forced labor and forced prostitution, in addition to 15 victims who were trafficked within Colombia. Authorities did not report how many of these victims received services, either from the Government of Colombia or from NGOs.

The government encouraged victims to assist in trafficking investigations and prosecutions, and provided housing to victims participating in these efforts through its program for protection of witnesses. 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. The government did not indicate how

many victims participated in prosecutions during the reporting period. While there is a limited program to provide protections to victims who testify, few trafficking victims have elected to participate. 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 2010. Furthermore, an NGO reported that Ecuadorian trafficking victims have allegedly been deported and not identified as victims. Colombian consular officials assisted 106 Colombians trafficked overseas during the reporting period; in comparison, Colombian consular officers abroad assisted 179 trafficking victims in 2009. The government contracted legal advisors and social workers to help support Colombians abroad in areas with large Colombian migrant populations.

Prevention

The government continued prevention efforts against human trafficking. The interagency anti-trafficking committee continued to coordinate efforts and to implement the national strategy to combat trafficking, and met 10 times during the reporting period. A separate interagency committee to prevent the recruitment of child soldiers continued to implement its national strategy targeting high-risk areas. During the reporting period, 11 departments set up anti-trafficking committees, for a total of 27 committees nationwide, and government authorities provided these committees with technical assistance. NGOs noted strengthened local-level government efforts in the departments of Risaralda, Nariño, Cundinamarca, and Santander. Authorities created a human trafficking information hotline that functioned from January to April 2010; however, in April 2010, the Colombian government transferred administration of the hotline to an international organization. In partnership with an international organization, the government sponsored a university to conduct research on the magnitude of trafficking, as well as underlying risk factors in Colombia. Despite a legal requirement, the government did not establish a national information system on human trafficking. In February 2011, the Government of Colombia signed a bilateral security agreement with the Government of Panama committing to increasing efforts against human trafficking, as well as human smuggling and other crimes. Authorities conducted a wide range of awareness-raising activities, including a nationwide multimedia campaign, and partnered with international organizations as well as beauty salons and modeling agencies. The government organized anti-trafficking workshops for displaced populations in which 194 women participated. Article 219 of the Colombian criminal code prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment, and authorities developed an outreach campaign on trafficking directed at emerging tourist destinations within the country. There were no reported investigations, prosecutions, or convictions of

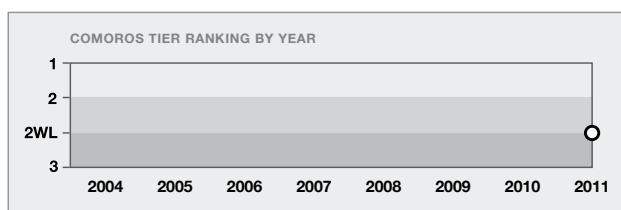
child sex tourists in Colombia. There were no reported efforts to reduce the demand for forced labor.

COMOROS (Tier 2 Watch List)

The Comoros is a source country for children subjected to forced labor and sex trafficking, and possibly for men and women for those same purposes. Comoran children are subjected to forced labor within the country in domestic service, roadside and market vending, baking, and agriculture. Many of these children are sent by family members to do this work and subsequently experience long working hours, wage nonpayment, and physical or sexual abuse – conditions indicative of forced labor. Children from Anjouan, one of the islands of the Comoros, are sent as domestic workers to the island of Mayotte, where some are subjected to forced labor. Children from Anjouan also are coerced into illegal 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 3 to 14 studying at Koranic schools headed by unscrupulous *fundi*, or religious teachers, are exploited in forced labor as porters, market vendors, field workers, 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 human 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. For example, the government recently dismantled an illegal migrant network of Iraqis traveling to Europe through the Comoros with counterfeit passports. During the separatist crisis in 2007 and 2008, the Anjouan Gendarmerie Force (FGA), a local arm of the Comoran national army, conscripted and armed at least 200 child soldiers from the island of Anjouan to intimidate civilians. There are no longer child soldiers in the Anjouan Gendarmerie and during the reporting period the government began implementation of a National Disarmament, Demobilization, and Reintegration Plan through which former child soldiers received care. Trafficked Comoran children also have been identified in situations of domestic servitude in France.

The Government of the Comoros 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, in partnership with international organizations, began implementation of a National Disarmament, Demobilization, and Reintegration Plan, through which 40 former child soldiers, some of whom were trafficking victims, received protective services. In addition, the government began implementation of a national action plan to address the worst forms of child labor, including forced child labor, reflecting the government's awareness of the seriousness of the child labor problem in the Comoros.

Despite these efforts, the Ministry of Labor itself made negligible efforts to prevent the use of forced child labor or investigate suspected cases. The government made no discernible efforts to investigate, prosecute, or convict trafficking offenders, including unscrupulous *fundi*, under existing legislation. Children in prostitution were sometimes beaten or harassed by authorities following arrest. Although former child soldiers received care, the government did not provide care to victims of sex or labor trafficking and prevention efforts were minimal. Although resource strapped, the government failed to find cost-effective ways to take law enforcement action against trafficking offenders, protect victims, and prevent these crimes from occurring. The Comoros, therefore, is placed on Tier 2 Watch List.



Recommendations for the Comoros: Draft and pass anti-trafficking legislation; investigate and prosecute trafficking offenses and convict and punish trafficking offenders under existing legislation; take action against unscrupulous *fundi* who exploit Koranic students; develop procedures, even informally, for the identification and referral of trafficking victims to care; establish services for the care of trafficking victims, possibly within facilities already in existence for victims of other crimes; and launch an anti-trafficking public awareness campaign on each of the islands.

Prosecution

The Government of the Comoros made minimal anti-trafficking law enforcement efforts during the reporting period. There is no law that comprehensively prohibits trafficking in persons in the Comoros. Existing laws, however, could be used to prosecute trafficking crimes, though the government did not report the investigation or prosecution of trafficking offenses. Article 323 of the penal code prohibits child prostitution, prescribing insufficiently stringent punishments of two to five years' imprisonment and fines of between \$462 and \$6,154, penalties that 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 penalties of between three months to three years' imprisonment or fine of \$308 to \$1,538; these penalties are not sufficiently stringent. Trafficking offenses also could be tried under Article 333 of the penal code for illegal restraint, which prescribes penalties of 10 to 20 years' imprisonment. In most parts of the island nation, cases are settled out of court by village elders or religious leaders, with material or financial compensation paid to the victim; in some cases, settlements may include child marriage to preserve a family's honor. On the island of Anjouan, however, people reportedly did not hesitate to

report crimes involving abuse during the year, preferring legal proceeding to such settlements. The police reportedly conducted routine patrols throughout the islands and found underage girls in prostitution, though there were no apparent efforts to investigate these as human trafficking offenses. Following their arrest, these girls are often released without care and some are harassed and beaten by police. Corruption is endemic throughout the Comoros and hinders law enforcement efforts in many areas, including those to address trafficking, and may serve to facilitate the crime. The government did not take steps to investigate, prosecute, convict, or sentence public officials for complicity in human trafficking. The government has not provided training for law enforcement officials on human trafficking.

Protection

The government has limited resources for social programming, including for protecting victims of human trafficking, and it did not provide assistance to sex or labor trafficking victims during the year. It began to implement programs, however, that provided services to former child soldiers, some of whom were trafficking victims. In 2006, the government established one shelter for the protection of abused children on each of the three islands. These shelters offered care and counseling to a variety of children and could have provided care to child trafficking victims, though the government did not report that they did so during the reporting period. Child abuse victims also may be cared for by designated families and child protection officials if no care center is available. Observers reported, however, that the government did not take specific action to protect or promote children's welfare and did not enforce legal provisions that address the rights and welfare of children. There was no formal process for identifying trafficking victims or for referring them to the limited care available; as government officials lacked the ability to identify trafficking victims properly, some victims were most likely detained, jailed, and penalized for crimes committed as a result of being trafficked. In July 2010, the Ministries of Defense, Interior, Justice and Education – in cooperation with UNDP, ILO, UNFPA, and UN Women – began implementation of a National Disarmament, Demobilization, and Reintegration Plan; 40 former child soldiers were enrolled in this program where they received medical and psychological exams, counseling, and vocational training. In the Comoros, there were no separate jails for minors, thus children in conflict with the law were jailed in the same quarters as adults in Moheli and Anjouan, and in Grande Comore they were housed in the prison guards' barracks. Although there were no reported foreign victims, the government reported it does not force foreign nationals to return to countries where they may be subject to retribution.

Prevention

The Comoran government made minimal efforts to prevent trafficking. During the reporting period, the government did not conduct any public anti-trafficking campaigns and there was no national coordinating body to guide its efforts to combat trafficking. While it did not have an action plan to address trafficking in persons specifically,

the government, in partnership with an ILO project funded by a donor country, adopted the 2010-2015 National Action Plan for the Elimination of the Worst Forms of Child Labor, which includes activities to address child prostitution; child soldiering; child labor in the domestic, agricultural, and fishing sectors; and the use of children to traffic drugs. Together with a 2009 study on child labor in partnership with the ILO, the adoption of this plan reflects the government's increasing awareness of the seriousness of the child labor problem in the country. In March 2011, the government created a police-gendarme unit charged with the investigation of child labor cases, fulfilling one of the action items of the plan. Also in March 2011, the government organized a seminar for judges, law enforcement officials, teachers, and religious authorities on discouraging the use of child labor, the identification of child labor cases, and the management of cases once discovered. In 2010, the government conducted awareness raising activities related to the national action plan, which included a media campaign and the placement of billboards at strategic locations. The Ministry of Labor is responsible for enforcing child labor laws, but it did not actively or effectively do so, making no efforts to prevent child labor, conducting no inspections, and removing no children from exploitative labor situations during the year. There is one government labor inspector for each of the three Comoran islands who is responsible for all labor issues. This number is inadequate to seek out child labor violations, including forced child labor. The government does not monitor immigration and emigration patterns for evidence of trafficking. In an island nation like the Comoros this creates a particular vulnerability. The government has not made efforts to reduce the demand for commercial sex. 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 and destination 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 exploited in situations of debt bondage by businessmen 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. There were reports

that, following the government's September 2010 order attempting to suspend all mining activities in the three eastern provinces, the military's control of the mines intensified and that some FARDC elements increased their use of forced labor in the mines, though FARDC spokesmen repeatedly denied such allegations. In January 2011, for example, the UN Organization Stabilization Mission in the Congo (MONUSCO) reported that the Commander of the 21st Sector of the FARDC was using forced child labor in the mines located in Bisiye (North Kivu Province).

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. Congolese women and children are exploited within the country in conditions of domestic servitude and migrate to Angola, South Africa, Republic of the Congo, as well as East African, Middle Eastern, and European nations, where some are exploited in forced prostitution, domestic servitude, and forced agricultural labor. Chinese women and girls in Kinshasa reportedly work in Chinese-owned massage centers, where some were likely subjected to forced prostitution; Congolese police identified 11 trafficked Chinese women in forced prostitution in a karaoke bar in Kinshasa during the reporting period. Some members of Batwa, or pygmy groups, are subjected to conditions of forced labor in agriculture, mining, and domestic service throughout the DRC.

Indigenous and foreign armed militia groups, notably the FDLR, *Patriotes Résistants Congolais* (PARECO), various local militia (Mai-Mai), the *Alliance des patriots pour un Congo libre et souverain* (APCLS), 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. For example, between July 30 and August 2, 2010, a coalition of the FDLR, Mai Mai Cheka, and combatants lead by Colonel Emmanuel Nsengiyumva, a former member of both the National Congress for the Defense of the People (CNDP) – a former Congolese rebel group – and the FARDC, abducted 116 civilians from 13 villages in Walikale area and subjected them to forced labor. Between January and September 2010, the LRA violently abducted more than 279 Congolese citizens, including 184 children, in and near Orientale Province; some of these abductees were later taken to southern Sudan or Central African Republic. Likewise, abducted 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.

In 2010, the FARDC actively recruited, at times through force, men and children for use as combatants, escorts, and porters. From September to December 2010, for example, there were 121 confirmed cases of unlawful child soldier recruitment attributed to loosely integrated ex-CNDP elements of the FARDC, particularly those commanded by Bosco Ntaganda, Colonel Innocent Zimurinda, and Colonel Baudouin Ngaruye. In mid-2010, ex-CNDP elements under the control of these FARDC commanders recruited school children in Masisi and Rutshuru territories (North Kivu) with offers of \$50; these forces reportedly

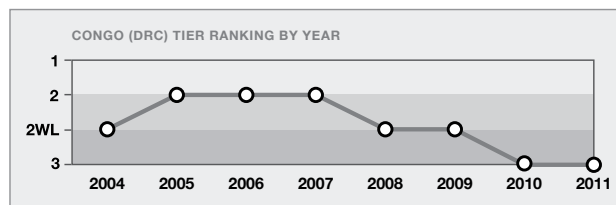
demanding that teachers and headmasters provide them with lists of children formerly associated with armed groups who had been reunified with their families. An unspecified number of children recruited by the CNDP prior to its incorporation into the Congolese military remain within integrated FARDC units and have not been demobilized. In December 2010, the UN Security Council imposed travel bans and asset freezes on FARDC Colonel Innocent Zimurinda for grave violations against children, including recruitment and use of child soldiers, arbitrary executions of child soldiers, refusal to release child soldiers, and denial of humanitarian access for a screening of his troops to remove children from his ranks; MONUSCO documented two cases of unlawful child recruitment by officers reporting to Colonel Zimurinda in August and September 2010.

In addition, FARDC elements pressed hundreds of 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. Those who resisted were sometimes killed; others died under the weight of heavy loads. 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. However, it did demonstrate increased willingness to engage with the international community on certain types of human trafficking occurring within the country. Elements of the national army increasingly perpetrated severe human trafficking abuses during the year, including forcibly recruiting children and using local populations to perform forced labor; some army commanders actively blocked – with complete impunity – efforts to monitor and remove children from their units, obstruction which has persisted for nearly two years. Furthermore, a number of FARDC commanders accused of child soldiering and 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. The FARDC lacked sufficient command and control to compel many commanders to comply with standing orders to release children serving under them or adequately prevent the trafficking violations committed by members of its forces, and ongoing military operations in the eastern part of the country limited the government’s attention to human trafficking.

The government did not show evidence of progress in punishing labor or sex trafficking offenders among members of its own armed forces, but took initial steps investigating three suspected sex and labor trafficking cases. Other advances were noted in demobilizing children from fighting factions, including some from the national army. The government failed, however, to provide protective services for the vast majority of trafficking victims or to raise public awareness of human trafficking.

The government continued to lack sufficient financial, technical, and human resources to effectively address trafficking crimes and provide basic levels of security and social services in most parts of the country. The country’s criminal and military justice systems, including the police, courts, and prisons, were challenged by the shortage of human, material, and financial resources; there were few functioning courts or secure prisons in the country.



Recommendations for the Democratic Republic of the Congo: Investigate and prosecute military and other law enforcement personnel – 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, as appropriate, non-military trafficking offenders, who utilize forced labor or control women and children in prostitution; cease the FARDC’s tolerance and use of child soldiers, including those forcibly recruited, and demobilize all children from its ranks; allow UN child protection staff unimpeded access to all military sites and *regroupement* centers to identify and remove children; as was the case with the recent integration of the Federal Republican Forces (FRF), continue to ensure that armed groups integrated into the FARDC are vetted for the presence of child soldiers and all associated children removed and demobilized; adopt an action plan to end the recruitment and use of children by the FARDC, including by newly integrated elements; develop a legislative proposal to comprehensively address all forms of human trafficking, including labor trafficking; in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims; and take steps to raise awareness about human trafficking among the general population.

Prosecution

The government made modest progress in investigating suspected trafficking offenses during the reporting period, but failed to convict and punish trafficking offenders. The government’s judicial writ did not cover many areas of the country in which human trafficking occurs, and it remained hamstrung by a critical shortage of magistrates, clerks, and lawyers. The Ministry of Justice was hampered in its overall judicial efforts, including the prosecution of trafficking cases, due to its very small budget of \$67 million – slightly less than one percent of the national budget – for 2010-2011. Corrupt officials allegedly embezzled meager financial resources from government agencies, further complicating the government’s efforts to combat human trafficking through law enforcement training, capacity building, or victim assistance. Existing laws do not prohibit all forms of labor trafficking; however, 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 of 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 applied 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, due to the continued absence of necessary decrees from several ministries and a lack of a funding allotment issued by the Ministry of Finance. In July 2010, the government appointed 1,000 of the 2,000 new magistrates that were recruited during the previous reporting period; most began hearing cases, but worked under difficult conditions with few resources. In an effort to further protect children, in January 2011, the prime minister signed a bylaw implementing the creation of juvenile courts specifically focused on children who have suffered violence and abuse or are in conflict with the law. The first such court, opened in Lubumbashi in March 2010, heard 82 cases of children victimized by violence and abuse in its first six months of operation; it is unknown whether any of these cases constituted child trafficking. Additional courts were established in Kinshasa and Bandundu in early 2011.

The government investigated at least three cases of transnational trafficking during the year and apprehended two suspected traffickers. In August 2010, police in Kamako (Kasai Occidental Province) arrested a Congolese man on suspicion of trafficking 35 girls over a 12-month period from DRC to Angola, where he sold each to policemen for amounts between \$80 and \$100. Though police transferred the suspect to the court at Tshikapa for prosecution, he subsequently escaped from prison and is suspected to have returned to Angola. In February 2011, police arrested a second alleged child trafficker in Kamako as he prepared to transport two 12-year-old girls to Angola. During an initial hearing in Tshikapa, he admitted both to his participation in a child trafficking network in Kamako and to previously selling two other girls in Angola for \$600 each; it is unknown whether judicial proceedings transpired in this case. In November 2010, the Congolese National Police (PNC) responded in partnership with Chinese officials in an operation that attempted the rescue of 11 Chinese women allegedly forced into prostitution in a karaoke bar in Kinshasa after being promised jobs in Paris; two Chinese nationals suspected of human trafficking were reportedly detained during the operation and subsequently deported. Bedi Mubuli Engangela (a.k.a. Colonel 106), a former Mai-Mai commander suspected of insurrection and war crimes, including the conscription of children, remains in detention at Malaka Prison in Kinshasa; as in the previous reporting period, the court continues to await the conclusion of the investigation before setting a trial date. The Congolese woman accused of child sex trafficking, whose case was transferred to a Bukavu court for prosecution in February 2010, escaped from the court before her case came to trial.

Impunity for the commission of trafficking crimes by the security forces remained acute; the government made no 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, has not been re-apprehended since his escape from prison in June 2006 and is currently serving as the Commander of FARDC's Sector 31 of the *Amani Leo* campaign in Walungu, South Kivu. "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 offered minimal protection to other types of trafficking victims; NGOs provided nearly all of the limited shelter, legal, medical, and psychological services available to trafficking victims. It is unknown whether the government provided any services to the child victims identified in Kamako in 2010. The government lacked procedures for proactively identifying victims of trafficking among vulnerable groups or referring victims to protective services. Although the national government did not address forced labor in the mining sector, provincial Ministries of Education in Orientale, Kasai-Oriental, and Katanga coordinated with two international NGOs during the first half of the reporting period to reintegrate children working in mines into the formal education system. Katanga's provincial Ministry of Interior continued to provide funding for the two *Kasapa* residential "welcome centers" in Lubumbashi to provide 206 street children, including trafficking victims, with protective services and educational programming; the center for girls provided care to an unknown number of children engaged in street prostitution in 2010. Though government officials recognized the growing problem of child prostitution in the country, they took no concrete action against it. The government did not show evidence of encouraging victims to assist in investigations against their traffickers. It 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 2010 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, separated and transported any identified children to NGO-run centers for temporary housing and vocational training; according to MONUSCO, 1,656 child soldiers, some of whom may have been trafficking victims, were rescued from armed groups through this process in 2010, including 130 from the FARDC. All reintegrated child soldiers remain highly vulnerable to re-recruitment. In a positive development, FARDC commanders proactively requested assistance in February 2010 from MONUSCO's Child Protection Section in demobilizing children associated with the FRF – estimated to comprise 40 percent of the armed group – prior to the group's integration into the FARDC.

While the FARDC high command was generally 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. Certain FARDC commanders actively blocked efforts by MONUSCO to separate children from their ranks and some FARDC elements continued to harass, arrest, and physically mistreat children formerly associated with armed groups. For example, Colonel Gwigwi Busogi, commander of the FARDC's 24th Sector in Kalehe (South Kivu) for the first half of the reporting period, continued to use children and systematically obstructed verification and separation efforts, including by hiding associated children; between May and August 2010, MONUSCO's Child Protection Section documented 15 cases of children used as soldiers by senior officers under Gwigwi's command. In the framework of *Amani Leo* operations, UN staff conducted over 50 screenings in 2010 to identify child soldiers among FARDC troops, resulting in only five children being separated. In spite of senior officers' willingness for the screenings, only a small percentage of units were made available by the immediate commanders for screening, highlighting the lack of control and command present in the FARDC. During the reporting period, the FARDC occasionally detained demobilized child soldiers on charges of membership in illegal armed groups and interrogated them for information.

Prevention

The government made no significant efforts to prevent human trafficking during the reporting period. While the country has an inter-ministerial body focused on human rights, there is a lack of coordination of anti-trafficking efforts at the national level. Although the National Ministry of Labor remained responsible for inspecting worksites for child labor and it employed 160 inspectors nationwide, including 10 in the mining region of Katanga Province, the ministry neither conducted any forced child labor investigations nor identified any cases of forced child labor in 2010 and had no system to track child labor complaints; inspectors often lacked means of transportation or resources to carry out their work. In July 2010, the Minister of Labor issued a decree nominating

members to serve on the Permanent Secretariat of the National Committee Against the Worst Forms of Child Labor, which would oversee the committee's work; neither body took any known action against child labor during the reporting period. Provincial Worst Forms of Child Labor Committees – comprised of staff from various provincial ministries and community members – were established in Katanga, Kasai-Oriental, and Orientale (Ituri District) Provinces. While these committees reportedly developed annual work plans for 2010, it is unknown what action they took, if any, to implement these plans. In the first half of the reporting period, the Provincial Ministries of Education in Orientale, Kasai-Oriental, and Katanga worked closely with two international NGOs in implementing projects to reinsert over 13,000 children working in mines into the formal education system. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts.

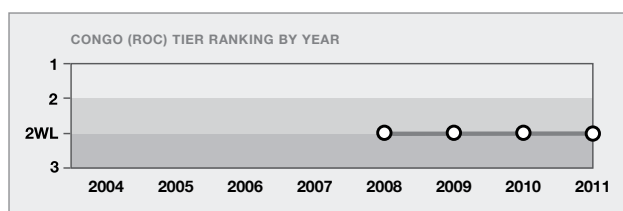
During the year, the Ministry of Defense publicly maintained its adherence to its "zero tolerance" policy regarding the recruitment of children and refused to engage in discussion regarding children used by government forces, claiming that rebel groups were the sole perpetrators of these crimes. While the government took no formal action committing to a UN-sponsored action plan to end the recruitment and use of child soldiers during the reporting period, many levels of the government were engaged in discussions about the UN plan. In December 2010, the FARDC published a new Code of Conduct to guide the actions of its forces; several articles in the code prohibit soldiers' perpetration of human trafficking crimes. In March 2011, FARDC staff held a three-day seminar to raise awareness of 50 army officers regarding the new code of conduct.

CONGO, REPUBLIC OF THE (Tier 2 Watch List)

The Republic of the Congo (ROC) is a source, transit, and destination country primarily for children, and possibly men and women, subjected to forced labor and, to a lesser extent, sex trafficking. Most child trafficking victims are from Benin, though Togo, Mali, Guinea, Cameroon, Senegal, and the Democratic Republic of the Congo are also sources of victims subjected to forced domestic labor, market vending, and fishing, as well as commercial sexual exploitation. UNICEF reports the majority of child trafficking victims are exploited as vendors in traditional local markets, while approximately 23 percent of victims are forced into prostitution; the average age of child sex trafficking victims is 9. Child victims experience harsh treatment, long work hours, and have almost no access to education or health services; they receive little or no remuneration for their work. The majority of internally trafficked children migrate from the Pool Region to Pointe Noire and Brazzaville to serve as domestic laborers for relatives.

The Government of the Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking. The government did not

demonstrate evidence of significant efforts to investigate and prosecute trafficking offenses or to convict and punish trafficking offenders; therefore, the Republic of the Congo is placed on Tier 2 Watch List for a fourth consecutive year. The Republic of the Congo was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 enacted the Child Protection Code in June 2010, informally referred victims to foster care, and continued implementation of its 2009-2010 National Action Plan. A lack of trained law enforcement personnel and adequate, consistent funding for prevention efforts seriously limited the government's ability to address trafficking and assist victims.



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 the enactment of provisions prohibiting the trafficking of adults; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; provide care to trafficking victims via government-funded programs, including medical, psychological, and legal services, and develop a formal mechanism to refer victims to such care; train additional law enforcement officials, immigration officials, and social workers in the use of identification and referral procedures; and continue anti-trafficking awareness campaigns.

Prosecution

The Congolese government demonstrated minimal law enforcement efforts during the reporting period. It neither prosecuted trafficking offenses nor convicted trafficking offenders in 2010. The Child Protection Law, which prohibits and prescribes punishments for child trafficking, was passed by the senate in August 2009 and enacted by presidential signature in June 2010. This is the first statute to explicitly prohibit and punish child trafficking in the ROC. Chapter 2, Article 60 prohibits the trafficking, sale, trading, and exploitation of children and Article 115 prescribes penalties of forced work for an undefined period and fines of between \$2,151 and \$21,511 for these crimes. Article 68, a non-trafficking statute, also prohibits the worst forms of child labor, including the forced labor and prostitution of children, prescribing penalties, under Article 122, of three months' to one

year's imprisonment or fines of between \$108 and \$1,076. Article 4 of the Congolese Labor Code prohibits forced or compulsory labor, imposing fines of between \$1,290 to \$1,936 for first time offenders, under Article 257. The Penal Code, which prohibits forced prostitution, may be used to prosecute trafficking offenses involving adults. 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 government did not investigate any suspected cases of human trafficking during the reporting period. Two prosecutions based on child trafficking charges filed several years ago reportedly remained pending while six prosecutions were settled out of court last year, and none resulted in a conviction or acquittal in 2010. The Ministry of Labor did not report investigating or otherwise addressing any cases of forced child labor in 2010. A lack of awareness of the child trafficking law among law enforcement officials, including labor inspectors, combined with insufficient capacity to prosecute offenders in the ROC's slow judicial system, inhibits the government from effectively addressing trafficking crimes. Moreover, the government made little effort during the reporting period to provide anti-trafficking training to law enforcement officials. The government did not provide data on the investigation, prosecution, or punishment of government officials complicit in human trafficking.

Protection

The Congolese government provided minimal protection services to trafficking victims during the reporting period, though it did identify victims and informally refer them to government-subsidized foster families. The Ministry of Social Affairs, specifically the *Direction Départementale des Affaires Sociales* (DDAS), provided victim care by collaborating with NGOs, partially funding selected foster families, and working with other government agencies to repatriate victims. DDAS and NGOs identified 32 child trafficking victims during the reporting period and the Ministry of Social Affairs utilized an informal referral system to provide accommodation for all 32 victims in foster families funded by the ministry; eventually, 26 were repatriated to their countries of origin, two were locally reinserted permanently, and four remain in foster families, while waiting to be reinserted locally. This foster care system, created in July 2009, ensures trafficking victims remain safe while the government and NGOs conduct family tracing. The government provided foster families \$10 per child per day to ensure the victim's basic needs are met. The government also provided medical care on a case-by-case basis, including medical exams and treatment, in case of illness or hospitalization, by partnering with local hospitals, and subsidized these costs. NGOs provided either a portion or the majority of the funding for all other victim assistance programs; no government funding was provided directly to these NGOs during the reporting period. The government funded a local reinsertion program that consisted of trainings received by some of the identified child victims in local vocational schools, but the government did not specify the amount of funding or the number of children involved in this program. The government offered foreign trafficking victims temporary residency status prior to repatriation and provided them

the same access to accommodation in foster families. In 2010, in cooperation with NGOs and UNICEF, DDAS approved a guide for the identification and repatriation of victims, as well as the Procedural Manual for the Support and Care of Child Trafficking Victims. Published in January 2011 by UNICEF, the manual provides best practices on monitoring trafficked children and standard measures to best serve the victims. Law enforcement, immigration, and social services personnel did not have a formal system to guide them in the proactive identification of victims among vulnerable groups. However, throughout 2010, the government provided specialized anti-trafficking training for 32 individuals from the Ministry of Social Affairs, Border Police, National Police, and community and faith-based groups on techniques for identifying child trafficking victims. The Ministry of Social Affairs, in partnership with UNICEF, trained government-employed social workers on listening and counseling techniques for the psychological care of child trafficking victims in June 2010. Trafficking victims were not jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government encouraged victims to assist in the investigation and prosecution of their traffickers.

Prevention

The government maintained modest efforts to prevent trafficking during the year. DDAS, in cooperation with UNICEF, led and funded the implementation of the 2009-2010 Action Plan to Fight Child Trafficking; the government provided \$60,500 and UNICEF contributed \$140,000. DDAS continued to lead an anti-trafficking task force, charged with implementing the action plan, which included representatives from the Ministry of Social Affairs, the National Police, the Border Patrol, and other government agencies, as well as NGOs, community leaders, and faith-based organizations. The 2011-2013 National Action Plan is nearly finalized. The government budgeted \$100,000 for DDAS's anti-trafficking work in the 2011 budget, the first anti-trafficking budget item in the ROC; this funding has not yet been allocated. In April and October 2010, DDAS partnered with an NGO, the mayor's office, media outlets, community leaders, religious leaders, and a fishing community organization on trafficking awareness campaigns in Pointe Noire, utilizing radio and television announcements, door-to-door visits, religious gatherings, market radio, and theater productions. The government also partnered with UNICEF to raise awareness about the existence of trafficking in the ROC; these campaigns reportedly reached over 29,000 people. The government did not take measures to reduce the demand for commercial sex acts during the reporting period. The ROC is not a party to the 2000 UN TIP Protocol.

COSTA RICA (Tier 2 Watch List)

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 forced domestic service. 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, Germany, Sweden, and Italy. Costa Rica is increasingly a destination for men from other Central American countries and from Asian countries subjected to conditions of forced labor, particularly in the agriculture, construction, and fishing sectors. During the reporting period, more than 40 men from Indonesia, the Philippines, China, and Vietnam were found in conditions of forced labor in the fishing industry, and authorities identified three men from El Salvador who were subjected to forced labor on a farm. Costa Rica serves as a transit point for migrants *en route* to the United States, some of whom may fall victim to human trafficking.

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. These significant efforts included the government's implementation of procedures to identify and assist trafficking victims, increased staffing of the anti-trafficking police unit, and the creation of a special team to identify potential trafficking victims among migrants. Authorities, however, failed to convict or sentence any trafficking offenders, did not maintain specialized services or shelters for trafficking victims, and made limited efforts to raise public awareness about human trafficking. The government did not demonstrate evidence of overall increasing efforts over the previous reporting period; therefore, Costa Rica is placed on Tier 2 Watch List.



Recommendations for Costa Rica: Intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; strengthen prosecutorial efforts, perhaps through creating a dedicated unit for trafficking or through increased training and focus on trafficking cases; amend trafficking legislation to include human trafficking cases not involving movement; increase funding for specialized services for trafficking victims, particularly adults, possibly through the establishment of a shelter specifically for trafficking victims or through funding NGOs to provide services; continue to offer training to police officers, immigration officials, prosecutors, and judges on how to identify and respond to trafficking cases; increase funding for dedicated anti-trafficking units and for anti-trafficking awareness efforts; and improve data collection for trafficking prosecutions and convictions.

Prosecution

The Government of Costa Rica investigated and prosecuted several trafficking cases involving both foreign and domestic victims during the reporting period, but failed to achieve any convictions. Article 172 of the penal code, which was amended in April 2009, prescribes penalties of six to 10 years' imprisonment for the movement of persons both 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. Sentences may be increased to eight to 16 years' imprisonment under aggravated circumstances, such as the victimization of a child or a trafficker's use of deception, violence, intimidation, or coercion. The penalties set forth in amended Article 172 are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. There have been no reported successful prosecutions under this law. Articles 376 and 377 of the penal code additionally prohibit child sex trafficking, prescribing penalties of two to four years' imprisonment. Law 8754 authorizes the use of extensive investigative measures such as wiretapping in human trafficking cases, and law enforcement officials used these tactics during 2010. Lack of familiarity with the new legislation impeded the enforcement of these laws. A draft law currently before the Congress contains robust victim protections and detailed descriptions of government responsibilities and interagency cooperation mechanisms. The definition of trafficking in the draft law, however, does not require force, fraud, or coercion as an element of the crime and requires movement for a crime to be considering trafficking.

The law enforcement anti-trafficking unit of eight investigators was strengthened during the year and reported conducting at least 20 investigations. Several law enforcement operations were conducted in partnership with NGO staff. These efforts, however, did not lead to any successful prosecutions. Some NGOs and officials noted that prosecutors lagged in their understanding of the crime. There was no specialized prosecutorial unit for trafficking crimes; rather, prosecutors from the sex crimes unit, the organized crimes unit and the "various crimes" unit all handled trafficking cases. During 2009, the latest period for which official statistics are available, authorities prosecuted 41 trafficking cases and six cases of child trafficking under Article 172. There were no reported convictions for trafficking in persons crimes in 2009, compared with five convictions achieved in 2008. The Government of Costa Rica worked closely with foreign governments on several cases during the year, including the governments of China, Panama, Vietnam, and the United States. The government-run national coalition provided training to 207 public officials on human trafficking. The government did not report any investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking.

Protection

The Costa Rican government improved its efforts to identify and assist trafficking victims and identified a record number of foreign victims, but again did not fund specialized services or shelters, relying on NGOs and

international organizations to provide most specialized victim care. The government continued to implement its "immediate attention" protocol, which defined the steps for different government institutions to take in identifying, protecting, and providing integrated assistance to victims. During the year, officials created a team to detect humanitarian issues, including human trafficking, among migrants. Authorities provided members of the national anti-trafficking coalition with a model of integrated attention for trafficking victims and trained member institutions on implementing the model, although an NGO noted that the majority of working-level officials and NGO staff were unaware of the model and that implementation was weak. There were no government-funded shelter services dedicated to human trafficking victims. Authorities maintained short-term government shelters for female victims of domestic violence and for at-risk youth, and authorities reported that some child trafficking victims received services at these shelters during the reporting period. The government often relied on NGOs and religious organizations to provide specialized care for trafficking victims and did not provide funding to these institutions. It did maintain, however, a formalized referral process. All foreign male trafficking victims identified during the year were housed in hostels with funding and support from an international organization.

All 60 of the trafficking victims that the coalition reported identifying during the reporting period were foreign citizens, despite NGOs and law enforcement officials identifying several Costa Rican victims. Foreign victims were eligible for the same services as Costa Rican citizens. The government provided legal, psychological, and basic health assistance, though NGOs noted the need for greater government efforts to reintegrate Costa Rican victims into their communities. The government generally did not penalize identified victims for unlawful acts committed as a direct result of being trafficked. The government granted special visas or temporary residency status to several victims during the reporting period, though most victims preferred to return to their home countries. Costa Rican authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, and some victims did so during the reporting period. An NGO reported that some victims, however, were unwilling to file police reports or to collaborate with investigations due to lack of confidence in the judicial system. Funding for witness protection increased but remained limited.

Prevention

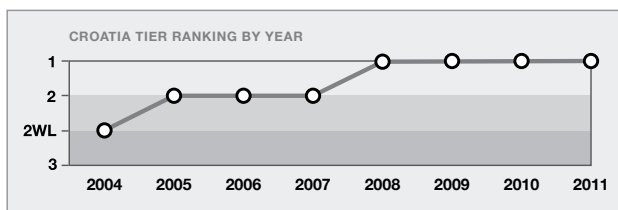
The Government of Costa Rica sustained limited prevention efforts during the reporting year. Authorities continued to partner with civil society on awareness efforts, but did not fund any information or education campaigns. The government's anti-trafficking directorate, which coordinated the national anti-trafficking coalition, was moved to the Migration Office during the year and continued to lead government efforts, though anti-trafficking actors noted that the coalition rarely met rarely during the year. The coalition, however, did conduct an extensive assessment of the government's anti-trafficking efforts and created an action plan for 2011, though these documents were not publicly distributed. The

National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents continued to implement its national plan. NGOs reported that some officials continued to conflate trafficking with smuggling or only understand trafficking as a transnational crime. Authorities prosecuted a U.S. citizen for alleged commercial sexual exploitation of a child, though there were no reported 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 during the reporting period.

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 women and girls from Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are subjected to sex trafficking in Croatia. Some Croatian women and girls are subjected to sex trafficking in Western European countries. Women and men reportedly have been subjected to forced labor in agricultural sectors, and children, including Roma, are subjected to forced begging, theft, labor, and sexual exploitation.

The Government of Croatia fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government sustained its anti-trafficking law enforcement efforts, though it showed mixed efforts in victim protection this year. Although the number of victims identified and cared for increased during the reporting period, the funding to care for those victims decreased. Of concern, the government failed to identify children in prostitution as victims of trafficking, instead prosecuting them for prostitution. The government's efforts on prevention, however, did improve; it focused research and outreach efforts on understanding and combating labor trafficking.



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; 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; 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; 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 increased the number of trafficking offenders investigated and prosecuted for trafficking during the year, though its number of trafficking convictions diminished. Sentences for trafficking were also lower in 2010. 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, or higher sentences if the offense is aggravated; these penalties are sufficiently stringent and are commensurate with those prescribed for rape. During the reporting period, the Government of Croatia investigated 19 suspected trafficking offenders, an increase from 13 investigated in 2009. The Croatian authorities prosecuted 10 alleged trafficking offenders and convicted three in 2010; this compares with six suspected offenders prosecuted and six convicted in 2009. There were no convictions of labor trafficking offenders reported. The sex trafficking offenders received prison sentences ranging from one year to one year and six months. These sentences were lower than those imposed in 2009, during which trafficking offenders received sentences of two to eight years' imprisonment. During the reporting period, the Ministry of Interior trained 930 border police and 110 traffic police on combating human trafficking. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials complicit in human trafficking.

Protection

The government demonstrated adequate efforts to protect trafficking victims in 2010, despite penalizing children in prostitution. The government funded two NGO trafficking shelters, one for adults and one for women and minors. The Croatian government provided \$68,759 to sustain the shelters this year, a decrease from \$96,461 in funding provided in 2009. Foreign victims were offered the same standard of care as domestic victims, including medical care. Adult victims of trafficking were not detained in the shelters; they were allowed to leave shelters at will. The government reported identifying 12 victims of trafficking during the reporting period, an increase from the eight victims identified in 2009. This year, eight victims of trafficking were cared for in the government-funded shelters, an increase from four victims cared for in shelters in the prior year. The government continued employing a national referral mechanism to identify and care for victims, deploying mobile teams with NGO participation to identify and refer trafficking victims for assistance. There were continuing reports, however, that police officers misidentified cases of trafficking at the initial identification stage, before mobile teams were summoned, and NGOs urged the government to use the referral mechanism for all potential cases of trafficking. There was at least one case in which the national referral mechanism failed to identify or care for victims of trafficking. The Croatian government

prosecuted two children in prostitution and failed to identify them as trafficking victims.

The Government of Croatia made efforts to improve its identification of labor trafficking victims. The government collaborated with the International Center for Migration Policy Development to assess labor trafficking trends and prepare handbooks and guidelines for its officials on labor exploitation. From March through September 2010, the Government of Croatia held eight training sessions, for approximately 240 officials, to educate law enforcement, labor inspectors, and prosecutors on identifying and protecting victims of labor trafficking. The government provided legal alternatives to removal to victims of trafficking facing hardship or retribution at home through its temporary residence permits for victims, initially from six months to one year, which the government could extend based on a subsequent needs assessment. The government of Croatia encouraged victims of trafficking to participate in the criminal investigation of the offense; all victims participated this year in the investigative phase and two victims participated in the prosecution of the trafficking offenders.

Prevention

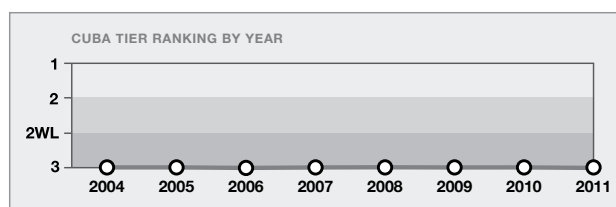
The Croatian government continued its strong efforts to prevent trafficking in persons during the year. The government monitored anti-trafficking efforts through its Anti-Trafficking Coordinator and its National Committee for the Suppression of Trafficking. The government published an annual report on its trafficking activities that it made available on its website. The government gathered data on its anti-trafficking activities, though not in a centralized or systematic method. It provided \$45,454 to an NGO for work on trafficking prevention, including the support of a trafficking hotline. The government engaged in diverse trafficking training activities throughout the year. The Ministry of Interior delivered seminars for over 1,000 high school students on combating trafficking. In November, the Government Office for Human Rights and the Ministry of Tourism organized training on identifying trafficking victims for 50 tourist workers in the resort town Opatija. In May, the Office for Human Rights trained 40 students at the Croatian Diplomatic Academy on the national and international legal framework for combating trafficking. Croatian authorities provided training on human trafficking for both military and police personnel prior to their deployment abroad on international peacekeeping missions. The government's public awareness campaign addressed the demand for exploitation, including sex trafficking, but did not take specific measures to educate potential consumers of prostitution about the dangers inherent in the process. The government also funded NGOs that encouraged women to leave prostitution.

CUBA (Tier 3)

Cuba is a source country for adults and some children subjected to forced labor and sex trafficking. Some Cuban medical professionals assigned to work abroad have claimed that their passports were retained as a means of keeping them in a state of exploitation, thus

preventing them from traveling freely. Prostitution of children reportedly occurs in Cuba as prostitution is not criminalized for anyone above 16 years old. The scope of trafficking within Cuba 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. The government did not publicize information about government measures to address human trafficking through prosecution, protection, or prevention efforts during the reporting period.



Recommendations for Cuba: Investigate reports of involuntary labor of Cuban citizens; 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 through prosecution, protection, or prevention efforts.

Prosecution

The Government of Cuba did not report discernible progress on investigating or prosecuting trafficking offenses or convicting and punishing trafficking offenders 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 over the age of 16 is legal, leaving children over 16 particularly vulnerable to commercial sexual exploitation. The government did not share official data relating to Cuban investigations, prosecutions, and convictions of trafficking offenders, including any officials complicit in human trafficking, in 2010 or any other year. The government did not report any anti-trafficking training provided to officials.

Protection

The government did not publicize official data on protection of trafficking victims during the reporting period. The government did not report any procedures in place to guide officials in proactively identifying trafficking victims in vulnerable groups (such as people in prostitution) and referring them to available services. The government operates at least two well-regarded facilities for the treatment of children who have been sexually and physically abused. In addition, the government operates 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. Adult victims reportedly reside in these shelters voluntarily. 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 procedures to ensure identified trafficking victims were not punished for crimes committed as a direct result of being trafficked.

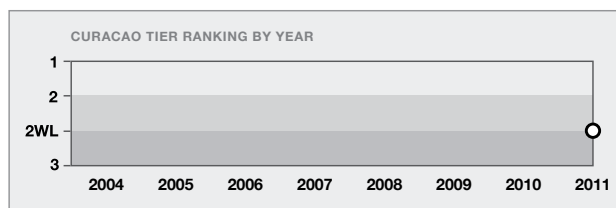
Prevention

To date, the government has made limited anti-trafficking prevention efforts. 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, monitoring mechanism, or anti-trafficking action plan. 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. Cuba is not a party to the 2000 UN TIP Protocol.

CURACAO (Tier 2 Watch List)*

Curacao is a source, transit, and destination area 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 regulated and illegal prostitution are victims of forced prostitution. Local authorities believe that migrant workers have also 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 in 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. Despite these efforts, the government has not shown evidence of increasing efforts over the previous year; therefore Curacao is placed on Tier 2 Watch List. Curacaoan authorities identified at least four potential victims of forced labor during the year. This accomplishment, however, was overshadowed by the lack of progress in enacting comprehensive legislation – which remained stalled in parliament – that would prohibit all forms of human trafficking and weak victim protections, as well as the lack of identification of victims of forced or child prostitution, despite a large population of people that are vulnerable to sex trafficking.



Recommendations for Curacao: Enact legislation prohibiting all forms of human trafficking and prescribing punishments commensurate with other serious crimes such as rape; implement formal victim protection measures to guide officials, including health workers, on how to identify victims and how to assist victims of both forced labor and sex trafficking; make a robust and transparent effort to identify and assist potential victims of sex trafficking and forced labor in Curacao.

Prosecution

The government of Curacao demonstrated minimal efforts in the prosecution of trafficking offenders. Curacao's laws do not appear to cover all forms of human trafficking and prescribed penalties under Curacao's trafficking-related laws do not appear to be commensurate with those penalties prescribed under separate laws for other serious crimes, such as rape. For another year, comprehensive legislation prohibiting all forms of trafficking remained pending; this greatly hindered officials' efforts to combat sex trafficking and forced labor in Curacao. The government reported at least two investigations of alleged trafficking offenses, but no prosecutions or convictions of sex or labor trafficking offenders. The government did not fund any anti-trafficking training for government officials during the reporting period, but a government official reportedly distributed a trafficking awareness handbook to law enforcement officials and public prosecutors.

Protection

The government's victim protection measures were weak. The lack of identification of sex trafficking victims in Curacao, despite the very large vulnerable population of foreign women and girls in prostitution in Curacao's sex trade, highlights the ineffectiveness of the government's victim identification measures. In a positive development, law enforcement proactively identified at least four potential victims of forced labor during the reporting period, but it did not identify any victims of sex trafficking. The government reported its use of a formal mechanism to refer identified victims to available services. The government operated multi-purpose shelter facilities and provided health care for victims of trafficking during the reporting period. The identified victims in Curacao declined assistance; however, the government reportedly provided quality assistance to several sex trafficking victims identified in Aruba under the partnership forged through the Kingdom of the Netherlands' anti-trafficking memorandum of understanding. The government

* 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.

reported encouraging trafficking victims to participate in investigations and prosecutions of trafficking offenders, though no victims chose to participate in prosecutions 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 have a policy to protect identified victims from being punished for crimes committed as a direct result of being trafficked.

Prevention

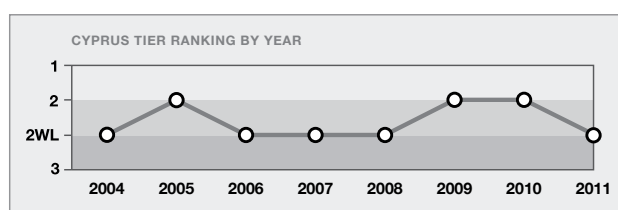
The government did not implement any campaigns to raise public awareness about forced labor and forced prostitution, or aimed at reducing the demand for commercial sex acts. The government did not employ a formal mechanism to monitor its anti-trafficking efforts. The Curacaoan government maintained a multidisciplinary trafficking in persons working group. 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 forced prostitution. NGOs report that trafficking victims in Cyprus originate from Russia, Moldova, Ukraine, Hungary, Bulgaria, Romania, Belarus, the Philippines, Morocco, China, Vietnam, Uzbekistan, Greece, the United Kingdom, Colombia and the Dominican Republic. During the reporting period, the government identified victims from Vietnam, China, the Philippines, Egypt, Romania, Bulgaria, India, Nepal, Cameroon, Ukraine, and Estonia. Sex trafficking occurs within commercial sex industry outlets in Cyprus, including cabarets, bars, pubs, and massage parlors disguised as private apartments. Groups vulnerable to forced labor include domestic workers from Vietnam, as well as asylum seekers, foreign migrants, and EU citizens from Romania and Bulgaria working in the construction and agricultural sectors. 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. Local authorities and NGOs noted an increase in street prostitution in the country involving women from Romania, China, Vietnam and the Philippines in 2010; these women are vulnerable to trafficking given the debts incurred by migrating to Cyprus.

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. Some observers allege that trafficking-related complicity significantly hampered the government's anti-trafficking efforts though the government took some initial steps to address it. The government also initiated implementation of its April 2010 National Action Plan (NAP) during the reporting period. Despite these efforts, however, 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. The government failed to vigorously prosecute or convict trafficking offenders; very few prosecutions

resulted in traffickers being held accountable in 2010. Further, the government did not convict or sentence any officials complicit in trafficking in Cyprus, which observers allege continued to be a significant problem. Although the government dedicated significant resources to its NAP, implementation of the plan was slow. The government made few improvements in the protection of victims; it did not ensure procedures for the safe repatriation of foreign victims. The *artiste* visa that was of grave concern in previous reporting periods was replaced with other visa or work permit categories which traffickers have managed to exploit to import foreign women into the commercial sex industry, a major locus of human trafficking. The government has yet to implement a nationwide campaign to specifically address demand within the context of Cyprus, in order to educate clients about the realities of forced prostitution inherent to the island's sex industry.



Recommendations for Cyprus: Undertake greater measures to prosecute, convict, and sentence trafficking offenders; impose punishments of imprisonment that are commensurate with punishments imposed on other serious criminal offenders; aggressively prosecute and seek convictions of any officials complicit in trafficking; implement a guide for all front-line responders – not only for police – outlining identification, referral, and protection procedures for potential trafficking victims; improve partnerships with NGOs in protecting and assisting victims; ensure that victims are offered legal alternatives to their removal to countries where they may face possible retribution and hardship; proactively implement the National Action Plan on trafficking; and launch a demand reduction campaign specifically aimed at Cypriot clients of prostitution to educate them about the link between prostitution and trafficking.

Prosecution

The Government of Cyprus maintained its efforts in the prosecution of suspected traffickers, but convictions and punishment of trafficking offenders in 2010 were inadequate. 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, for which the maximum sentence is life in prison. During the reporting period, the government investigated 29 suspected cases of trafficking, an increase from 17 suspected trafficking cases in 2009. Although there were 41 ongoing trafficking prosecutions at the end of 2009, the government secured convictions in only three cases, convicting three trafficking offenders in 2010 and one in 2011. Punishments for these offenders were woefully inadequate: one offender

was sentenced to six months' imprisonment with the suspension of an additional three years' imprisonment, one was convicted to 12 months in prison, and the two others each received a nine-month sentence. These few convictions represent a significant decline from the previous reporting period, when the government convicted 10 traffickers. Furthermore, the government did not demonstrate adequate follow-up on a large forced labor case from November 2009, when police arrested and charged three suspects for subjecting 95 Romanians to forced labor, mostly in the construction sector; the ringleader reportedly used debt bondage and hired enforcers to control the victims who were forced to live in converted shipping containers in an isolated industrial area near Nicosia. The government has yet to begin prosecution in this case; all suspects continue to be free on bail. Despite a significant anti-trafficking budget, the government failed to fulfill its pledges to devote additional resources to its five-member specialized anti-trafficking unit.

The government took some initial steps to address alleged trafficking complicity of public officials during the reporting period. In March 2011, police arrested 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. This official, however, was released on bail a short time after his arrest. An NGO issued a statement expressing satisfaction with the arrest, citing the "inter-connections, corruption and participation of members of the police in trafficking" and urging the government to "extend their inquiries so as to include an administrative and penal investigation particularly of the Civil Registry and Migration Department in order to reveal the breadth and scope of the involvement of officers of the Department in the said crime." Also during the reporting period, the government reported it prosecuted a member of the police force for involvement in trafficking-related corruption. However the government has yet to produce a conviction or criminal punishment of an official complicit in trafficking.

Protection

The Government of Cyprus made inadequate efforts to improve the protection for trafficking victims during the reporting period. Over the year, the government identified 17 victims of forced labor, 24 sex trafficking victims, and two victims subjected to both labor and commercial sexual exploitation. Twenty-four victims of sex trafficking were identified during the reporting period, in comparison with 21 such victims identified in 2009 and 41 in 2008. While the government produced a manual to guide its police in identifying victims, it has yet to fully implement its commitment to institute proactive victim identification procedures for use by all front-line responders in the country. The government should forge more effective partnerships with NGOs to improve protection of trafficking victims in Cyprus. A recent statement signed by several anti-trafficking NGOs calling for increased cooperation with the government cited the problem of "unsatisfactory victims shelter" among other improvements

sought. The government continued to fund its shelter, allocating \$278,000 for its operation in 2010. Victims were allowed to leave the shelter unchaperoned and at will, provided they first met with the police and social services officers to be informed of potential risks. The government cared for a total of 26 trafficking victims in the shelter in 2010, compared with 47 sheltered in 2009. The government provided rent subsidy and a monthly allowance to other victims who chose to stay in private apartments or hotels. According to NGOs, the majority of trafficking victims in Cyprus received only basic support measures, as most are not fully informed about services accessible to them.

The government continued to fail to employ procedures for the safe repatriation and return of trafficking victims in 2010, according to a local expert. Cypriot authorities did not conduct a risk assessment before victims were repatriated and there were no formal procedures or protocols in place to ensure victims' safe return. The government encouraged victims to participate in investigations of trafficking cases and reported that the majority of identified trafficking victims cooperated with law enforcement in 2010. However, cabaret owners and agents reportedly used attorneys to bribe potential witnesses and pressured women to withdraw complaints or cease cooperation with law enforcement officials.

During the reporting period, NGOs alleged that the Aliens and Immigration Unit, acting under an order by the attorney general, attempted to remove and deport an Indian national after she was identified as a trafficking victim. The government denied these allegations. This victim reportedly had been subjected to gang rape, forced prostitution, and forced labor and subsequently became pregnant in 2010.

Prevention

The government demonstrated modest efforts to prevent trafficking in Cyprus in 2010. NGOs continued to report that the government's revised policy on the former *artiste* permit had little actual impact on reducing sex trafficking in Cyprus. Local experts assert that the high demand for commercial sex acts on the island continues to create a market for traffickers and that the majority of clients of the sex industry are Greek Cypriot men. The government has yet to implement any campaigns to raise awareness among these clients about how forced prostitution is a serious crime and human rights abuse. The government-approved 2010-2012 National Action Plan called for a demand-focused public awareness campaign. The government did implement other awareness raising activities, however. During the reporting period, the government and a multidisciplinary coordinating group (MCG) oversaw the publication and distribution by the police of 5,000 comic books containing stories about trafficking victims. In cooperation with the Ministry of Education, it provided anti-trafficking awareness training to teachers, featuring presentations by an NGO and a local media group involved in awareness-raising. It also began work with one NGO on an awareness program in schools. In collaboration with an NGO, the government printed and began issuing 40,000 information cards to potential trafficking victims arriving at the airport in the fall of 2010; immigration

officials ceased distributing the cards during the year, but began re-issuing them again in February 2011. An NGO was permitted to present an awareness program to some 300 soldiers. The MCG printed and began to distribute 55,000 brochures in a variety of languages addressed to potential victims. These public awareness efforts have not yet resulted in any measurable law enforcement or victim protection outcomes.

The government reported it screened applications for foreign “performing artists,” the work permit category that replaced the previous *artiste* visa, and reported issuances of such “performing artists” permits dropped to 460, compared with 1225 in 2009. It reported it issued 323 “barmaid” and “barman” work permits in 2010, compared with 467 in the previous year. According to a local NGO, however, traffickers continued to utilize these and other work permits to recruit victims into the commercial sex industry in Cyprus. Further, experts report that the abolishment of the *artiste* visa made little actual impact in Cyprus, instead shifting the problem elsewhere to bars and massage parlors.

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. Men and women are also reportedly subjected to conditions of forced labor. According to local authorities, women working in nightclubs and pubs who received “hostess” or “barmaid” work permits in 2010 came overwhelmingly from Moldova, followed by Ukraine.

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. Despite this, Turkish Cypriot authorities identified no trafficking victims during the reporting period.

Although 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 trafficking and continued to confuse trafficking with prostitution and smuggling. Trafficking crimes can potentially be prosecuted on charges of “living off the earnings of prostitution” or “encouraging prostitution.” 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, such as rape. 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 in the “TRNC.”

Authorities do not have specialized procedures in place to identify trafficking victims among vulnerable groups or refer victims to service providers, nor do they allocate any funding to anti-trafficking efforts or provide any specialized care or shelter for victims. Deportation is the most common form of “rescue” the authorities use for women who complain about their employment at nightclubs and ask for help from the local police. Although prostitution is illegal in the “TRNC,” nightclub employees 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 victim is usually deported within 24 hours. Likely trafficking victims arrested for engaging in prostitution were also sometimes detained before their deportation. The “TRNC” issued 977 “hostess” work permits and 16 “barmaid” work permits in 2010. Authorities in 2009 reported issuing 961 “hostess” work permits, including renewals, and 14 “barmaid” permits during the previous reporting period. 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; establish specialized protection and assistance services and a shelter; and educate clients and the larger public about trafficking that generally takes place within nightclubs.

CZECH REPUBLIC (Tier 2)

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 the Czech Republic, Slovakia, Ukraine, Russia, Romania, Bulgaria, Vietnam, Mongolia, Nigeria, Honduras, and Brazil are subjected to forced prostitution in the Czech Republic and also travel through the Czech Republic *en route* to other European countries, including Austria, Germany, Switzerland, Greece, Finland, and the Netherlands, where they are subjected to forced prostitution. NGOs reported that Roma individuals were more vulnerable to trafficking within the country than other Czech citizens. In the past year, men and women from Russia, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Bulgaria, Romania, Vietnam, China, India, Mongolia, Georgia, and Belarus are subjected to forced labor in the construction, forestry, agricultural, manufacturing, and service sectors in the Czech Republic. Independent contractors, operating under a weak regulatory structure, recruited hundreds of foreign workers for labor in state

forests and for seasonal employment in manufacturing; the contractors often confiscated the workers' passports, forced them to live in substandard conditions, and withheld pay, indicators of potential forced labor. Foreign workers, particularly those from Vietnam, are heavily indebted to labor agencies in their home countries leaving them vulnerable to trafficking; while the workers are in the Czech Republic, the agencies threaten the workers and their families back in Vietnam if the workers attempt to leave or complain about conditions in the Czech Republic. A small number of men and women from the Czech Republic are subjected to conditions of forced labor in the United Kingdom.

The Government of the Czech Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Two high profile cases of labor trafficking in 2010 revealed serious problems in the government's response to labor trafficking. Through its failure to adequately control or regulate employment agencies recruiting low-skilled laborers for work in the Czech Republic, the government has tolerated an enabling environment for the exploitation and forced labor of migrants, including on state land. NGOs reported that Czech authorities failed to implement victim identification procedures sufficiently to identify victims of labor trafficking. Nevertheless, the government continued to offer identified victims of trafficking a generously funded assistance program. The Ministry of Interior continued to produce excellent analysis and reports on trafficking in persons. Efforts by multiple parts of the government resulted in the successful prosecution of perpetrators and protection of victims of sex trafficking.



Recommendations for the Czech Republic: Monitor, regulate, 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; control registration requirements for employment agencies and labor cooperatives to restrict their ability to subject vulnerable populations to forced labor; modify existing trafficking identification criteria used by law enforcement authorities to clearly incorporate indicators for forced labor; train first responders, including labor inspectors, police, and state contracting officers, on these labor trafficking identification criteria; ensure that victim care, including adequate shelter, is offered equally to victims of labor trafficking, and ensure that presumed victims of trafficking are referred promptly to care; vigorously investigate and prosecute labor trafficking cases; continue to increase the number of trafficking offenders serving time in prison; collect prosecution data for Section 168 of the criminal code; consider increasing the participation of minority groups in consultation with

the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings; consider socially inclusive social work in Romani communities to reduce vulnerability to trafficking; and increase the number of victims referred for assistance by law enforcement personnel.

Prosecution

The Czech government demonstrated mixed law enforcement efforts during the reporting period, investigating and prosecuting fewer trafficking cases, but increasing the percentage of trafficking offenders sentenced to prison. The Government of the Czech Republic prohibited all forms of trafficking in persons under new Section 168 of its criminal code, 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 24 investigations of 35 offenders under Section 168, a decrease from 47 investigations conducted under older trafficking statutes in 2009. In 2010, Czech authorities prosecuted 26 trafficking offenders previously investigated under Section 232a; the authorities did not collect prosecution data for Section 168 this year. This was a significant decrease from 2009, in which the Czech government prosecuted 115 trafficking offenders. The government convicted 60 trafficking offenders in 2010: three offenders under Section 168, seven offenders under Section 232a, and 50 offenders under Section 204. This was a decrease from 2009, in which the government convicted 83 trafficking offenders. The percentage of convicted trafficking offenders sentenced to time in prison, however, increased. In 2010, 26 offenders – approximately 43 percent – were sentenced to time in prison. In 2009, only 23 percent of convicted trafficking offenders received time in prison. In 2010, 16 trafficking offenders were sentenced to between one and five years' imprisonment, and 10 offenders received prison sentences greater than five years. The highest sentence awarded to a trafficking offender was 7.5 years. Czech authorities achieved their first labor trafficking conviction in a case in which an employment agency had procured seasonal laborers for a meat factory and agricultural work. In September 2010, the specialized anti-trafficking unit of the police organized a seminar in Prague on trafficking for experts from Ukraine, Romania, and Slovakia. The specialized police unit also offered two methodological training sessions for regional police officers. The Czech government did not report the investigation, prosecution, conviction, or sentencing of any government officials complicit in trafficking.

Protection

The government demonstrated mixed victim protection efforts this year; although the national protection program was an effective tool to protect victims of sex trafficking, its ability to identify and assist victims of labor trafficking was weak. 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 58 victims of trafficking in 2010, of whom at least 25 were new victims. The Czech government provided over \$397,000 to NGOs for the provision of care to trafficking victims. This was a significant increase from 2009, during which the government allocated \$213,000 to NGOs for victim care. The government has adopted formal victim identification procedures and a victim referral mechanism, though these do not seem to adequately include labor trafficking indicators. In 2010, the government identified and referred seven new trafficking victims for care in the program, including four victims of labor trafficking and three victims of sex trafficking. This was a decrease from 2009, during which authorities identified and referred 13 victims – eight victims of forced labor and five victims of forced prostitution. Police reported identifying an additional 76 victims of trafficking who were not referred to the program. NGOs reported that police referred fewer victims to their care than in previous years, attributing the decrease, in part, to an assessment that police did not always understand how to identify or question victims of trafficking in practice. There were reports that the police investigated cases involving hundreds of potential victims of labor trafficking, but referred only minimal numbers of victims for care in the program. In one high-profile case, authorities assisted the return of approximately 150 potential victims of labor trafficking to their home countries without adequate time or support to determine whether they were trafficking victims. 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. Foreign victims who cooperated with investigators after the initial 60-day reflection period were granted temporary residence and work visas for the duration of the relevant legal proceedings. Upon conclusion of the court proceedings, qualifying victims had the opportunity to apply for permanent residency, though no victims applied for this residency provision in 2010. The government reported that there was no residency permit otherwise available to victims of trafficking facing hardship or retribution in their home countries. The government encouraged victims of trafficking to participate in prosecutions, including by providing witness protection during trial; however, the witness safety provisions have been used only rarely in connection with trafficking cases.

Prevention

The government demonstrated weak prevention efforts against labor trafficking during the reporting period, though efforts to prevent sex trafficking were stronger. Critically, the government made insufficient efforts to prevent trafficking committed by labor agencies in the Czech Republic. It awarded contracts for labor on state land to labor agencies that confiscated workers' passports and threatened workers. It permitted the registration of labor agencies under minimal controls. Although the government collaborated with NGOs on outreach to schools and migrant centers, it did not provide specific funding for any outreach efforts this year. The government

did produce a brochure explaining Czech labor law. NGO experts advocated for the government to conduct an awareness-raising campaign on trafficking in persons, particularly labor trafficking, because there was low public awareness of labor trafficking. 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 funded a hotline to identify victims of trafficking. The government took no formal steps to reduce demand for commercial sex acts. The government delivered 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 Nigeria, Eastern and Central Europe, the Baltic countries, Thailand, Southeast Asia, and South America subjected to sex trafficking. The government did not report any cases of forced labor in 2010, though authorities reported that the agriculture sector in Denmark may include elements of forced labor and highlighted that workers in domestic service, restaurants, hotels, and factories may also be vulnerable to forced labor. There were unconfirmed reports of foreign children being forced to engage in organized street crime. As a result of a 2010 inquiry, the government concluded that *au pair* organizations in Denmark were not being used as front companies for human trafficking; however, the report also noted that *au pairs* in the region are vulnerable to trafficking or other forms of exploitation, and recommended the creation of a non-profit recruitment organization to safeguard their rights. According to NGO experts, the majority of *au pairs* in Denmark come from the Philippines. According to NGOs, there has been a significant increase in women from Africa engaged in prostitution in Denmark, most of whom are controlled by pimps. According to local observers, these women are highly vulnerable to trafficking. The hundreds of unaccompanied foreign children who arrive in Denmark every year are also vulnerable to human trafficking. According to a 2010 ECPAT report, NGOs and police believe there are trafficked children in Denmark who remain undetected, as their traffickers keep them under close watch and are less likely to exploit them in street prostitution.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government successfully prosecuted its largest sex trafficking case to date, and it strengthened the severity of some of the sentences imposed on traffickers in 2010. However, the government's emphasis on returning most foreign trafficking victims to their countries of origin may provide a disincentive for victims to cooperate with law enforcement and places victims at risk of retribution and hardship upon their return. While the government reported the possibility for trafficking victims to obtain long-term residency in Denmark via asylum, on

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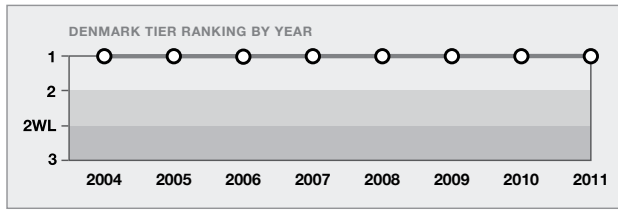
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humanitarian grounds, or in cases of family reunification, few trafficking victims are actually provided with such alternatives prior to their removal from Denmark.



Recommendations for Denmark: Develop options to widen avenues of long-term legal residency for foreign victims, including children, in line with European standards and EU guidelines, and based on their status as officially certified victims of trafficking; ensure that victims have access to asylum and other long-term legal alternatives prior to their removal to countries where they face retribution or hardship and not conditioned on a victim's consent to repatriation or as a witness in a trafficking prosecution; ensure that effective systems are in place to avoid imprisonment of presumed trafficking victims and to refer them to a crisis center for identification interviews; explore ways to enhance the role of NGOs and other front-line responders in the victim certification process, including for foreign victims without legal status in Denmark; continue efforts to vigorously investigate and prosecute trafficking offenses and convict and sentence sex and labor trafficking offenders; continue to ensure traffickers receive sentences commensurate with the heinous nature of the offense; continue to expand the government's focus on forms of labor trafficking and ensure specialized protection and assistance services are available for male and child victims; fund a broad, nationwide public awareness campaign relevant to Danish society; and consider appointment of a national anti-trafficking rapporteur or create a *de facto* national rapporteur via the existing Anti-Trafficking Center to enhance monitoring of anti-trafficking efforts.

Prosecution

The Government of Denmark demonstrated progress in its anti-trafficking law enforcement efforts in 2010. The government improved sentences for some traffickers during the reporting period and prosecuted its largest-ever sex trafficking case, successfully convicting and imposing prison sentences on all nine members of a trafficking gang, including three years' imprisonment for the two ringleaders. Denmark prohibits both sex and labor trafficking through Section 262(a) of its criminal code. Punishments prescribed for trafficking under section 262(a), up to eight years' imprisonment, and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities reported investigating 38 human trafficking-related cases in 2010, compared with 44 trafficking investigations in 2009. The government reported it prosecuted 13 and convicted 11 sex trafficking offenders under Section 262(a) in 2010, compared with prosecuting 25 suspects and convicting 11 offenders for sex trafficking in 2009. The government reported that two convicted trafficking offenders were

former trafficking victims. Notably, the government significantly improved the minimum sentence handed down for trafficking in 2010; sentences ranged from 14 to 36 months' imprisonment, compared with 5 to 42 months' imprisonment in 2009. The average sentence for traffickers convicted under Section 262(a) in 2010 was 27 months' imprisonment. According to one NGO, courts regularly impose stiffer penalties for offenders convicted of robbery in Denmark, when compared with offenders convicted of sex trafficking. The government investigated one possible case of labor trafficking, though it did not identify or prosecute any labor trafficking offenders during the reporting period. The government did not report any investigations or prosecutions of trafficking-related complicity.

Protection

The Government of Denmark sustained its efforts to protect victims of trafficking in 2010. However, it continued to return foreign trafficking victims to their country of origin. While the government reported it offered asylum as a long-term legal alternative to the removal of foreign adult trafficking victims to countries where they face retribution or hardship, it granted asylum to only one trafficking victim in 2010. In the absence of either humanitarian concerns that merit an asylum application or eligibility for some other category of residence permit (such as family reunification), there were no specific legal provisions that entitled trafficking victims to apply for or receive a residence permit. The government granted two trafficking victims long-term residence permits on grounds of family reunification in 2010. According to some regional experts, Denmark's anti-trafficking framework addresses victims of trafficking as illegal migrants who are criminalized for their illegal status, and either expels or deports them. Further, trafficking victims, including children, can be subject to detention until their departure. While hailed as a prosecutorial victory by the government and NGOs, a large sex trafficking case in December 2010 was not accompanied by adequate support and protection for the eight Romanian victims in the case. The majority of the victims did not cooperate in the prosecution, out of fear of retribution from their traffickers or fear of deportation from Denmark; this was the likely outcome confirmed by the lead prosecutor in the case. The one victim who did testify was returned to Romania. The government continued to conduct proactive victim identification techniques to locate victims of trafficking; these guidelines are tailored specifically to victims of sexual exploitation. Country experts report that government-employed social workers, a key group of front-line responders, are not empowered to officially certify trafficking victims; however, the government reported a formal system is in place whereby government social services personnel can identify potential victims for certification by the appropriate government authority – the Danish Immigration Service for victims without legal residence status in Denmark and the Anti-Trafficking Center in other cases. Under this system, social workers helped to identify at least 35 out of a total 52 officially certified trafficking victims in 2010. The total figure is a slight decline from the total 54 victims certified by the government in 2009 and the 72 victims identified in 2008. Reportedly, NGOs are not permitted to formally certify

foreign trafficking victims without legal status in Denmark. The government interviewed 64 potential child victims in asylum centers and youth detention centers, but did not identify any child trafficking victims in 2010. According to country experts, the limiting standards for victim identification render identification difficult, potentially resulting in some trafficking victims not being identified.

The government returned most trafficking victims to their countries of origin under its “prepared return” program, under which two victims were repatriated in 2010. According to a 2010 NGO report, victims’ cooperation with law enforcement centers on their repatriation. If trafficking victims do not want to cooperate voluntarily toward their repatriation, their stay in Denmark cannot be extended beyond a 30-day reflection period, and they will be sent home by the police at the end of the 30 days. The reflection period can be extended to up to 100 days, and possibly longer, if the victim cooperates with authorities. However, the 2010 NGO report calls into question the “voluntariness” in victims accepting an assisted return from Denmark. The government offered medical, dental, psychological, and legal services, and in certain cases a stipend, to victims of trafficking during the 30- or 100-day reflection period. The government reported the 30- or 100-day services were not contingent on victims’ cooperation with authorities either in criminal investigations or in their removal proceedings. The government encouraged victims to assist in law enforcement investigations, including by offering support of trained counselors during police interviews; 27 victims cooperated during 2010, out of the 52 victims identified during the year. Danish police acknowledged factors preventing victims’ cooperation with police, including mistrust of authorities, often the result of interaction with corrupt police forces in their country of origin, as well as fear of reprisal from traffickers and the knowledge that they were going back to their home country. Some country and regional experts continued to express concern about the lack of stronger incentives for victims to cooperate with authorities. According to regional experts, Denmark’s rules for reflection and temporary residence permits largely focus on the return of victims. According to a 2010 report by UNODC, “In Denmark, the reflection period is technically a delay of the expulsion order.” The government reported that only two victims participated in its “prepared return” initiative in which, through a contract with IOM, trafficking-specific support is provided to foreign victims of trafficking after returning to their countries of origin. Domestically, the government continued to fund two crisis centers for female victims of violence, which accommodated 33 women trafficking victims and one male victim during the reporting period. There were no specialized services or facilities for male victims.

Prevention

Denmark sustained its efforts to prevent trafficking in 2010. The government continued a public awareness campaign begun in 2008 called “Who Pays the Price?” to reduce the demand for commercial sex acts. The government has not conducted a nationwide government-sponsored anti-trafficking awareness campaign focused on all forms of trafficking. During the reporting period, however, the government initiated intensive studies of other sectors, in

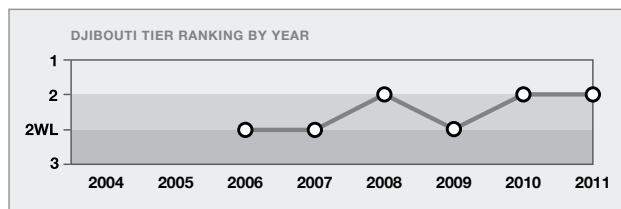
order to determine the prevalence of forced labor within various occupational fields, including agriculture, in Denmark. As part of this effort, the government held a parliamentary hearing on human trafficking in February 2011 which focused on trafficking for labor exploitation. The government continued its anti-trafficking partnerships through its funding of anti-trafficking programs in Ukraine, Belarus, and Moldova. Danish authorities sustained partnerships with Scandinavian Airlines, the Association of Danish Travel Agents, and Save the Children to disseminate public service announcements against child sex tourism. Denmark continued to fund a hotline for trafficking victims and another for information about suspected child sex tourism overseas. The government reported one case in 2010 of a Danish citizen being prosecuted in Denmark for child sex tourism overseas; the case was pending at year’s end. 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)

Djibouti is a transit, source, and destination country for men, women, and children subjected to forced labor and sex trafficking. There is little verifiable data on the human trafficking situation in Djibouti. Large numbers of voluntary economic migrants from Ethiopia and Somalia pass illegally through Djibouti *en route* to Yemen and other locations in the Middle East; among this group, a small number of women and girls may fall victim to domestic servitude or forced prostitution after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor. An unknown number of migrants – men, women, and children – are subjected to conditions of forced labor and sex trafficking once they reach Yemen or other destinations in the Middle East. Djibouti’s large refugee population – comprised of Somalis, Ethiopians, and Eritreans – as well as foreign street children remain vulnerable to various forms of exploitation within the country, including human trafficking. Older street children reportedly act, at times, as pimps for younger children. Children are also vulnerable to forced labor as domestic servants and to forced crime, such as theft. A small number of girls from impoverished Djiboutian families may be coerced into prostitution by family members or others. Members of foreign militaries stationed in Djibouti contribute to the demand for women and girls in prostitution, including trafficking victims.

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. The government made efforts to arrest traffickers and sustained partnerships with international organizations and foreign governments to address the confluence of human trafficking with smuggling in Djibouti. However, it did not improve implementation of the protection or prevention components of its anti-trafficking law, even within the government’s limited capacity. Specifically, the government did not take steps to improve efforts to criminally prosecute traffickers or institute procedures for law enforcement or other government authorities to identify and refer

trafficking victims to available services. Addressing migrant smuggling and daunting refugee flows remained a main concern, diverting government attention and limited law enforcement resources that might otherwise have been devoted to detecting and responding to forms of trafficking occurring within the country's borders.



Recommendations for Djibouti: Continue and expand a nationwide campaign to educate government officials and the general public on human trafficking, particularly highlighting the appropriate treatment of domestic workers under Djiboutian law; continue to work with judges, prosecutors, and police to clarify and apply the difference between cases of human trafficking and alien smuggling, particularly regarding courts' application of Law 210 to cases of alien smuggling; form partnerships with local religious leaders, building their capacity and encouraging them to educate their congregations about trafficking; enforce the anti-trafficking statute through investigation and prosecution of trafficking offenders responsible for child prostitution, domestic servitude, or other forced labor offenses and provide data on convictions and sentences for 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 to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; ensure police and relevant social welfare workers receive clear instructions regarding their specific roles and responsibilities in combating trafficking and protecting victims; and expand mechanisms for providing protective services to victims, possibly through the forging of partnerships with civil society or international organizations.

Prosecution

The government made modest efforts to enforce laws against human trafficking during the reporting period. Djibouti's Law 210, "Regarding the Fight Against Human Trafficking," enacted in December 2007, prohibits both forced labor and sex trafficking. The law also provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to 30 years' imprisonment for convicted trafficking offenders. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Djiboutian law enforcement officers participated in human trafficking training programs sponsored by international organizations and foreign governments during the reporting period. During the reporting period, the government reported a total of 20 arrests related to trafficking under Law 210, down from 78 in 2009. The government did not, however, report any statistics

on prosecutions, convictions, or sentences for forced prostitution or forced labor. Djiboutian authorities did not demonstrate concerted efforts to investigate or punish child trafficking, domestic servitude, or other forced labor offenses, nor did the government report any efforts to investigate or punish government officials complicit in trafficking offenses during the reporting period.

Protection

The government's efforts to protect victims of trafficking increased slightly, but remained weak overall during the reporting period. 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. In December 2010, government officials received training from IOM and foreign governments on direct assistance to victims of trafficking. During 2010, IOM reported identifying 20 Ethiopian victims of trafficking, including 10 victims of forced labor, who were assisted through IOM in returning to their home communities. Djiboutian police reported rescuing 163 children from prostitution and providing them with basic medical services. It is unclear what protection services the government provided to these victims after their medical care. Djiboutian authorities did not have a formal, comprehensive system to proactively identify victims of trafficking among high-risk populations, such as illegal immigrants and those arrested for prostitution. The government regularly deported undocumented foreigners and there was no evidence that authorities screened them for indicators of human trafficking. Children found in prostitution may have been arrested, but reportedly were not charged with crimes. After detaining children on suspicion of engaging in prostitution, police indicated that they attempted to locate and meet their parents or other family members to discuss appropriate child protection; children were then released to the care of family members. When family members could not be found, foreign children may have been deported to their country of origin; the government did not report data on such deportations. Police worked with the Ministry of Health's clinic and hospitals, and with NGOs, to provide some medical care to victims of child prostitution. The Government of Djibouti did not provide shelter or services directly to victims of trafficking, but collaborated with international and non-governmental institutions who offer such help. Although victims of trafficking were permitted to file civil suits against their traffickers, there did not appear to be any concerted 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

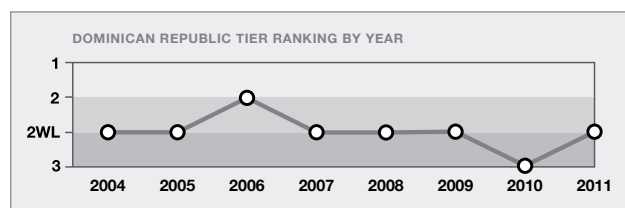
The government sustained partnerships with international organizations to prevent trafficking in persons. Addressing concerns for migrants who depart Djiboutian shores for intended illegal entry to Yemen, the government continued its partnership with IOM to inform immigrants of the potential dangers of irregular migration. The government worked to reduce the demand for commercial sex acts by

continuing to investigate some child prostitution cases and deploying a regular police vice squad. The government did not take any known measures to reduce the demand for forced labor.

DOMINICAN REPUBLIC (Tier 2 Watch List)

The Dominican Republic is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. In part due to significant, poverty-driven migration into and from the country, there is widespread confusion among the public, the media, government officials, and even some NGOs about the difference between human trafficking and human smuggling, complicating efforts to address human trafficking in the Dominican Republic. Nevertheless, reports from various sources in the Dominican Republic and Caribbean 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 various developed countries. Officials and NGOs have documented many cases of children being forced into domestic service, street vending, begging, agricultural work, and construction. Reportedly, forced labor of adults exists in construction, some agricultural production, and the domestic service sectors. Street children and 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. Despite some progress, most notably in the area of identifying and protecting a greater number of trafficking victims, the government did not demonstrate overall increasing efforts over the previous reporting period in prosecuting trafficking offenders, including officials complicit in forced prostitution and forced labor; therefore, the Dominican Republic is placed on Tier 2 Watch List.



Recommendations for the Dominican Republic:

Vigorously prosecute and punish trafficking offenders, including public officials complicit in forced prostitution or forced labor; encourage the identification of more victims by working with NGOs to establish formal procedures to guide police and other officials in identifying

trafficking victims, especially those in the legalized sex trade, and referring them to available services; institute formal, ongoing training for police, border officials, labor inspectors, and health officials on the difference between smuggling and trafficking, and in identifying, documenting, and assisting victims of forced prostitution and forced labor; ensure adequate shelter and services are available to adult and child victims; establish formal legal alternatives to removal for foreign victims to countries where they would face retribution or hardship; in coordination with the Government of Haiti, implement a forced labor and forced prostitution awareness campaign in Spanish and Creole connected to a hotline with operators trained to assist human trafficking victims; and consider ways to lessen the confusion between smuggling and trafficking, such as separating trafficking and smuggling into two different laws.

Prosecution

The government made limited progress in law enforcement efforts during the reporting period, though it failed to prosecute a single person for trafficking in persons under the Dominican law (Law 137-03) that prohibits all forms of human trafficking. This law prescribes penalties of up to 20 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law 137-03 covers both trafficking and smuggling, exacerbating the confusion that exists about the difference between the two terms. The government reported at least 35 investigations of either forced labor or forced prostitution, a substantial increase from only one reported investigation last year. The national police appointed a new director of the anti-trafficking police unit who, upon his arrival in January 2011, reviewed 17 pending case files for possible human trafficking, of which he forwarded nine to the prosecution service.

The government did not report any prosecutions, convictions, or sentences of trafficking offenders or officials complicit in human trafficking during the reporting period. Reports continued that official complicity was a problem, and some alleged trafficking offenders made deals to compensate victims in lieu of criminal prosecution. There also were indications that the government handled some forced labor cases as non-criminal disputes instead of as a crime – possibly as the result of the intervention of corrupt officials. In an effort to enhance capacity, the Directorate of Migration trained 604 officials and the Ministry of Foreign Affairs trained 158 staff members in trafficking awareness during the reporting period.

Protection

The government made limited progress in the identification and protection of victims during the reporting period. In a positive development, the government greatly boosted victim protection efforts from the previous year (when very few victims were identified), identifying at least 88 likely victims over the past year. Some 56 cases involved forced labor, and at least 54 of those identified were children. The government did not have a formal mechanism to guide officials, such as police, labor inspectors, and health workers, in proactively identifying victims among

vulnerable groups, such as people in prostitution and migrant workers, and refer them to available services. In practice, however, possible victims were referred to assistance services and efforts to identify possible victims proactively stepped up during the reporting period. The government did not have any measures in place to protect people in the Dominican Republic's legal sex trade from human trafficking systematically or to identify victims within this vulnerable population. In practice, during the reporting period, the Directorate of Migration, the police, the Ministry of Foreign Affairs – including Dominican diplomats overseas – and other government agencies referred identified adult victims to NGOs and child victims to NGOs and a government agency charged with assisting vulnerable minors. Many of the NGOs that assist trafficking victims rely on donor funding. One NGO that receives some government funding provided female trafficking victims with health services, psychological support, legal advice, and job skills training. The government did not provide formal long-term reintegration assistance programs for trafficking victims, and Dominican trafficking victims exploited overseas were offered limited assistance upon return to the Dominican Republic. The government did not offer foreign trafficking victims legal alternatives to their deportation to countries in which they would face retribution. In its anti-trafficking legislation, the government mandates that victims participating in prosecutions of trafficking offenders should not be punished for crimes committed as a direct result of being trafficked.

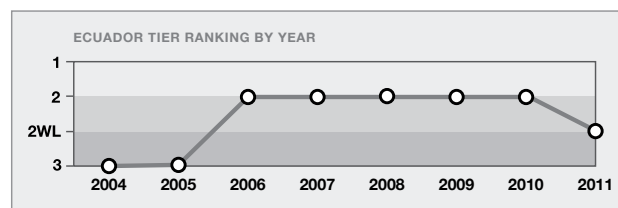
Prevention

The government made some progress in the prevention of trafficking during the reporting period. The government publicly unveiled its National Anti-Trafficking Action Plan at a June 2010 conference co-sponsored by the Ministry of Foreign Affairs. That same ministry worked with an international organization to raise awareness about human trafficking and the availability of hotlines for possible trafficking victims. Also, the Directorate of Migration prepared a brochure and produced some radio and television spots to sensitize the public to human trafficking. The Directorate of Migration held meetings during the reporting period with various NGOs to address the plight of street children. The government had a human trafficking inter-ministerial coordination group, but did not appear to have a mechanism in place to monitor systematically the government's efforts. The government operated several hotlines that had operators trained to assist trafficking victims; the government reported helping over 30 victims of trafficking through the hotlines. The agency charged with assisting vulnerable children worked with the National Association of Hotels and Restaurants to raise awareness of the problem of child sex tourism and to prevent it, and the First Lady's Office provided some funding to an organization that conducts trafficking prevention projects in a beach area during the reporting period. The government did not undertake efforts to reduce the demand for commercial sex acts 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 trafficked within the country from border and central highland areas to urban centers for nonconsensual commercial sexual exploitation, as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. Some families reportedly allowed traffickers to temporarily take their children in order to earn money both within the country and 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 a Colombian terrorist group along the northern border. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, and Western Europe. Ecuador is a destination country for Colombian, Peruvian, and to a lesser extent, Chinese women and girls subjected to sex trafficking. Indigenous Ecuadorians are vulnerable to forced labor in domestic service. Colombian refugees and migrants are subjected to forced labor in palm oil plantations. A trafficking ring brought Peruvian children to Ecuador and forced them to work as street vendors, or in restaurants and nightclubs. Child sex tourism occurs mostly in urban areas and in tourist destinations, such as Tena and the Galapagos Islands. Ecuador is a transit country for Chinese nationals and other extra-continental migrants smuggled to destinations elsewhere in the Western Hemisphere, some of whom may be trafficked.

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. Despite these efforts, the government did not show evidence of increasing efforts to address forced labor and sex trafficking crimes involving adults, or trafficking-related complicity of local government officials, and government protections for adult victims remained inadequate; therefore, Ecuador is placed on Tier Two Watch List. The government did, however, sustain modest law enforcement measures against child sex trafficking offenders, and continued to work with civil society and the private sector to raise awareness on the forced labor and sex trafficking of children.



Recommendations for Ecuador: Vigorously investigate and prosecute trafficking offenses, and 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 women in prostitution or migrant workers; invest in specialized care services for

trafficking victims; 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 faced hardship or retribution; enhance data collection and coordination; and increase public awareness of all forms of human trafficking.

Prosecution

The government displayed weak overall 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. Labor trafficking carries a punishment of six to nine years' imprisonment, and sex trafficking carries a penalty of eight to 12 years' imprisonment. Penalties for human trafficking may be increased to a maximum of 35 years' imprisonment due to aggravating circumstances. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Other statutes, such as Article 528.13, which prohibits the commercial sexual exploitation of children, also are used to prosecute human trafficking crimes. The specialized police unit for crimes against children (DINAPEN) was the principal law enforcement entity involved in investigating trafficking cases, and during the last year continued to suffer from inadequate funding and staffing.

As there was no dedicated anti-trafficking police unit and DINAPEN investigated a range of crimes, it is unclear how many cases of human trafficking were investigated by law enforcement officers during the reporting period, or if any of the cases investigated involved adult victims. Most cases of human trafficking investigated in Ecuador appear to involve the commercial sexual exploitation of children. The number of investigations and prosecutions of forced labor crimes appear inadequate in comparison to the large number of children exploited for forced begging and forced domestic work. Despite robust law enforcement efforts for cases involving child victims, conviction rates remain low. Prosecutors reported opening 75 trafficking cases, 43 of which were dropped by the judge or prosecutor. The government reported convicting three sex trafficking offenders, although it was unclear under what statutes, and there was no information available on sentences or whether the convicted trafficking offenders were serving time in jail. During the previous reporting period, Ecuadorian officials achieved one conviction under Article 190 and two other convictions for commercial sexual exploitation of children. Some judges reduced charges of trafficking to charges of pimping or disappearance, crimes that carry shorter sentences.

NGOs alleged that local police officers were partners in brothels that employed women and girls with false documentation, and that civil registry officials issued false identity documents to children. Victims testified that police informed brothel owners of impending raids, and in some cases, victims were forced to engage in sexual acts with police officers as remuneration for police protection of the brothel. Despite these continued reports of trafficking-related corruption, no investigations, prosecutions, or

convictions of complicit officials took place last year. The majority of training for government officials on victim identification, investigative techniques, and judicial procedures was provided by civil society organizations and foreign governments. Ecuadorian authorities partnered with government officials from Colombia, Peru, the Dominican Republic, and the United States to investigate several international trafficking cases.

Protection

The Ecuadorian government did not make appreciable progress in protecting victims of human trafficking during the reporting period. While Ecuadorian authorities conducted several raids on establishments to rescue children in prostitution, they did not demonstrate adequate efforts to identify adult trafficking victims among women exploited in brothels and other vulnerable populations. The government provided some funding to some NGOs that provided most of the legal, medical, psychological, and shelter services for trafficking victims, including two NGOs that maintain shelters with specialized services for girls. There were no specialized shelters for adult trafficking victims or for boys. Authorities reported that child victims could receive general care services through a network of 43 government-run protection centers, although there were no estimates of how many child trafficking victims accessed shelter or services at these centers. The government could not accommodate the demand for care services and shelters available to trafficking victims remained lacking in many parts of the country. In addition to these short-term services, the government provided victims with counseling, protection, job training, and educational training, and ensured the child victims received long-term care as needed. Through its Victim and Witness Protection Program, the Ecuadorian government operated specialized police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services for identified trafficking victims, and assistance for victim witnesses during court proceedings. A government report released in 2010, however, noted that this program had insufficient resources for adult victims and that many victims chose not to participate in investigations due to inadequate protection. The government encouraged victims to assist with the investigation and prosecution of trafficking offenders. 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, but authorities reported that foreign victims were typically allowed to remain temporarily. There were reports, however, that some foreign victims were deported instead of receiving care services, and an NGO reported that the government refused to grant refugee status to a foreign victim who had been raped and forced to traffic drugs. There was no reliable estimate of the number of trafficking victims identified during the reporting period. 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 committee drafted a new national plan to combat trafficking, which includes a budget and seeks to address challenges such as poor data collection mechanisms, limited funding, and interagency coordination. The government displayed some transparency in its anti-trafficking efforts as the Ecuadorian human rights ombudsman published a brief report on human trafficking and legal impunity in the country. In 2010, the Ministry of Tourism (MOT) launched an initiative to train 3,600 tourism enterprises to identify possible victims of sexual exploitation. The MOT continued a public awareness campaign about commercial sexual exploitation of children. During the holiday season, the government funded a campaign to prevent seasonal begging, a practice that sometimes involves forced child labor. The city of Cuenca launched a campaign against child labor and sexual exploitation. The government continued to partner with a private telecommunications company and a bank to combat child labor through a network of schools for former child laborers. The government did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor during the reporting period.

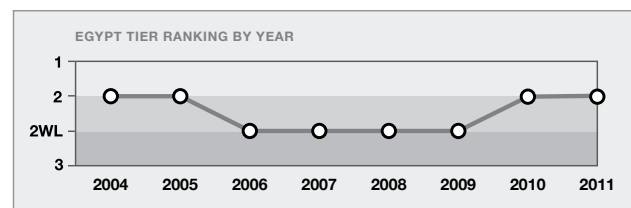
EGYPT (Tier 2)

Egypt is a source, transit, and destination country for women and children who are subjected to conditions of forced labor and sex trafficking. Some of Egypt's estimated 200,000 to one million street children – both boys and girls – are subjected to sex trafficking and forced begging. Local gangs 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 reportedly 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. According to a March 2010 government survey, the majority of the men contracting temporary marriages are from Saudi Arabia, the United Arab Emirates, and Kuwait. 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 from Iraq forced into prostitution and a transit country for women trafficked from Uzbekistan, Moldova, Ukraine, Russia, and other Eastern European countries to Israel for commercial sexual exploitation.

Men and women from South and Southeast Asia and Africa may be subjected to forced labor in Egypt. UN sources report that Egypt may have a large number of foreign workers in domestic service who have been held in conditions of forced labor, particularly women from Ethiopia, Eritrea, Sudan, Indonesia, the Philippines, and

possibly Sri Lanka. Some conditions they face include no time off; sexual, physical, and emotional abuse; withholding of wages; and restrictions on movement. Employers may use the domestic workers’ illegal status and lack of employment contracts as coercive tools. Some of the migrants and refugees who engage in prostitution may have been coerced to do so. During the reporting period some migrants claimed that organized Bedouin groups in the Sinai held Eritrean and other migrants captive as they attempted to migrate into Israel; an unknown number of these migrants were reportedly forced into sexual servitude or labor. Young female Sudanese refugees, including those under 18, may be coerced into prostitution in Cairo’s nightclubs by family or Sudanese gang members. 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.

The Government of Egypt does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Due to political unrest in early 2011, the Government of Egypt was unable to provide complete law enforcement and prosecution data on its efforts to combat trafficking during the reporting period. Nonetheless, the government took steps to prosecute and punish those who facilitated “temporary marriages” of young girls for profit. Egypt also worked with and provided in-kind assistance to IOM to open a shelter for victims of trafficking in Cairo during the reporting period, and developed and published a comprehensive action plan to address all aspects of trafficking. Egypt did not, however, institute a formal procedure to proactively identify victims of trafficking among vulnerable groups or complete a referral mechanism to facilitate treatment for victims. The government also did not report significant efforts to address forced labor of children in domestic servitude and other sectors, and similarly failed to report efforts to address the problem of domestic servitude and other forms of forced labor of migrant workers.



Recommendations for Egypt: Implement the 2008 child trafficking law and the 2010 anti-trafficking law to increase substantially law enforcement activity against all forms of trafficking, including against domestic servitude and other forms of forced labor, as well as forced prostitution; 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 are not penalized for unlawful acts committed as a direct result of being trafficked; 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 migrant workers as domestic servants or in Egyptian factories; improve legal protections for domestic workers; make greater efforts to investigate and punish government officials complicit in trafficking offenses; and continue to raise awareness on the definition and dangers of trafficking.

Prosecution

The Government of Egypt made modest progress in enforcing laws against trafficking in persons 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 – and up to life imprisonment if aggravating circumstances are evident – along with fines ranging from \$9,000 to \$36,000. 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. These amendments prescribe sentences of at least five years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. In 2010, the government established a documentation unit to compile these laws and law enforcement efforts by government bodies. Due to political unrest, however, the government did not report official data on its efforts to investigate, prosecute, or punish trafficking offenders using the 2010 law. Nonetheless, officials from the Ministry of Family and Population's (MOFP) National Council for Childhood and Motherhood (NCCM) reported efforts to crack down on temporary marriages of young girls by investigating 50 cases of temporary marriages and convicting 29 imams, marriage brokers, and parents who profited from facilitating these marriages, as well as the men who attempted to purchase the young girls in marriage. For example, in May 2010, a court convicted and sentenced a 76-year-old Saudi national to 10 years' imprisonment and a fine for sexually exploiting a 14-year old girl in a temporary marriage; the marriage broker, a lawyer, and both of the girl's parents were convicted and sentenced to 10, two, and one year's imprisonment, respectively, under the Child Law. The government, however, reported only limited law enforcement efforts to enforce its anti-trafficking law, or other laws prohibiting specific forms of trafficking, such as domestic servitude or the sex trafficking of adults or street children. During the reporting period, the NCCM and Ministry of Justice continued to train government officials and other partners on trafficking, including judges, psychosocial workers, hotline operators, lawyers, police officers, community leaders in rural areas, NGOs, and representatives from the Ministries of Tourism, Health, *Awqaf*, Manpower, Education, and Social Solidarity. Nonetheless, the government did not report any efforts to investigate or punish government officials for complicity in trafficking offenses during the reporting period.

Protection

Egypt made some progress in its efforts to protect victims of trafficking during the reporting period. In December 2010, the government provided two apartments to house victims

of trafficking. This shelter, managed by IOM, provided female victims of forced prostitution or forced labor with medical, psychological, legal, vocational, and repatriation assistance. IOM, with the assistance of NCCM, provided specialized training to shelter management and staff in November 2010. This shelter, however, can accommodate only 12 victims at a time and is accessible only to female victims of trafficking. In addition, the MOFP continued to operate a center where an NGO provides rehabilitation services to victims of child trafficking in Cairo's Dar El Salaam area. The government, however, assisted only a limited number of victims of trafficking in the new shelter during the reporting period; as of May 2010, the shelter assisted five victims of trafficking. In conjunction with IOM, the government in December 2010 developed a formal referral mechanism to transfer victims of trafficking to this trafficking shelter and other protection services; however, the mechanism was not finalized prior to the political unrest that began in January 2011. In addition, with international assistance, the Ministry of Health established a unit for victims of trafficking in a Cairo hospital. This medical unit, however, did not receive any victims of trafficking during the reporting period. In June 2010, the government began training diplomatic personnel stationed overseas on methods of identifying and assisting Egyptian victims of trafficking abroad.

Despite these positive efforts, the government continued to lack a formal victim identification and referral procedure to proactively identify and assist trafficking victims among vulnerable groups. As a result, trafficking victims, including many street children and women arrested for prostitution, were often treated as criminals rather than victims. In addition to failing to protect them, law enforcement officers may have further mistreated trafficking victims through verbal, physical, and sexual abuse. Some children may be sent to juvenile detention centers, which are in bad condition, while others may be subject to incarceration with adults despite the Child Law, which prohibits this practice. Border security personnel in the Sinai continued efforts to interdict undocumented migrants, occasionally killing some of them, while showing no evidence of efforts to identify possible trafficking victims among this vulnerable population.

The government, in partnership with an international NGO, continued to run a day center in Cairo to rehabilitate abused street boys involved in forced begging or petty crime. The government provided counseling, medical care, and literacy and computer classes, while the NGO operated the facility. 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 significant efforts to prevent some forms of trafficking in persons during the reporting period. In December 2010, the government released a comprehensive national action plan to combat trafficking in

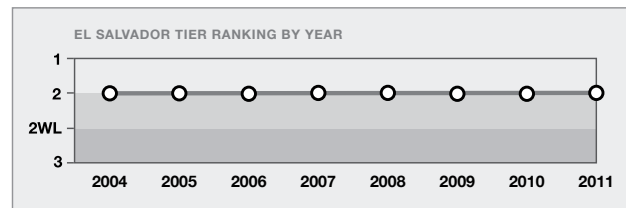
persons. This plan of action describes specific activities to be undertaken by various government agencies to improve prosecution and prevention of trafficking and protection of victims, including ongoing activities such as developing victim identification guidelines, training government officials, and expanding public awareness campaigns. In addition, the MOFP undertook a grassroots awareness campaign to educate local communities about the dangers of “temporary marriages” and child marriages. Officials from the NCCM conducted site visits to stop marriage ceremonies in process and to raise awareness among parents and community members.

The government also established a microcredit loan system to provide alternative income to parents who might otherwise sell their children into exploitative marriages. NCCM continued its extensive training for government officials to raise their awareness of the definition and types of trafficking in Egypt. In addition, the government reported undertaking a broad public awareness campaign through television, radio, and other media to sensitize the general public to child trafficking. Nonetheless, there was no evidence that the government took measures to prevent other forms of trafficking, such as domestic servitude and other forced labor. The government did not make efforts to reduce the demand for commercial sex acts or to raise awareness of sex tourism. There were no reports of Egyptian government efforts to provide anti-trafficking training for its troops before deploying them to international peacekeeping missions.

EL SALVADOR (Tier 2)

El Salvador is a source, transit, and destination country for women and children who are subjected to sex trafficking and forced labor. Women and girls from rural areas of El Salvador are subjected to sex trafficking in urban areas, sometimes by family members. Some Salvadoran adults and children are subjected to forced labor in the agriculture and domestic service sectors. The majority of foreign victims are women and children from neighboring countries, such as Honduras, Nicaragua, and Guatemala, who migrate to El Salvador in response to job offers, but are subsequently forced into prostitution or domestic service. Traffickers use fraudulent documentation to recruit and transport foreign victims. Salvadorans have been subjected to sex trafficking and forced labor in Guatemala, Mexico, Belize, Costa Rica, the United States, Spain, and Italy. 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 sustained anti-trafficking law enforcement efforts against sex trafficking offenders and continued to provide comprehensive services to underage victims of sex trafficking. It did not vigorously investigate or prosecute incidents of forced labor or incidents of official complicity, however, nor did it take adequate measures to ensure that adult trafficking victims received access to necessary services.



Recommendations for El Salvador: 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; provide comprehensive victim services and assistance, particularly for adults; 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; and increase public awareness of all forms of human trafficking, possibly in partnership with civil society, the media, and the private sector.

Prosecution

The Government of El Salvador sustained its law enforcement efforts against human trafficking during the reporting period. 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, but are not commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years' imprisonment. Sentences may be increased by one-third when the offense is accompanied by aggravated circumstances, such as when the offense is committed against a child or the defendant is a public official. Since passage of El Salvador's anti-trafficking statute in 2004, some prosecutors prefer to charge sex trafficking crimes under the country's rape statute to secure heavier mandatory sentences against trafficking offenders. In 2010, the government's dedicated anti-trafficking police and prosecutorial units investigated 78 potential cases of human trafficking, all but five of which involved sex trafficking. Authorities prosecuted five sex trafficking cases, and obtained three convictions with imposed sentences ranging from four to eight years' imprisonment. These efforts represented a decrease from the seven trafficking offenders prosecuted and convicted in 2009. Some officials demonstrated a limited understanding of human trafficking. In partnership with NGOs and international organizations, the government conducted anti-trafficking training programs for police officers, immigration officials, diplomats, and prosecutors. Authorities continued to investigate the former head of the dedicated prosecutorial anti-trafficking unit for trafficking-related complicity. NGOs reported that corruption is a significant obstacle to obtaining trafficking convictions and that some officials fail to properly investigate cases involving possible complicity of government employees in trafficking. During the reporting period, the government sustained or forged partnerships with foreign governments through

cooperation on seven trafficking investigations with the United States, two with Mexico and Guatemala, and one each with Costa Rica, Nicaragua, and Honduras.

Protection

The Salvadoran government maintained victim assistance efforts last year, particularly through services for girl victims of sex trafficking. Immigration officials screened for 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 other vulnerable populations, such as prostituted women or child laborers. The government spent approximately \$260,000 to maintain a shelter dedicated to underage girls who had been exploited in prostitution. This shelter accommodated up to 25 girls at a time and offered victims psychological and medical care as well as education and vocational training. During the reporting period, the shelter provided assistance to 40 victims. Most assistance and services were not readily accessible to adult or male child trafficking victims, and the government-administered shelter for victims of domestic violence did not shelter any adult female trafficking victims as a result of a policy change. Further services, including vocational training, were provided by NGOs and international organizations, and officials reported referring 16 child victims to an NGO for assistance. The government did not provide funding to NGOs for the care of trafficking victims. Authorities identified a total of 56 victims during the reporting period. Salvadoran consular officials abroad identified three victims during the same time frame. Domestically, authorities encouraged identified victims to assist with law enforcement efforts; 12 victims participated in investigations or prosecutions of their traffickers during the reporting period, though others chose not to assist law enforcement efforts due to social stigma or fear of reprisals from their traffickers. Identified trafficking victims generally were not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked; however, not all government officials recognized cases of forced labor or forced prostitution as human trafficking. The government offered no legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

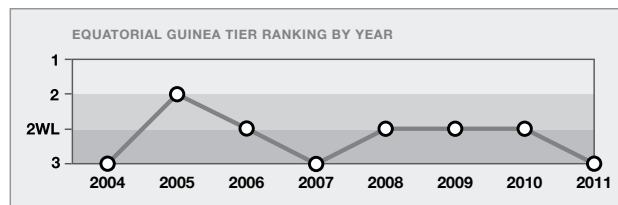
The Salvadoran government sustained modest anti-trafficking prevention efforts during the reporting period. Authorities reported training 15,000 students, 5,000 police officers, 400 teachers, 136 tour guides, and 17 prosecutors about all forms of human trafficking. While the government continued the efforts of its interagency anti-trafficking committee, the committee reportedly suffered from a lack of coordination. However, it presented an annual report in 2010 about government efforts to combat human trafficking to El Salvador's Congress. El Salvador has a national anti-trafficking plan, launched in 2008, but some members of the committee reported that the plan was inadequate. During the reporting period, authorities forged a partnership with an NGO to map trafficking patterns in the country. The government included anti-trafficking information in the training it gives to military forces prior

to their deployment abroad on international peacekeeping missions. The government reported launching a campaign about child sex tourism during the reporting period, but there were no details, and authorities did not investigate any cases of child sex tourism. 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 principally a destination for children subjected to conditions of forced labor. Children are recruited and transported from nearby countries – primarily Nigeria, Benin, Cameroon, and Gabon – and forced to work as domestic servants, market laborers, ambulant vendors, and launderers. The majority of victims are believed to be exploited in Malabo and Bata where a burgeoning oil industry creates demand for cheap labor and commercial sexual exploitation. Women from Cameroon, Benin, other neighboring countries, and China may be recruited for work in Equatorial Guinea but subsequently subjected to forced labor or forced prostitution.

The Government of Equatorial Guinea does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last four consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Equatorial Guinea is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. Despite limited law enforcement action against suspected human smugglers and traffickers, including complicit public officials, the government has made no tangible efforts to provide victims of trafficking with the protective services mandated in its 2004 anti-trafficking law. Church-run orphanages continued to provide all services for victims of trafficking in the country without government support or funding. The government routinely deported illegal immigrants without attempting to determine whether they were victims of trafficking or referring them to assistance services. Prevention efforts have decreased, as the government did not hold any public awareness campaigns and its interagency commission on human trafficking took little, if any, action. The government's response to human trafficking has been inadequate, particularly given the government's substantial financial resources.



Recommendations for Equatorial Guinea: Increase the use of the country's 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 women and children from Equatoguinean territory without first screening for victimization and, if appropriate, providing them with care and safe, voluntary repatriation; research the extent and nature of the problem of human trafficking; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Equatorial Guinea demonstrated modest anti-trafficking law enforcement efforts during the reporting period. Its 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. During the reporting period, the government used this law for the first time to prosecute and reach convictions in at least one case, though it did not appear to involve human trafficking. The case involved seven adults – some of whom had identification from Mali and Burkina Faso – found dead in Bata. In June 2010, the Superior Civil Court in Bata convicted an army officer, a Malian smuggler, and their driver of human trafficking, sentencing them to 15 years' imprisonment and a fine of \$33,680. The army officer and one of the accomplices absconded and were tried in absentia as they remain fugitives; the third offender is serving his prison sentence.

In November, the government co-sponsored with IOM two one-week anti-trafficking training workshops, one in Malabo and one in Bata. Several ministers and vice ministers attended the opening sessions of the trainings, which covered procedural guidelines for victim identification, assistance, return, and reintegration. In total, 65 people received training; this included 15 law enforcement officers and officials from the Justice, Social Affairs, and Foreign Affairs ministries. The government also provided training for 28 officials on the identification and care of trafficking victims through a government-funded contract with a foreign security training company.

Protection

The Government of Equatorial Guinea failed to demonstrate effective measures to protect trafficking victims during the reporting period. 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. The Ministry of Social Affairs' 2009 proposal to the government's Social Development Fund for the establishment of a network of shelters for women and children, including child trafficking victims has not yet been funded. The provision of care for Equatoguinean child trafficking victims continued to be provided entirely by church-run orphanages; foreign children were usually 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 proactively identify victims of trafficking 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. 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 detained foreign nationals, including potential trafficking victims, at police stations for periods of several days to several months, and seldom notified the victims' embassies of their detention or deportation. The overwhelming majority of those detained were young men, though children and women were sometimes detained and deported. The government did not provide trafficking victims with temporary or permanent resident status, or any other relief from deportation. Officials did not appear to fine victims, but frequently confiscated their possessions and money.

Prevention

The Government of Equatorial Guinea decreased its efforts to prevent trafficking during the reporting period. It did not continue its prior funding for or launch new 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, is limited by the lack of administrative infrastructure in the country, and did not meet 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 begin work on a pilot shelter in Malabo, but did not finalize or implement the plan. In March 2010, the government created the National Center for Official Documents and, in October 2010, tasked this agency with updating all national identity and immigration documents as a part of the government's ongoing effort to regulate immigration. In 2010, 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 employers to correct the problem, pay fines, and pay reparations to the employees if appropriate. The government 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 to forced labor and, to a lesser extent, sex trafficking. During the reporting period, acts of forced labor occurred in Eritrea, particularly in connection with the implementation of the country's national service program. Under the parameters set forth in 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 public works and services in any location or capacity chosen

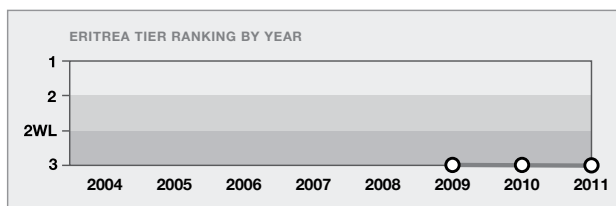
by the government. Some national service conscripts, however, are required to continue their service indefinitely, beyond the duration specified by law, with many required to serve in their positions for over 10 years under the threat of inhumane treatment, torture, or punishment of their families. There have been 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 outside the scope of the proclamation. The military's four command zones reportedly 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 using conscripted labor. National service conscripts could not resign from their jobs or take new employment and could not leave the country, as those under national service were often denied passports or exit visas.

By government policy, children are required to attend mandatory military training for their senior year of high school under threat of failure to receive a diploma; some children with academic problems are conscripted directly into military service regardless of their age. Some sources report that military training is effectively military service in Eritrea since children are required to perform military exercises in lieu of education. The Eritrean government is reportedly targeting increasingly younger children for military conscription and training; in 2010, for example, a 9-year-old child escaped military service and fled to Ethiopia for assistance. Up to 80 percent of unaccompanied Eritrean minors fleeing into neighboring countries are children between 15 and 17 years old escaping military conscription and training.

Eritrean children also work in various economic sectors, including domestic service, street vending, small-scale factories, and agriculture; child laborers frequently suffer abuse from their employers and some may be subjected to conditions of forced labor. In addition, children may face commercial sexual exploitation in Eritrea. Each year, large numbers 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. For example, in December 2010, smugglers reportedly held 250 Eritrean migrants hostage in the Sinai Desert and forced some to build homes and provide domestic labor. Smaller numbers of Eritrean women and girls are subjected to sex trafficking inside the country and potentially in Gulf countries. In addition, thousands of Eritreans flee the country illegally, mostly to Sudan, Ethiopia, and Kenya, where their illegal status makes them vulnerable to situations of human trafficking.

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 published neither data nor statistics regarding its efforts to combat human trafficking; it did not respond to requests to provide information for this report. It is therefore unclear whether the government prosecuted

or punished any individual for trafficking offenses, provided protection to any victims of trafficking, or took any measures to prevent trafficking in persons during the reporting period.



Recommendations for Eritrea: Pass and enforce a comprehensive anti-trafficking statute that prohibits all forms of trafficking, including forced labor, and prescribes stringent criminal penalties; take measures to reform provisions of the national service requirement that lead to conditions of involuntary servitude, such as indefinite lengths of service and threats and use of physical punishment for non-compliance; launch a campaign to increase the general public's awareness of human trafficking at the local, regional, and national levels; 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 protection services to victims of trafficking.

Prosecution

The Government of the State of Eritrea made no known efforts to prosecute or punish trafficking offenses during 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 fines and up to five years' imprisonment, or from three to 10 years' imprisonment if aggravating circumstances are present; these penalties are 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 is prohibited under Article 16 of the ratified, but suspended, Eritrean Constitution; this provision, however, does not prescribe any penalties. Proclamation 11/199 prohibits the recruitment of children under 18 years of age into the armed forces. Nevertheless, there are no documented penalties for such recruitment and the government has never used these statutes to prosecute cases of human trafficking. The government did not publish information on investigations or prosecutions, if any, of human trafficking offenses during the reporting period. Eritrea similarly failed to 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 efforts to abate or eliminate this practice. The government provided no known training to its law enforcement 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 continues to have no known facilities dedicated to trafficking victims and does not provide funding or other forms of support to NGOs for services to trafficking victims. The government continued to severely limit the number of foreign NGOs permitted to operate in the country; of the few remaining NGOs, none operated anti-trafficking programs. It is not known whether the government encouraged victims' assistance in the investigation and prosecution of trafficking crimes or whether it provided legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. The government did not ensure that identified victims were not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked. There is no evidence that the government proactively screens migrants for signs that they have been trafficked. 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.

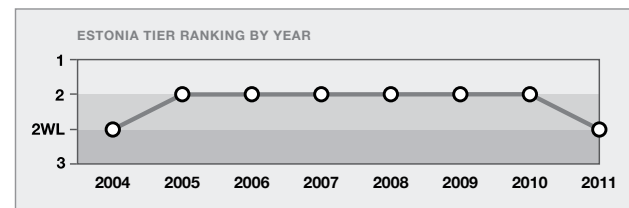
Prevention

The government made no known efforts to prevent trafficking in persons during the reporting period. The government did not report any 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 those involving human trafficking; the accomplishments of this office during 2010 are unknown. Limited resources and a small number of inspectors reportedly impeded the ministry's ability to conduct investigations; the government provided no evidence that it conducted inspections for forced labor, including forced child labor, during the reporting period. 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 Watch List)

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 from rural areas are forced into prostitution in Tallinn. Women from Estonia are found in sex trafficking situations in Finland, the Netherlands, the United Kingdom, Germany, and Italy. Young Estonian women forced into marriage abroad after promises of employment were also vulnerable to trafficking in persons. Men and women from Estonia are subjected to conditions of forced labor in Spain, Sweden, Norway, and Finland.

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. Despite these efforts, the government did not demonstrate evidence of increasing efforts over the previous reporting period; therefore, Estonia is placed on Tier 2 Watch List. No victims participated in prosecutions this year, and victims reported being frightened and traumatized during police interrogations. Although the government had committed to the enactment of a comprehensive anti-trafficking law in prior reporting periods, it did not pass a criminal anti-trafficking law during the reporting period. Estonia remains the only European Union country without a trafficking-specific law. Those trafficking offenders convicted under non-trafficking statutes avoided accountability; all trafficking offenders convicted under Article 133 received suspended sentences this year. The Estonian government, however, gave some financial support to NGOs who care for trafficking victims, and it developed a national action plan with elements addressing trafficking in persons.



Recommendations for Estonia: Draft a trafficking-specific criminal statute that incorporates a comprehensive definition of trafficking in persons, including the transportation, harboring, obtaining, or recruitment of a trafficking victim and the use of coercion as a prohibited means; increase efforts to investigate, prosecute, convict, and punish trafficking offenders; increase the number of trafficking victims identified by government officials; strengthen anti-trafficking training, and encourage 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 a residency permit; encourage more victims to assist in the prosecution of trafficking offenders; 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 demonstrated mixed law enforcement efforts during the reporting period. The government still does not have a trafficking law and prosecutions remained low. Estonian law does not prohibit all forms of trafficking, though its criminal code prohibits

some elements of human trafficking under Articles 133, 175, and 176 of the criminal code. The penalties prescribed for such acts range up to 12 years' imprisonment in aggravated cases, a penalty that is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as forcible sexual assault. Despite these prescribed penalties, all trafficking offenders received suspended sentences this year, unlike in previous years. During the reporting period, Estonian authorities conducted three investigations and prosecuted three sex trafficking offenders under Article 133, compared with approximately five investigations under this statute in 2009, and two investigations under the same statute in 2008. Estonian authorities convicted three trafficking offenders under Article 133, compared with three convictions in 2009, and two convictions under Article 133 in 2008. All three trafficking offenders received suspended sentences. In 2009, one trafficking offender received 53 months in prison, while two trafficking offenders received suspended sentences. This year, no victims assisted in the investigation and prosecution of trafficking offenders. In September, October, and November 2010, the Estonian government funded eight anti-trafficking trainings for police officers, border guards, migration officers, and youth workers. These trainings were conducted in both Estonian and Russian in order to reach all vulnerable populations. The government provided no specialized law enforcement unit for trafficking. The Estonian law enforcement authorities collaborated with Sweden on a trafficking case. One Estonian trafficking offender was extradited from Ukraine during the reporting period. The Estonian government did not report the investigation, prosecution, or conviction of any officials complicit in trafficking during the reporting period.

Protection

The Government of Estonia demonstrated decreased victim protection efforts during the reporting period. Despite distributing trafficking victim identification guidelines to relevant organizations and ministries, the government only identified 10 trafficking victims during the reporting period. NGOs, however, identified 47 and cared for 57 victims, in part by using the trafficking identification model. Last year, the government cared for 78 victims. Intergovernmental organizations and NGOs reported that the focus of victim identification was limited to sex trafficking rather than labor trafficking. According to experts, the labor inspectorates and other labor actors were not fully integrated into the victim identification process. The government continued to fund anti-trafficking training, including a one-day training on assisting trafficking victims and a training of consular officers; the government conducted a total of 11 anti-trafficking trainings this year, down from 40 sessions in 2009, when it conducted a broad-based effort to train key officials on its victim identification model. In total, the government allocated approximately \$142,630 for victim assistance during the reporting period, down from \$181,500 in 2009. The government encouraged victims to participate in prosecutions by providing restitution to victims through the criminal process and by advising victims about the legal process.

Intergovernmental associations and NGOs reported that a high number of victims disappeared after pretrial investigations, and that victims of trafficking were afraid to cooperate with the police or testify in court. Experts reported that victim/witness protection was rarely applied in human trafficking cases, and that criminal justice actors did not protect victims of trafficking from threats or intimidation during trial. The government assisted two trafficking victims repatriated to Estonia by providing counseling sessions and shelter. 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 residency in 2010; one NGO reported that no trafficking victim has ever applied for a trafficking temporary residence permit since its introduction in 2007.

Prevention

The government demonstrated modest prevention activities during the reporting period. The government disseminated materials on trafficking at the Ministry of Foreign Affairs, at the airport, and at harbors. The government also distributed trafficking related materials at an annual tourism fair. The government drafted a Development Plan for Reducing Violence for Years 2010-2014, which contained, as one of several subparts, a sophisticated analysis of Estonia's human trafficking challenges, including indicators for evaluating the success of its anti-trafficking program. Under the auspices of the Development Plan, the government conducted research during the reporting period on forced labor in Estonia to understand the scope of the problem. The government also funded an NGO to operate an anti-trafficking hotline. Nevertheless, there was no nationwide awareness raising campaign on trafficking. There were no special campaigns to reduce the demand for commercial sex, although the topic was covered at seminars on trafficking.

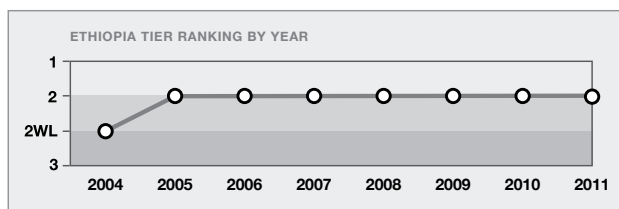
ETHIOPIA (Tier 2)

Ethiopia is a source country for men, women, and children who are subjected to conditions of forced labor and sex trafficking. Girls from Ethiopia's rural areas are forced into domestic servitude and, less frequently, commercial sexual exploitation within the country, while boys are subjected to forced labor in traditional weaving, herding, guarding, and street vending. In 2010, the Southern Nations/Nationalities Peoples Region (SNNPR) Tourism and Culture Bureau reported that brokers, tour operators, and hotel owners are increasingly facilitating child prostitution as tourism expands in the region. Small numbers of Ethiopian girls are forced into domestic servitude, agricultural labor, and prostitution outside of Ethiopia, primarily in Djibouti and Sudan, while Ethiopian boys are subjected to forced labor in Djibouti as shop assistants, errand boys, domestic workers, thieves, and street beggars. Six Ethiopian women were trafficked to China in 2010 for forced prostitution. During the year, local militias – some of whom maintain alliances with the Somali Region Special Police against insurgents – and insurgent groups in Degeharbur

and Fik zones of Ethiopia's Somali Region reportedly conscripted children, though these allegations could not be conclusively verified due to restrictions on access to the region's conflict zones.

Young women, most with only three to four years of primary education, from various parts of Ethiopia are subjected to domestic servitude throughout the Middle East, as well as in Sudan, and many transit through Djibouti, Egypt, Libya, 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 indicative of forced labor, including physical and sexual assault, denial of salary, sleep deprivation, and confinement. Many are driven to despair and mental illness, with some committing suicide. 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 – or after escaping abusive employers in the Middle East. Low-skilled Ethiopian men migrate to Saudi Arabia, other Gulf States, and other African nations, where some are subjected to forced labor.

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. The government made substantial progress over the past year in addressing human trafficking crimes through law enforcement efforts, which included the country's first convictions for both transnational sex trafficking and internal labor trafficking. In the capital region, Federal Police investigated and the Federal Court prosecuted an increased number of trafficking crimes, though the low number of investigations and prosecutions of internal trafficking remained a concern. Local jurisdictions in some parts of the country, however, became increasingly active in the fight against internal trafficking. The national government's efforts to provide assistance to child trafficking victims identified in the capital decreased significantly during the year.



Recommendations for Ethiopia: 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 of Ethiopia's Penal Code to prosecute cases of labor and sex trafficking; strengthen criminal code penalties for sex trafficking, and amend Articles 597 and 635 to include a clear definition of human trafficking that explicitly covers men; appropriate funding for the deployment of labor attachés to overseas diplomatic missions in order to assist Ethiopian trafficking victims abroad; 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 legal protections for Ethiopian workers abroad to render them less vulnerable to trafficking; forge partnerships with local NGOs to increase the level of services available to trafficking victims returning from overseas, such as through the funding of either a government or NGO-run shelter; improve the productivity of the National Anti-Trafficking Task Force; launch a campaign to increase awareness of internal trafficking at the local and regional levels; and take steps to increase the availability of information on the recruitment and use of children by armed groups in the Somali Region.

Prosecution

The Ethiopian government increased its efforts to investigate and prosecute internal and sex trafficking cases during the reporting period, while continuing to punish transnational trafficking offenders. Many law enforcement entities continued to exhibit an inability to properly distinguish human trafficking from other types of crimes and lacked capacity to collect and organize relevant data. Article 635 of Ethiopia's Criminal Code (Trafficking in Women and Minors) criminalizes sex trafficking 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 if 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 Federal Police's Human Trafficking and Narcotics Section (within the Organized Crime Investigation Unit) augmented its staffing levels to 31 investigators and three supervisors during the year, resulting in increased investigations and prosecutions of transnational trafficking offenses, as well as continued improvements in data collection, statistical reporting, and cooperation with the Federal Prosecutor's office to move cases through the judicial system. This unit investigated 151 suspected cases of transnational trafficking during the reporting period; at year's end, 40 cases remained under investigation, 33 had been initiated as prosecutions in the court, and 22 were dropped due to lack of evidence. The court successfully concluded the remaining cases, securing 71 convictions primarily under Articles 598 and 571 and ordering punishments ranging from 20 months' to 12 years' imprisonment with no suspended sentences. One

case was specified as involving sex trafficking, constituting Ethiopia's first conviction for this crime. In August 2010, the Federal High Court's 11th Criminal Bench convicted an Ethiopian man under Articles 597 and 636 of trafficking three Ethiopian women to China where they were forced into prostitution, imposing a sentence of 10 years' imprisonment, a fine of \$2,400, and restitution of \$3,300 to each victim. Under Article 598(1), the court in August 2010 also convicted a woman of trafficking 13 Tigrayan girls to Addis Ababa for domestic servitude, sentencing her to six years' imprisonment for internal trafficking. At the local level, police in SNNPR arrested 12 suspected trafficking offenders and local judicial officials prosecuted and convicted all 12 under the criminal law, imposing sentences of one to three years' imprisonment. Other suspected traffickers received penalties at the local level for violating *kebele* (local administration) by-laws. During the year, the Supreme Court's Justice Professional Training Center, in partnership with an international NGO, provided 11 trainings to 593 judicial officials.

Protection

Assistance available to child trafficking victims significantly decreased in the capital during the reporting period. The January 2009 Charities and Societies Proclamation prohibits, among other things, foreign-funded NGOs from informing victims of their rights under Ethiopian law or advocating on their behalf; these restrictions had a negative impact on the ability of some NGOs to adequately provide protective services during the reporting period. As a result of the Proclamation, the joint police-NGO identification and referral units, known as Child Protection Units (CPUs), ceased formal operation in all Addis Ababa police stations in 2010. This includes the CPU at the central bus terminal that identified and obtained care for 1,134 trafficked children in 2009. In contrast with this previously 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 2010. Local police and officials in the regional administrations, however, continued to identify and assist in the return of the trafficked children to their home areas. For example, police and civil society organizations in the towns of Chenchä and Hawassa jointly rescued 135 trafficked children, and the Addis Ababa Department of Women, Children, and Youth Affairs reunited 71 trafficked children with their parents and placed 37 children in temporary foster care. The government's over-reliance on donor-funded NGOs to provide direct assistance to most trafficking victims resulted in unpredictability in the availability of adequate care in the country. Many of these facilities lack sustainability as they depend 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 2010.

Limited consular services provided to Ethiopian workers abroad continued to be a weakness in the government's

efforts. The Ethiopian consulate in Beirut reportedly provided limited victim services, including the operation of a small safe house, mediation with domestic workers' employers, and visitation of workers held in a Lebanese detention center; the shelter run by the consulate provided services to 300 women in 2010. Ethiopian embassies in Kuwait and Yemen also reportedly provide limited services, but specific information regarding these efforts was not made available. Although Ethiopian law mandates the establishment of labor attaché positions in diplomatic missions abroad, Ethiopia's parliament has not appropriated funds for the Ministry of Labor and Social Affairs (MOLSA) to establish these positions. During 2010, airport authorities and immigration officials at Bole International Airport referred 40 female victims returning from the Middle East to an NGO consortium providing shelter and services for trafficking victims; however, this shelter has been operating without funds since April 2011.

The government showed only nascent signs of engaging destination country governments in an effort to improve protections for Ethiopian workers and obtain protective services for victims. In June 2010, the government ratified a bilateral labor agreement with the Government of Kuwait that reportedly includes provisions for increased anti-trafficking law enforcement cooperation; at present, Kuwait, the United Arab Emirates, and Saudi Arabia are the only Middle Eastern countries to which the government allows the official sending of Ethiopian domestic workers. Although licensed employment agencies must place funds in escrow in the event a worker's contract is broken, the Ministry of Foreign Affairs has never used these deposits to pay for victims' transportation back to Ethiopia. In 2010, Ethiopia granted asylum to 1,383 Eritrean refugees deported from Egypt, many of whom claim to have been brutalized by Rashaida smugglers operating in the Sinai – including conditions of forced construction labor – or have fled Eritrea to escape situations of forced labor associated with the implementation of the country's national service program.

Prevention

The government sustained its efforts to prevent international trafficking during the reporting period, while regional initiatives to prevent internal child trafficking significantly increased. The Inter-Ministerial Task Force on Trafficking did not formally meet during the reporting period and approval of its national anti-trafficking action plan remains pending with the Council of Ministers. During the year, six *woredas* (districts) in SNNPR banded together to create a steering committee on human trafficking to share information and raise awareness in their respective localities. Every *kebele* in these *woredas*, as well as the *woredas* themselves, then drafted local anti-trafficking bylaws that were approved by the respective *Woreda* Council. *Woredas* reported stringent enforcement of these bylaws, with fines collected from parents caught trafficking their children 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. To reduce the demand for commercial sex acts, the SNNPR Tourism and Culture

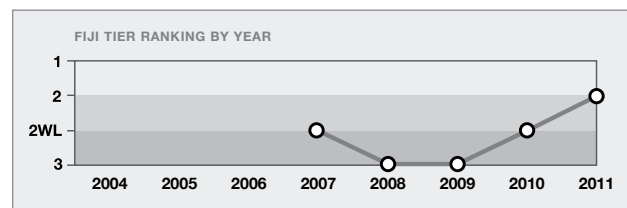
Bureau issued a tourism code of conduct in 2009 that bans facilitating or participating in sex tourism by tour operators or tourists; this code does not appear to have been implemented or enforced. The country's primary school textbooks include instruction on prevention of child labor and trafficking. In December 2010, MOLSA conducted an anti-trafficking workshop in Dessie to educate potential trafficking victims on the risks of labor migration. A second regional workshop – organized by the government and IOM – on irregular migration and human trafficking held in March 2011 targeted Oromia government officials representing seven zones and three town administrations with high prevalence of irregular migration. Both regional meetings marked follow-up initiatives from the March 2010 national anti-trafficking conference. In contrast to previous years, the ministry did not provide data regarding its provision of pre-departure orientation sessions to migrating workers on the risks of labor migration and the conditions in receiving countries, or its review and approval of contracts for overseas employment of domestic workers. The government's salutary enactment and subsequent enforcement of Employment Exchange Services Proclamation No. 632/2009, which governs the work of labor recruitment agencies, resulted in both judicially-mandated and voluntary closures of additional private employment agencies during the reporting period. This led to a significant increase in illegal, unregulated brokers to meet the demand for overseas employment. Before deploying soldiers on international peacekeeping missions, the government provided training on human rights issues, including human trafficking. Ethiopia is not a party to the 2000 UN TIP Protocol.

FIJI (Tier 2)

Fiji is a source country for children subjected to sex trafficking within the country, and a destination country for foreign men and women subjected to forced labor and forced prostitution. Family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels participate in the prostitution of Fijian children. Staff at small local hotels procure underage girls and boys for commercial sexual exploitation by foreign guests, while taxi drivers, nightclub employees, and relatives frequently act as prostitution facilitators. NGOs report caring for child victims of prostitution who claim facilitators took them to private boats anchored offshore near Fiji where they were sexually abused or raped by foreign adult men. Reports indicate that some transnational traffickers are members of Chinese organized crime groups that recruit women from China and arrange for them to enter Fiji on tourist or student visas. After their arrival, brothel owners confiscate their passports and force the women to engage in prostitution. Some Fijian children, whose families follow a traditional practice of sending children to live with and do light work for relatives or families living in cities or near schools, become trafficking victims. These children are subjected to domestic servitude or are 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 increased efforts to address human trafficking, particularly through law enforcement and victim protection means. In July 2010, the Fiji Police established a dedicated anti-trafficking police unit. Authorities drafted and approved a government-wide National Action Plan to combat trafficking. In November 2010, the Fijian government convicted one individual and sentenced him to six years' imprisonment for fraudulently recruiting seven Indian nationals for agricultural jobs in New Zealand, but instead taking them to Fiji, where they were identified by immigration officials as potential trafficking victims. Authorities provided shelter for the seven Indian men while they assisted in the investigation and prosecution, and also provided them transportation home. Nevertheless, the government has never prosecuted a case involving the internal sex trafficking of women or children in Fiji, which remains a serious problem. Authorities did not make efforts to develop formal procedures to proactively identify victims of trafficking during the year.



Recommendations for Fiji: Increase efforts to prosecute, convict, and sentence trafficking offenders under the provisions of the new Crimes Decree, in particular for internal trafficking, sex trafficking, and child trafficking, which continue to be pervasive in Fiji; increase training for law enforcement officers on victim identification and protection; make greater efforts to combat the sex trafficking of children, including through the identification of and assistance to child trafficking victims and the prosecution of their traffickers; develop and institute a formal procedure to proactively identify victims of trafficking, especially among vulnerable groups, such as prostituted or homeless children and women; make 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 in investigations; implement a visible anti-trafficking awareness campaign directed at clients of child prostitution; and make robust efforts to identify and prosecute Fijian residents, foreign visitors, and travel industry personnel involved in child sex trafficking and child sex tourism.

Prosecution

The Government of Fiji increased its anti-trafficking law enforcement efforts during the year. The government's 2010 Crimes Decree includes comprehensive anti-trafficking provisions that filled anti-trafficking gaps in the Immigration Act of 2003, which prohibited transnational human trafficking. The prescribed penalties of up to 25 years' imprisonment and in some cases fines of over \$400,000 under the new Crimes Decree are sufficiently

stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In November 2010, the government convicted one Indian national for fraudulently recruiting and taking fees from seven Indian nationals for agricultural jobs in New Zealand, but instead took the men to Fiji. Upon their arrival in Fiji, they were identified by immigration officials as potential trafficking victims. The offender was sentenced to six years' imprisonment. In July 2010, the government established a dedicated anti-trafficking police unit. Nevertheless, the government did not report investigating or prosecuting any other trafficking cases during the year. The government has never prosecuted or convicted perpetrators of internal trafficking, sex trafficking, or child trafficking – forms of trafficking that are pervasive in Fiji. Many government agencies and offices that should be addressing trafficking issues lack awareness about trafficking. During the year, the government partnered with an NGO and a foreign donor to train officials on human trafficking. The Fijian government did not report any investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking.

Protection

The Government of Fiji made some efforts to identify and protect trafficking victims during the reporting period. The government did not provide, directly or indirectly, any victim care facilities specifically for trafficking victims, and continued to rely on NGOs and international organizations to provide most protective services to victims. Authorities operated a safe house for victims of crime, which was used during the year to assist the seven Indian nationals involved in the government's one trafficking prosecution. The seven individuals were provided temporary visas to remain in Fiji while they assisted the government in a criminal investigation and prosecution, but were not offered work visas. Authorities assisted with transportation to their home country after the conclusion of the trial. The government did not offer any trafficking victim long-term shelter, extended stay or permanent residency status, any other long-term rehabilitation or assistance, or assistance in obtaining any form of financial restitution. Additionally, the government did not provide trafficking victims with access to legal, medical, or psychological services. Although the Department of Public Prosecution has a policy that all trafficking victims arrested by police should be transferred to the anti-trafficking unit to receive assistance and all charges directly related to their trafficking should be dropped, this policy was not consistently implemented, and there has been at least one instance where trafficking victims were temporarily detained in prison by authorities. While authorities increased efforts to identify trafficking cases, victim screening and identification remained inadequate. In February 2010, the government arrested and deported seven Chinese women for prostitution offenses without investigating whether they may have been victims of trafficking. NGOs report identifying and assisting 16 Fijian female trafficking victims during the year, none of whom were identified or assisted by authorities. There is currently no systematic approach to victim identification. 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.

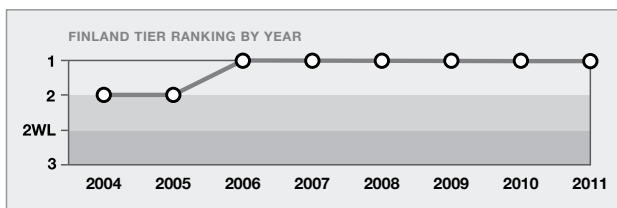
Prevention

The Government of Fiji made limited trafficking prevention efforts during the year, including efforts to raise public awareness about human trafficking. The government drafted and released a national action plan to eradicate trafficking in persons in February 2011. Authorities did not conduct any anti-trafficking information or education campaigns during the reporting period, but worked with the media to raise awareness of trafficking. The government sustained a partnership with an NGO to raise awareness of trafficking through a poster campaign at police stations, airports, and other locations. The government did not make efforts to address the demand for commercial sex acts, such as a visible anti-trafficking awareness campaign directed at clients of children in commercial sexual exploitation. The Fijian government provides anti-trafficking training to its military forces 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 transit and destination 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, the Baltic countries, the Caucasus, Asia, Africa, Central Eastern Europe, and the Caribbean; forced labor victims come primarily from India, China, Thailand, Pakistan, and Bangladesh. Forced labor victims are exploited in the construction industry, restaurants, agriculture, in berry picking fields, and as cleaners and domestic servants. There were indications that forced begging was also a problem during the reporting period. There were reports that migrants who had voluntarily traveled to Finland were coerced to work long hours for minimal wages through threats of violence and other means of control; Finnish authorities believed there were likely small numbers of trafficked workers in most major Finnish cities. The Finnish National Rapporteur on Trafficking in Human Beings and NGOs suspected *au pairs*, foreign students, and asylum seekers were vulnerable to trafficking. Some Finnish teenagers reportedly are exploited in prostitution.

The Government of Finland fully complies with the minimum standards for the elimination of trafficking. The government increased the number of trafficking cases investigated under Finland's trafficking statute. The Finnish national rapporteur published her first report, an exemplary and comprehensive critical assessment that offered the government concrete guidance on improving its counter-trafficking policies. Although some continued to report that the government required excessive evidence for victim certification, thereby obstructing victim care and prosecutions, the government increased the number of trafficking victims identified during the year. It also cared for trafficking victims in mixed-use shelters, which put trafficking victims at risk of being re-victimized. In the coming year, the government should continue to dedicate efforts to identify more victims of trafficking, and investigate and prosecute more cases under the trafficking statute.



Recommendations for Finland: Encourage prosecutors to make 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; ensure traffickers receive sentences commensurate with the gravity of the crime committed; 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 all actors in the criminal justice system and first-responders understand the system of victim protection; 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 developing a unified set of trafficking indicators to encourage consistency and coherence in trafficking identification; 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; ensure that male victims of trafficking, particularly victims of labor trafficking, are offered equivalent services as female victims of trafficking; continue to offer victim identification and referral training to judges, labor inspectors, and other officials with investigative authority; 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 modestly improved its law enforcement efforts during the reporting period, investigating more cases using Finland's trafficking statute, although the majority of trafficking cases were still prosecuted under other laws and conviction rates remained low. 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 criminal statutes which prescribe lower penalties, such as pandering, continued to be used frequently to prosecute sex trafficking offenders. In 2010, the Government of Finland reported initiating 11 trafficking investigations under the trafficking statute, including four sex trafficking investigations and seven labor trafficking investigations. The government investigated 60 alleged trafficking offenses using other statutes, including the statutes for usury and aggravated pandering. In 2009, the government reported investigating 59 cases of human trafficking. The government prosecuted at least seven trafficking offenders for trafficking in persons during the reporting period, including two offenders under the trafficking statute. This represented a modest increase from

2009, in which authorities prosecuted at least five people for sex trafficking offenses and two for labor trafficking. In 2010, the government convicted at least seven trafficking offenders, though none of the convictions relied on the trafficking statute. In 2009, two people were convicted for trafficking offenses. This year, each offender was sentenced to approximately three years in prison; there were no reports of suspended sentences. In 2009, sentences ranged from 1.5 to 5.5 years in prison. The Finnish national rapporteur reported that the failure to investigate certain cases as trafficking cases rendered problems for victim care and victim rights in the trial process; in cases not investigated and prosecuted as trafficking cases, victims did not have the same rights and benefits during investigations. The rapporteur also concluded that investigators and prosecutors sought excessive evidence for initiating trafficking prosecutions, in part by placing heavy emphasis on the lack of victim consent during the initial recruitment stage; there was evidence of coercion in several pandering cases not classified as trafficking cases. The Finnish government provided several anti-trafficking trainings for its officials to enhance victim identification and prosecutions. The National Bureau of Investigation and the Ministry of Justice conducted five training sessions over the course of 2010 and early 2011 that educated 200-300 reporters, law enforcement personnel, government officials, and NGO staff on trafficking in persons. This program has been formalized in advanced training that is now offered at the Police College of Finland, in addition to anti-trafficking training offered during basic police training.

Protection

The government's victim protection efforts improved in 2010, as the government identified and assisted more victims than in prior years. The government fully funded victim protection efforts for trafficking victims, whether foreign or domestic. 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 were also empowered to unilaterally 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 national rapporteur claimed that the mixed population and lack of specialized care in reception centers posed risks for the re-victimization of trafficking victims, particularly victims of sex trafficking. In 2010, the government asylum reception centers reported that they spent \$769,835 on the care of trafficking victims. During the reporting period, the Government of Finland approved permanent annual anti-trafficking funding to one Finnish NGO that functions as an umbrella organization for ethnic minority women. Officials identified 52 victims during the reporting period, an increase from 13 victims identified in 2009. Nevertheless, both NGOs and the National Rapporteur reported that the system of victim protection was not clear to all actors in the system, impeding effective victim protection. Although police and border guard officials used a series of written guidelines on victim referral and treatment developed by the Finnish Immigration Service to proactively identify

victims of trafficking, other stakeholders used different trafficking indicators, leading to confusion in victim identification. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. Under the Act on Compensation for Crime Damage, victims of crime were entitled to receive government compensation for personal injury, damage to property, or other financial loss caused by a crime. However, an international organization concluded that safety procedures for victims of trafficking were unevenly employed during trial. 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. Victims of trafficking wishing to stay longer than six months were eligible to apply for an extended residence permit or asylum as an alternative to deportation, including a permit on compassionate grounds if they feared threats in their home country. The government granted a residence permit to one trafficking victim during the reporting period. Although the government made some effort to ensure identified victims were not penalized for unlawful acts committed as a direct result of being trafficked, the National Rapporteur documented cases in which potential victims of trafficking apprehended at the border had been sentenced to conditional imprisonment for immigration offenses or forgery at the border.

Prevention

The government continued increasing its efforts to prevent human trafficking, particularly by establishing and empowering its national rapporteur. The Finnish government produced and distributed pamphlets about human trafficking and victims' rights to vulnerable groups, such as persons in prostitution. Nevertheless, there were no reports that the government engaged in robust prevention or awareness-raising activities on labor trafficking. The government organized its anti-trafficking activities through its interagency National Steering Group. The national anti-trafficking rapporteur, an independent entity within the government, continued its extensive analysis of the government's anti-trafficking efforts and advocated for specific changes through its public report; this office encouraged self-critical policy examination and positive momentum in the government's anti-trafficking policy. To prevent child sex tourism, the government also distributed brochures at a travel show to thousands of Finnish citizens, highlighting the damage child sex tourism causes to children. The government continued to provide assistance to other governments for counter-trafficking programs. For example, the government provided approximately \$200,000 to combat human trafficking in Southern Africa. The Finnish government provided anti-trafficking training to all forces prior to their deployment abroad on international peacekeeping missions.

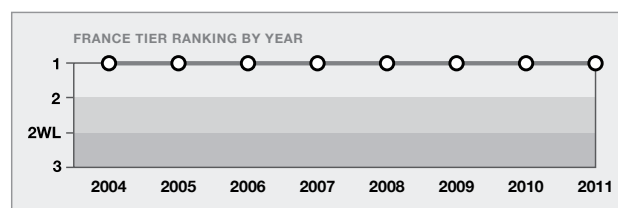
FRANCE (Tier 1)

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, 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 involve a limited number of diplomats or members of Middle Eastern royal families. The Government of France estimates that the majority of the 20,000 people in France's commercial sex trade, about 80 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. Romani and other unaccompanied minors in France continued to be vulnerable to forced begging and forced theft.

Women and children from Brazil were subjected to forced labor and sex trafficking in the French overseas territory of French Guiana. There were also reports that Chinese laborers may have been forced to work in French Guiana.

The Government of France fully complies with the minimum standards for the elimination of trafficking. The government published the first study on its own anti-trafficking policies and put structures in place for more robust national coordination. The government offered victim assistance to trafficking victims throughout the country, though almost always with conditions of the victims' participation in law enforcement investigations and sometimes at the victims' financial expense. The government did not officially collect victim referral data. The government increased the number of cases investigated and prosecuted under the trafficking statute, although the numbers still remained low. NGOs and government officials reported that first responders needed to strengthen their proactive victim identification.



Recommendations for France: Increase implementation of France's anti-trafficking statute; increase anti-trafficking training for prosecutors and judges; 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; 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; enhance collection and compilation of law enforcement and victim assistance data, including a breakdown of types of involuntary servitude and prosecutions for forced labor; ensure that actions taken in the name of trafficking prevention do not serve to stigmatize an entire group; 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; and report on assistance provided to identified victims of trafficking in mainland France and in French Guiana.

Prosecution

The Government of France continued to improve its anti-trafficking law enforcement efforts during the reporting period, although the majority of trafficking offenses were still charged under non-trafficking statutes. The government began the first stages of implementing the policy specified in a Ministry of Justice circular, urging prosecutors to use the trafficking statute more frequently, even when those cases otherwise could be charged as pimping, exploitation of begging, or under labor 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 aggravated trafficking offenses. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Data challenges continued; a government report recommended an annual inventory of trafficking cases investigated and prosecuted. Currently available data reflect the investigation and prosecution of at least 45 suspected trafficking offenders under Article 225-4 in 2009, compared with 16 suspected offenders prosecuted in 2008. In 2009, the most recent year for which comprehensive data was available, French authorities convicted at least three trafficking offenders charged under Article 225-4-2, an aggravated trafficking section, compared with convictions in three cases in 2008. The government also convicted 17 offenders for the prostitution of children in 2009, down from 19 convictions for the prostitution of children in 2008. French officials continued to rely largely on anti-pimping provisions of the country's penal code to prosecute suspected sex trafficking offenses. The government reported 498 convictions under its anti-pimping statute in 2009; approximately 16 percent of the original arrests were for trafficking-specific offenses. In 2008, the government convicted approximately 500 offenders under the anti-pimping statute, although it is unclear how many of these convictions were for underlying trafficking offenses. In 2009, the majority of trafficking offenders were sentenced to between two and 10 years in prison. Initial reports of 2010 data show longer prison terms for trafficking offenders in aggravated cases. In 2010, in a case involving the trafficking of a French victim, French authorities sentenced two trafficking offenders to terms of 30 years' imprisonment, and 10 other trafficking offenders to terms between two and 25 years' imprisonment. Prosecutions were still predicated on a victim's formal complaint; a government report recommended dropping that requirement. Although the government reported that

it provided some training to judges and prosecutors, NGO representatives reported that French magistrates had a low understanding of human trafficking offenses. NGOs also reported that the police and the judiciary did not always respect the confidentiality of trafficked persons. At times, the police held interviews of trafficking victims in open places and the judiciary rarely used available safety procedures, such as video testimony, when victims participated in trial. French law enforcement authorities collaborated with several governments to investigate human trafficking cases, including the Governments of Spain, Italy, and Belgium. During 2010, the Government of Suriname sent a letter to the French Embassy in Suriname, to inform them of an indictment in a trafficking case in which a French consular officer was allegedly complicit. The French government referred the case for internal investigation.

Protection

The government sustained its victim protection efforts during the reporting period. The national government and City of Paris sustained partnerships with NGOs in order to provide trafficking victims with a network of services, including protection in 49 shelters, during the reporting period. The shelter system was open to adult victims facing immediate danger or highly vulnerable circumstances. The network of shelters received 64 requests for victim assistance and assisted 50 female victims of trafficking, most of whom were Nigerian. French authorities did not report overall funding allocations to NGOs for victims of trafficking. However, the government provided at least \$254,000 to the network of shelters for victim assistance in 2010 as well as additional, separate grants to individual shelters in the network; the City of Paris contributed a further \$28,000 for the shelters. Although there were no facilities specifically dedicated to the care of child victims of trafficking, child protective services identified 20 child victims of trafficking and referred them to multi-purpose children's shelters. The government reported that police identified 688 trafficking victims in 2010; this was a decrease from 2009, during which it identified 799 trafficking victims. The government did not report the number of victims it referred to care. One NGO that worked primarily with victims of domestic servitude reported caring for 126 such victims this reporting period. Nevertheless, a government report on trafficking concluded that first-responders, including those in embassies, state agencies, and hospitals, needed to adopt a more proactive approach to identifying victims of trafficking. The Government of France had no formal referral mechanism for victims of trafficking, though provisions for such victim referral exist in the trafficking statute. Although the government has directed the police to inform all identified trafficking victims of their rights, NGOs observed that this was rarely done in practice. Victims of trafficking were required to pay approximately \$400 for permits for six months' or one year's temporary residency, conditioned on their filing a formal complaint against their exploiters. These permits were available during the duration of the criminal process and automatically become permanent upon an offender's conviction. French authorities reported that at least 83 temporary residence permits were granted during 2010. The government issued a circular granting local prefects the discretion to grant permanent residency

in cases in which the defendant was not convicted, the victim speaks French, and the victim has found employment; no such permanent residency was granted during the reporting period. With the exception of a 30-day reflection period for identified victims, the granting of all residency permits was conditional on victims' cooperation with the police. Moreover, NGOs reported that government authorities offered the 30-day reflection period inconsistently. There were no reports that identified trafficking victims were penalized for crimes committed as a direct result of their being trafficked.

Prevention

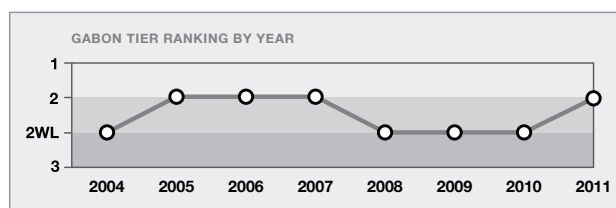
The government improved its prevention efforts during the reporting period. In 2010, the government established an inter-ministerial anti-trafficking working group with the participation of government officials and NGOs. The group drafted the country's first National Action Plan for 2011-2013, though the plan was not approved during the reporting period. A government agency published a study on trafficking in France, including a critical assessment of the prosecution system. During the reporting period, the government took steps toward establishing unprecedented central coordination by designating the Ministry of Justice to collect and compile anti-trafficking data. The government funded the publication of a pamphlet to inform the public about human trafficking and to explain how to assist a trafficking victim. The government produced a DVD in multiple languages to help victims of trafficking self-identify. The French Ministry of Foreign Affairs had a mechanism to detect domestic servitude and to protect domestic servants of diplomatic officials stationed in France. Among other measures, the government requires the diplomatic officials to conform domestic work contracts to French labor law, to disclose the terms of the contracts, and to allow the domestic servant to come regularly to the Ministry of Foreign Affairs for interviews outside of the presence of the employer. The government continued its strong prevention and prosecution efforts to combat child sex tourism. In September and November, French authorities sentenced two French citizens for child sex tourism crimes in Nepal and Thailand, sentencing them to 10 and 15 years in prison. The government funded NGOs to produce posters and pamphlets to reduce the demand for child prostitution and child sex tourism. The government dissolved Romani camps in France, justifying the action, in part, on preventing trafficking in persons, but it was unclear that the action had any tangible connection to or impact on trafficking in persons. 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 conditions of

domestic servitude and forced labor in markets or roadside restaurants. Increased coastal surveillance, especially following the October 2009 arrival of the M/S Sharon carrying 34 child trafficking victims, reportedly caused traffickers to change their routes to estuaries and rivers when transporting children. The majority of victims aboard the M/S Sharon were young girls, a departure from previous patterns of trafficking in the region. Traffickers appear to operate in loose ethnic-based crime networks. Most child traffickers are women, who serve as intermediaries in their countries of origin. In some cases, child victims report that their families had turned them over to intermediaries promising employment opportunities in Gabon. There is also evidence that some traffickers have moved their operations to Lambarene to avoid detection in Libreville, as well as of the involvement of Nigerian syndicates in bringing trafficking victims into Gabon. West Africans between the ages of 18 and 25 are forced into domestic servitude 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 showed a marked improvement in its anti-trafficking performance, particularly by investigating trafficking in Libreville and Port Gentil, rescuing and protecting an unprecedented number of victims during the reporting period, and initiating the prosecutions of several cases. Nonetheless, it produced no convictions during in 2010. The government continued to provide care to child trafficking victims through government-funded and government-run shelters. The Ministry of Foreign Affairs and the Inter-Ministerial Committee also sent delegations to source countries and worked with foreign embassies in Libreville to address victims' needs and raise awareness.



Recommendations for Gabon: Increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders by allocating resources to convene the High Court; enact provisions prohibiting the trafficking of adults; continue to strengthen cooperation between law enforcement, immigration, and gendarmerie to jointly address trafficking cases; and develop a system to track trafficking cases and provide relevant law enforcement and victim protection statistics.

Prosecution

The Government of Gabon demonstrated clear improvement in its anti-trafficking law enforcement efforts during the reporting period. Existing laws do not prohibit all forms of human trafficking. 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 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 procuring of a child for the purpose of prostitution and prescribes two to five years' imprisonment and a fine, a penalty that is sufficiently stringent. 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. Title 1, Article 4 of the Gabonese labor code (Law Number 3/94) criminalizes all forms of forced labor, prescribing penalties of one to six months' imprisonment, with possible fines of \$700 to \$1400, which are not sufficiently stringent. 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 has not met in three years, presenting a significant obstacle to prosecutions of trafficking crimes. During the reporting period, several ministries put forth a proposal to the Council of Ministers to change the court venue for the hearing of trafficking cases to a lower court; internal discussion continues on this and other approaches to address this obstacle.

Despite the arrest of over 68 suspected trafficking offenders between 2003 and 2010, there have been no convictions under the 2004 child trafficking act, though the government investigated trafficking offenders for potential prosecution under this law in December 2010. The government requested INTERPOL assistance in a joint operation, dubbed "Operation Bana," that resulted in the identification and rescue of 20 child labor trafficking victims from markets and the arrest of 38 alleged trafficking offenders. The three magistrates and three investigative prosecutors overseeing the operation began preparing 17 cases, involving 20 victims, for trial under Laws 09/04, while the suspected trafficking offenders remain in jail. Families of victims who were found not to be sending their children to school are facing fines. During Operation Bana, the Gabonese government worked with UNICEF, as well as government ministries and security services in the countries of origin, to verify documents and the identities of trafficking victims and suspected offenders. In advance of the operation, Gabon's police chief, in cooperation with INTERPOL, led three days of training for 133 law enforcement, social service and judicial officials, magistrates, and NGOs. The government co-hosted with a foreign government, as well as provided the venue and food, for a training on trafficking victim identification and care for 160 police, gendarmerie, immigration, and other government officials in March 2010.

Protection

The Government of Gabon improved on past efforts to ensure that victims of trafficking received access to necessary protective services during the reporting period. It provided 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 in-kind donations and financial and service support, including social workers. Following Operation Bana, the government specifically assigned social workers to the two Libreville-based NGO shelters to care for the rescued children; the government shelter had a social worker on staff. During the operation, authorities recovered 142 children; 24 were released to their families and the remaining 118 were placed in the three shelters in Libreville. Authorities identified 20 of these children as trafficking victims and continued to provide them with assistance. Following the operation, however, government social workers expressed concern that some of the children released to parents appeared back in the markets. An NGO in Port Gentil provided assistance to 12 victims with the support of government social services personnel; thus, during the reporting period, a total of 130 suspected child trafficking victims were accommodated in the government- and NGO-run shelters. Working with officials in the countries of origin, the government coordinated the repatriation of 16 victims. During the reporting period, the Inter-Ministerial Committee (IMC) distributed the government's National Procedural Manual for Assisting Trafficking Victims to all relevant ministries, vigilance committees, NGOs, and foreign embassies. The IMC provided specialized training on the manual for social workers. The government could shelter adult victims in transit centers, though none were identified during the reporting period.

Government personnel employed procedures to identify victims of trafficking among vulnerable groups, such as migrant children, and referred them systematically to government or NGO shelters. Security forces routinely took testimony at the time of arrest of the trafficker or recovery of the victim and prosecutors, with social workers present, had access to the children at shelters for follow up questions. The government reported it could provide temporary residency for trafficking victims; if repatriation or resettlement is not an option, the Ministry of Social Affairs could normalize victims' immigration status and places them in a community in Gabon; such provisions were not provided during the reporting period, as victims were repatriated or remained in shelters as their cases were under investigation.

Following Operation Bana, the Ministry of Foreign Affairs called together the ambassadors of the source countries of the suspected victims to share information, invite them to visit the children, and play a role in their repatriation. In December 2010, six members of Gabon's Inter-Ministerial Committee traveled to Mali, Benin, and Togo to meet with the foreign and social affairs ministries, as well as judicial officials, to share information on anti-trafficking efforts and begin finalizing formal bilateral partnerships on victim repatriation. Benin and Gabon already have in place bilateral procedures to facilitate the repatriation of victims.

Prevention

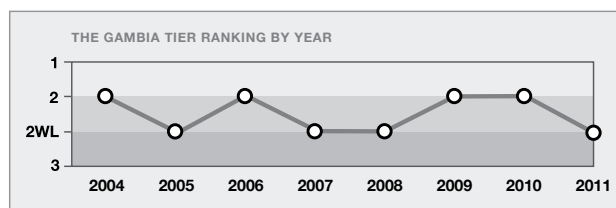
The Gabonese government made strong efforts to prevent human trafficking over the last year. The IMC, created by Law 09/04 and under the direction of the Ministry of Labor, conducted a "door-to-door" public awareness campaign

in Libreville, in cooperation with UNICEF. In Lambarene, the committee coordinated an awareness campaign that targeted market women and ordinary citizens who might employ child domestics, and in November 2010, stood up a local vigilance committee. Vigilance committees in five regional capitals, four of which were launched during the reporting period in an effort to implement the National Action Plan, focused on combating trafficking in persons and child labor. In December, the government launched a billboard campaign “Be Vigilant” to target those who might exploit trafficking victims. During Operation Bana, magistrates manned telephone lines to guide in the rescue. The Ministry of Labor trained 72 labor inspectors on monitoring informal sector labor, including in markets, car repair shops, workshops, and homes, to look for evidence of child labor and trafficking. The government formed an anti-sex trafficking task force to prepare for the 2012 Africa Cup of Nations Soccer Tournament, which will be co-hosted by Gabon and Equatorial Guinea. In September 2010, Gabon ratified the 2000 UN TIP Protocol.

THE GAMBIA (Tier 2 Watch List)

The Gambia is a source, transit, and destination country for children and women subjected 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. In the past, boys attending Koranic schools run by teachers known as *marabouts* were often forced to beg in the streets, but the Government of The Gambia reports that an increasing number of *marabouts* now force children into street vending, where they are more difficult to identify. Women, girls, and boys from West African countries – mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea Bissau, and Benin – are recruited for exploitation in the sex trade 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, though none have been uncovered. There are reports that Europe-bound smuggling operations transiting Cape Verde and the Canary Islands using fishing boat include trafficking victims, but these reports may be based on a failure to distinguish human trafficking from the separate crime of migrant smuggling.

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 increasing efforts to address human trafficking over the previous year; therefore, The Gambia is placed on Tier 2 Watch List. The Gambian government failed to use its adequate anti-trafficking legal framework to investigate or prosecute any suspected trafficking cases during the reporting period. While it began to designate staff to serve on the National Agency Against Trafficking in Persons, it did not complete efforts to bring this agency into formal existence, as mandated by a 2007 law. The government claimed to monitor boys in street vending and unaccompanied girls in resorts known to be destinations of sex tourists, though it did not identify or provide protective services to any victims among these populations.



Recommendations for The Gambia: Distinguishing between human trafficking and migrant smuggling, increase efforts to investigate and prosecute trafficking offenses; train law enforcement personnel to distinguish trafficking from smuggling and to identify trafficking victims 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; institute trafficking awareness trainings for diplomats posted abroad; complete the formal establishment of the National Agency Against Trafficking in Persons and continue to allocate sufficient resources to operate it; begin to take measures to decrease the demand for commercial sex acts, specifically those committed by sex tourists; and increase efforts to raise public awareness about the dangers of trafficking.

Prosecution

The Government of The Gambia's anti-trafficking law enforcement efforts decreased during the reporting period. The Gambia prohibits all forms of trafficking through its October 2007 Trafficking in Persons Act, and in October 2010, The Gambian National Assembly approved an amendment to increase 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, and the 2003 Tourism Offenses Act explicitly prohibits child sex trafficking, prescribing a penalty of 10 years' imprisonment. The government failed to convict any trafficking offenders during the year, though it reported initiating a prosecution of a *marabout* arrested in March 2011 for transporting boys to Senegal for forced begging. Authorities often conflated trafficking with migrant smuggling. No law enforcement officials were investigated, prosecuted, or convicted for involvement in human trafficking, although an international organization reported suspicions that an official of The Gambian Embassy in Mauritania 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. Although it claimed to monitor the activities of children in Koranic schools who were forced into street vending, it did not rescue or provide services to any victims of forced street vending. The government repatriated seven Gambian children who had been found on the streets in Senegal, but made no efforts to determine whether they were victims

of trafficking. In March 2011, the Department of Social Welfare repatriated 20 children who had been forced to beg in Senegal and provided them with protective services. The government operated a 24-hour hotline and allocated approximately \$11,500 toward running a shelter and drop-in center that were available to trafficking victims; six boys who were victims of child sex tourism and 20 children repatriated from Senegal received medical screening and counseling at the shelter before being returned to their families. The Department of Social Welfare continued to maintain an electronic child protection database, which includes information on trafficking cases. No victims assisted in the investigation of trafficking offenses, but six boys served as witnesses in the trial of a suspected child sex tourist. The Trafficking in Persons Act allowed foreign victims to obtain temporary residence visas for the duration of legal proceedings, though the government did not offer long-term legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. It is not known whether any victims were detained, fined, or jailed for unlawful acts committed as a result of being trafficked. Police conducted raids of brothels and detained or deported individuals in prostitution without employing efforts to identify trafficking victims among the population. The government provided staff to assist an NGO in conducting two three-day anti-trafficking training seminars for law enforcement officers and stakeholders in the tourism industry.

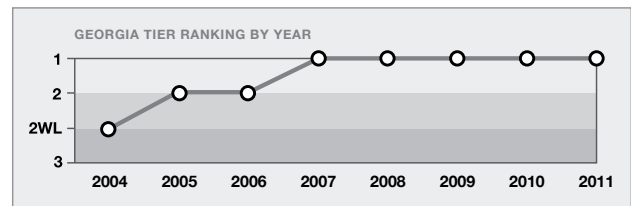
Prevention

The government made limited efforts to prevent trafficking during the year. The Department of Social Welfare reports rescuing 19 street children who were at risk of being trafficked, and with assistance from an international NGO, repatriating 14 of these children to Mali, Guinea, Senegal, and Mauritania. Child sex tourism was a problem in The Gambia. The Tourism Security Unit (TSU) and The Gambia Tourism Authority claimed it compiled a list of suspected pedophiles and traffickers, though only one was identified during the year, a child sex tourist from Norway arrested in December 2010 for sexually exploiting six boys. 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 traffickers. Members of the National Task Force for Combating Trafficking in Persons, which the government disbanded during the previous reporting year, continued to informally share information among themselves, but did not report taking any additional action. The Ministry of Justice began to recruit staff for the newly forming National Agency Against Trafficking in Persons, mandated by the 2007 Trafficking in Persons Act; a new Board of Directors was appointed in January 2011 and met twice since that time. The Agency has not yet entered into formal existence, and the government did not release the approximately \$36,000 it budgeted for it during the previous year; this amount has been re-allocated for 2011. The government provided anti-trafficking training to Gambian troops before their deployment abroad on international peacekeeping missions.

GEORGIA (Tier 1)

Georgia is primarily a source country and, to a lesser extent, a transit and destination country for women and girls subjected to sex trafficking, and for men and women subjected to conditions of forced labor. In 2010, women and girls from Georgia were subjected to sex trafficking within the country and also in Turkey and Egypt. In recent years, cases of forced prostitution of Georgian victims were also documented in the United Arab Emirates, Greece, Russia, Germany, and Austria. Men and women are subjected to conditions of forced labor within Georgia and also in Libya, Egypt, and Turkey. In recent years there were reports of Turkish men forced to labor in the separatist region of Abkhazia, which was outside of the central government's control.

The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. The government continued its training and awareness programs, ensuring that all police officers and border guards receive specialized anti-trafficking training. The government continued to fully fund two government shelters and conduct numerous prevention campaigns. However, the total number of prosecutions and convictions decreased significantly in 2010 and fewer victims were identified than in 2009.



Recommendation for Georgia: Increase efforts to investigate, prosecute, and convict both labor and sex trafficking offenders; increase efforts to identify and refer victims for assistance; continue strong funding for victim assistance programs; continue to ensure that victims are not fined or otherwise penalized for unlawful acts committed as a direct result of being trafficked; maintain and strengthen cross-border cooperation between law enforcement bodies; improve training of consular officers in trafficking destination countries in victims' assistance; continue to proactively screen for victims at border points and increase efforts to identify victims at the border; and focus training efforts on making these officers a more active part of the referral process.

Prosecution

The Government of Georgia continued law enforcement efforts to combat human trafficking 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 for other serious crimes, such as rape. In 2010, the government initiated 11 trafficking investigations of 18 individuals, compared with 12 investigations of 33 individuals initiated in 2009;

10 of those investigations initiated in 2010 were still in progress at the end of the reporting period. Authorities prosecuted five individuals for trafficking – including one individual for forced labor – compared with 40 individuals prosecuted for trafficking in 2009. One trafficking offender was convicted in 2010, a significant decrease from the conviction of 37 offenders in 2009. The trafficking conviction resulted in a sentence of 16 years' imprisonment. The government did not report any investigations, prosecutions, convictions, or sentences of public officials for trafficking complicity; NGOs and the government did not report any allegations of such complicity during the year. The government provided training to all Georgian police and immigration officials through its police academy curriculum on identifying and assisting victims of trafficking. The Prosecution Service conducted four training sessions on investigative techniques, identification of victims, and cooperation with the victim service providers for 163 prosecutors. In cooperation with NGOs and international organizations, the government organized or facilitated anti-trafficking training for 503 consular officers, police, judges, and lawyers. Georgian officials participated in dialogues and trainings with international counterparts through programs funded by international sources.

Protection

The Government of Georgia demonstrated sustained efforts to identify and protect victims of trafficking during the year. The government continued to implement a formal mechanism for its officials to identify victims and refer them to organizations providing assistance. Through this mechanism, government officials and NGOs identified and assisted 19 victims in 2010, a decrease from 48 trafficking victims identified in 2009. The government provided two victims with one-time payments of \$650 in 2010; the government received no applications for payments in 2009. The government allocated \$127,000 for two fully-funded government-run shelters for trafficking victims. These shelters provided medical aid, psychological counseling, and legal assistance to nine victims of trafficking in 2010, compared with 15 victims sheltered and assisted in 2009. Victim assistance was not contingent upon cooperation with law enforcement. The Government of Georgia 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, though no foreign victims received a residence permit in 2010. The government fully funded the repatriation of two foreign victims during the reporting period and cooperated with IOM in the repatriation from Egypt of six Georgian victims of trafficking. Victims were encouraged to assist law enforcement with trafficking investigations and prosecutions; all 19 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. Although the Government of Georgia cooperated closely with NGOs, it did not provide any funding or in-kind assistance to anti-trafficking NGOs for victim identification or protection services during the reporting period.

Prevention

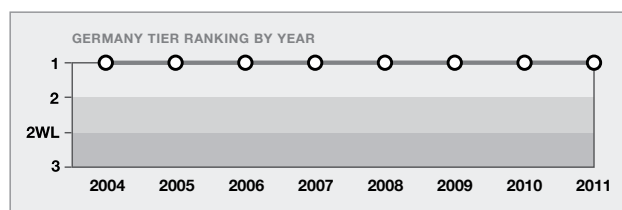
Georgia increased its trafficking prevention efforts during the reporting period. The government conducted several trafficking prevention campaigns, including distributing 29,000 informational pamphlets in all 11 regions of the country. The government also introduced a mandatory trafficking course for law students, produced and aired a trafficking awareness public service announcement, and organized a televised conference on trafficking for university students throughout Georgia. With assistance from international donors, the government provided 612 high school teachers with trafficking prevention training. During the reporting period, the government conducted two-day training sessions for 102 journalists on anti-trafficking issues. Billboards, produced in partnership with an NGO, advertised a government-operated hotline for victims of trafficking in persons. The government-funded hotline received 69 calls in 2010. The government partnered with NGOs to produce seven anti-trafficking radio programs, educate over 320 children in care of the state on human trafficking prevention, and develop and pilot a trafficking education program for Georgian secondary school children. The government demonstrated efforts to reduce the demand for both commercial sex acts and forced labor by informing the public of Georgia's law that punishes "clients" who exploit trafficking victims through television ads and media interviews given by government officials.

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 25 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 identified sex trafficking victims have been exploited in bars, brothels, and apartments – approximately 45 percent of identified sex trafficking victims reported that they had agreed initially to engage in prostitution. 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.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. The government sustained strong efforts in investigating and prosecuting trafficking offenders. The government continued to fund NGOs that provided a full range of services to trafficking victims. The government also reported an increase in the number of trafficking victims proactively identified by authorities. During the year, it also commissioned several studies on human trafficking to examine and improve its response to the problem. Available statistics, however, indicate the majority of convicted labor and sex trafficking offenders were not required to serve time in prison, raising concerns that punishments were

inadequate to deter traffickers or did not reflect the heinous nature of the offense.



Recommendations for Germany: Explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of the crime committed; vigorously investigate, prosecute, and convict labor trafficking offenders; consider granting residence permits 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 Germany's efforts to punish traffickers, protect victims, prevent trafficking, and to ensure full reporting of statistics of trafficking prosecutions; 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 includes all convictions for trafficking in persons.

Prosecution

The Government of Germany sustained progress in investigating and prosecuting trafficking offenses, despite a continuing problem with courts assigning suspended sentences to convicted offenders. In 2009, according to the statistics reported by German authorities, the overwhelming majority of convicted labor and sex trafficking offenders again avoided sentences to non-suspended prison terms. This practice emerged, however, from a general rule allowing assigned prison terms lower than two years to be suspended, in particular for first time offenders. According to the statistics provided, the sentencing practice resulted in functional impunity for the majority of trafficking offenders. Germany prohibits all forms of trafficking; sex trafficking is criminalized under Section 232 of its penal code, and forced labor is criminalized under Section 233. Prescribed punishments 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 2009, the last year for which statistics were available, the German state and federal authorities completed 534 investigations, an 11 percent increase from 482 investigations in 2008. The

German authorities prosecuted 189 alleged offenders for sex trafficking offenses. This was a slight increase from 2008, in which the government prosecuted 173 alleged offenders. Of those alleged offenders, 135 were convicted, approximately the same as 2008, in which 138 offenders were convicted, but only 33 — 24.4 percent — received any real jail time. In 2008, 28.9 percent of convicted sex trafficking offenders received non-suspended jail terms. Prison sentences for the remaining 33 offenders reached a maximum of five years. German authorities prosecuted 15 alleged labor trafficking offenders in 2009, a 40 percent decrease from 25 labor trafficking offenders prosecuted in 2008. Of the 15 labor trafficking offenders prosecuted, 10 were convicted, but none were given sentences of imposed imprisonment. Studies of labor trafficking concluded that labor trafficking cases were under-identified and rarely prosecuted, despite increasing attention and awareness about labor trafficking. German officials reported that securing victim testimony remained a challenge for prosecutions. Poor or withdrawn victim testimony impaired trials and may have contributed to the high rate of suspended sentences by resulting in lower initial sentences. Outreach to victims of certain minority groups remained a challenge for authorities.

The German federal and state police used sophisticated methods to investigate trafficking, including coordinated raids by more than 100 police stations in 13 German states over a two-day period in February. The federal criminal police also had a counter-trafficking office that coordinated international trafficking investigations; the government cooperated closely with several governments, including Romania, Bulgaria, and Poland, to investigate trafficking cases. The government, in partnership with NGOs, continued to provide a range of specialized anti-trafficking trainings to judges, prosecutors, and police, both on basic anti-trafficking topics and emerging challenges. For example, the German federal criminal police provided a series of seminars on labor trafficking, Nigerian voodoo rituals, and NGO cooperation. In 2010, the German federal criminal police also commissioned a significant study on victim identification and victim testimony in trafficking cases, in part to enhance the success of the prosecutions. 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, although it continues to face challenges in identifying and providing adequate services to victims of labor trafficking. 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 for victims. These NGOs provided services in all German states. The majority of these NGOs focused on adult female victims; however, a number of NGOs, in cooperation with local governmental youth welfare services, also attended to child victims. Some of these NGOs also made their services available to male victims. There remained no standardized procedure throughout Germany for financial support

for victim witnesses; procedures vary by state and by the victim's residency status. Cooperation Agreements on human trafficking at the state level regulate cooperation between counseling centers and police. Although several of these Cooperation Agreements address services for labor trafficking victims, others were limited to victims of sex trafficking. German government efforts to identify and care for victims of labor trafficking did not progress this year; the government has been slow to develop structures for identifying victims of labor trafficking. The federal criminal police reported proactively identifying 57 percent of victims in trafficking cases in 2009, an increase from 38 percent in 2008. Authorities registered 710 victims of sex trafficking in 2009, an increase from 676 sex trafficking victims in 2008. Of these 710 victims, 25 percent were cared for by counseling centers. The German government granted a minimum one-month reflection period to trafficking victims, though victims who agreed to testify against defendants at trial were entitled to remain in Germany for the duration of the trial. Some victims of trafficking who faced personal injury or threats to life or freedom at home were granted long-term residence permits. German law permits prosecutors to decline to prosecute victims of trafficking who have committed minor crimes. NGOs report that, although prosecutors routinely exercise this discretion to exempt victims from punishment, in cases in which trafficking was not immediately suspected, victims may have been penalized or deported on occasion before their legal status as victims of trafficking had been clarified. The government encouraged trafficking victims to participate in criminal prosecutions, including by providing victims who participated as joint plaintiffs with options for free legal representation during trial and by integrating restitution procedures into the criminal process. Experts reported, however, that few trafficking victims had made claims for compensation or restitution, attributing the reluctance to the lack of full information provided to trafficking victims about their rights.

Prevention

The German government continued to make progress in its trafficking prevention efforts during the reporting period, particularly through its research and awareness-raising activities on forced labor. The government commissioned several studies and convened conferences on labor trafficking to study the issue in depth, elicit best practices, and formulate policy to combat this challenging form of human trafficking. An alliance of NGOs and government agencies produced a flyer addressed to potential victims of labor trafficking, explaining employee rights and giving guidance to victims in seeking assistance. A government-funded NGO also established a help desk for victims of labor exploitation. 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 German government also consulted and trained several government officials in Nigeria and Bangladesh on combating trafficking in persons.

The German government continued to monitor its anti-trafficking activities through the Federal-State Interagency Working Group on Trafficking in Women, which reviewed

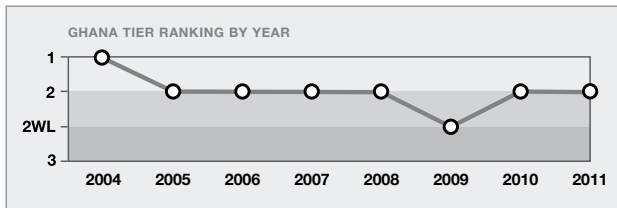
counter-trafficking issues, disseminated best practices, and provided input to new laws and directives. However, the Government of Germany does not have a centralized national coordinator with the power to direct trafficking policy or to collect statistics on a systematic basis. German laws on the sexual abuse of minors apply extraterritorially. This year, the government cooperated with law enforcement officials in Southeast Asia to investigate German sex tourists and bring them to trial either in Germany or destination countries. In December, German authorities prosecuted a 65-year-old citizen accused of sexual abuse of children in Thailand. 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. Nevertheless, government-funded NGOs did provide support to individuals in leaving prostitution. The government trained military personnel on 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 women and children subjected to forced labor and sex trafficking. The trafficking of Ghanaian citizens, particularly children, within the country is more common than the transnational trafficking of foreign migrants. This internal trafficking is characterized largely by the movement of children from rural to urban areas or from one rural area to another, such as from farming to fishing communities. Ghanaian boys and girls are subjected to conditions of forced labor within the country in fishing, domestic service, street hawking, begging, portering, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to prostitution within Ghana. There were reports that Labadi Beach in Accra, as well as Cape Coast and Elmina, may be destinations for international child sex tourists. Ghanaian women and children are recruited and transported to Nigeria, Cote d'Ivoire, Burkina Faso, The Gambia, Russia, Syria, Lebanon, South Africa, the United States, and countries in Western Europe for forced labor and sex trafficking. Women and girls, voluntarily migrating from China, Nigeria, Cote d'Ivoire, Burkina Faso, Benin, and possibly Romania are subjected to commercial sexual exploitation after arriving in Ghana. Citizens from other West African countries and from Bangladesh 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 government demonstrated an increased ability to collect data on trafficking victims identified and reported knowledge of 482 such victims in 2010. However, despite this substantial figure, it initiated only six prosecutions and obtained four convictions of trafficking offenders during the year – a decline in prosecution efforts from the previous year – and it failed to provide information on the number of trafficking victims that it referred to protective services. Despite the government's recognition that the majority of trafficking occurred within the country, authorities only

prosecuted two such cases of internal trafficking during the reporting period.



Recommendations for Ghana: Increase efforts to investigate and prosecute trafficking cases, including cases of internal trafficking, and impose adequate sentences of imprisonment on convicted offenders; train law enforcement personnel to proactively identify 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, 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 Anti-Human Trafficking Units (AHTU) of the Ghana Police Service (GPS), and the Ghana Immigration Service (GIS)—responsible for investigating trafficking cases; update and implement the National Plan of Action against Trafficking, including a clear division of responsibilities and allocation of resources between the EOCO and the AHTU; and sign and ratify the 2000 UN TIP Protocol.

Prosecution

The Government of Ghana demonstrated some progress in its anti-trafficking law enforcement efforts by increasing its structural capacity to combat trafficking, though it demonstrated decreased efforts to prosecute and convict trafficking offenders during the reporting period. Its six prosecutions and four convictions marked a significant decrease from the 15 prosecutions and six convictions reported during the previous year. The government prosecuted only two cases of trafficking that occurred within the country and one of the four convicted traffickers received only a \$350 fine. Ghana's 2005 Human Trafficking Act (HTA) – amended in 2009 to align the definition of trafficking with the 2000 UN TIP 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 2010, with the support of an international organization, the GPS added four new regional AHTUs in its Criminal Investigation Division and the GIS opened two new anti-trafficking desks on the borders with Togo and Cote d'Ivoire. In September 2010, the parliament passed an act renaming the Serious Fraud Office the Economic and Organized Crime Office (EOCO), and expanding its mandate to include the investigation and prosecution of human trafficking cases; it did not clearly define a division of responsibilities, however, between this body and the

AHTU. The AHTU reported insufficient funding and a lack of transportation or fuel constrained its ability to conduct investigations during the year. The government prosecuted six cases and obtained convictions of four trafficking offenders in 2010. Three different agencies identified cases during the year. The GIS identified two cases during the year; one of these, in which five Chinese women are suspected to be victims of sex trafficking, is currently being prosecuted, and the other did not lead to an arrest. The AHTU reported knowledge of 46 suspected trafficking cases between January 2010 and March 2011, but did not specify how many occurred during the reporting year; it completed 23 investigations, conducted six prosecutions, and obtained four convictions, with sentences ranging from a \$350 fine to 10 years' imprisonment. Prosecutors chose not to pursue two cases, and 17 others were dismissed due to lack of evidence or lack of victim assistance. One case resulting in a conviction involved a Nigerian woman forced into prostitution in Ghana, and one involved Ghanaian boys transported to Nigeria for forced labor. In January, a Nigerian man was convicted for transporting a 15-year-old girl from the Volta Region to the Central Region for the purpose of prostitution. He was sentenced to 10 years' imprisonment and an approximately \$330 fine. In March 2011, a court in the Brong Ahafo Region convicted a woman and sentenced her to seven years' imprisonment for transporting a 14-year old girl to Accra, the capital, and subjecting her to prostitution. The prosecution of one case, involving three suspects in the alleged transportation of 10 Ghanaian girls to Nigeria for forced labor and commercial sexual exploitation, remained pending at the close of the reporting period. The EOCO reported it was conducting investigations of two trafficking cases involving 40 victims; 17 additional cases remain under investigation with the AHTU. The government reported it provided anti-trafficking training to 40 new GIS officers as part of their compulsory curriculum during the year, and that it provided anti-trafficking sensitization training to 60 officers in November 2010. There were no reports of government officials investigated, prosecuted, or convicted for trafficking or trafficking-related criminal activities during the reporting period.

Protection

The government sustained modest victim protection efforts during the year. Government funding to protect trafficking victims was inadequate; law enforcement officials reported using their personal funds to assist victims, as no funds for victim protection were included in their agencies' budgets. The government failed to provide information on the amount of funding it allocated to other agencies to protect victims, but an international organization reported that the Ministries of Women and Children's Affairs (MOWAC) and Employment and Social Welfare were among the ministries that received decreased budget allocations in 2010 compared with 2009 and in practice received less funding than the allocation specified. The government did not employ formal procedures to identify victims among vulnerable groups, such as women in prostitution or children at work sites; border officials questioned large groups suspected to include trafficking victims, and reportedly identified five victims during the year. The AHTU, the EOCO, and the GIS identified 482

victims, and referred an unknown number of these victims on an *ad hoc* basis to government and NGO-run facilities to receive protective care. The government did not operate specialized care facilities for trafficking victims; it provided shelter and basic medical services to an unknown number of victims in orphanages and centers for abused children operated by the Department of Social Welfare, and NGOs operated shelters that could provide victims with long-term care and psychological services. The government paid the salaries of approximately 13 employees in two shelters run by international organizations in the Greater Accra Region, one of which opened during the reporting year. Although adult victims could theoretically be admitted to these facilities, none were admitted during the year, though the government reportedly placed some adult victims in hotels and hostels for an unknown length of time. MOWAC, with funding from an international organization, is reportedly working on the development of a formal system for referring trafficking victims to protective facilities to receive care, but did not appear to make significant progress on this initiative during the year. The government did not allocate funding to the Human Trafficking Fund, which was established to provide economic resources to assist victims in their rehabilitation. The government encouraged victims to assist in the investigation and prosecution of traffickers, and provided them with protective escorts and legal counsel, but cases were often dismissed when victims did not participate in prosecutions. According to the AHTU, victims' and witnesses' statements were taken behind closed doors and trafficking cases were held in closed court to ensure victims' safety and conceal their identities. Foreign victims were able to remain in the country legally during the investigation and prosecution of their cases and, with the interior minister's approval, a trafficking victim may remain permanently in Ghana if it is deemed to be in the victim's best interest; no victims were granted such residency during the year. The government may have treated trafficking victims as criminals when, in February 2011, police conducted a raid on a brothel and arrested 14 women suspected to be in prostitution, without taking efforts to identify trafficking victims among them.

Prevention

During the year, the government sustained its efforts to prevent trafficking. With support from an international organization, it conducted awareness campaigns – for example, a radio program warning of the dangers of child trafficking – in six regions throughout the country, including the Upper East, Eastern, and Greater Accra regions, which are source communities for children forced to work in the fishing industry surrounding Lake Volta. The inter-agency Human Trafficking Management Board met quarterly, and in August 2010, MOWAC, with support from an international organization, held a two-day information-sharing forum for NGO and government representatives in an effort to improve coordination among anti-trafficking stakeholders. In October 2010, the cabinet endorsed and adopted a National Plan of Action to Eliminate the Worst Forms of Child Labor, which provides the framework for the Ghana Child Labor Monitoring System, a tool launched by the Ministry of Employment and Social Work during the year, to identify and monitor children in the worst forms of child labor, including trafficked children.

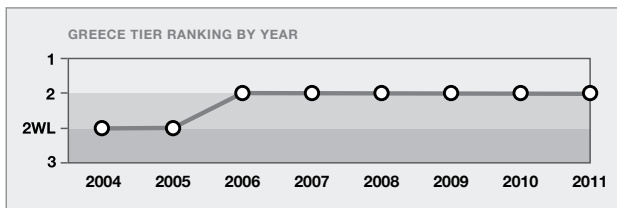
The National Plan of Action against Trafficking, drafted in 2006, remained unimplemented. The government raided a brothel in February 2011 and made 77 arrests of suspected clients, including the owner and individuals soliciting prostitution. It is unknown whether the brothel remained closed or if the proprietor was prosecuted for any criminal acts during the year. The Government took no discernible measures to decrease the demand for forced labor. In addition, officials have not investigated reports of child sex tourism. The government took steps to establish the identity of local populations through completion of a 2010 population census. The government did not provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions, though such training was provided 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 who are in conditions of forced labor. The Greek government and NGOs report female sex trafficking victims originate primarily in Eastern Europe, the Balkans, Nigeria, and Central Asia. One NGO reported teenage males, typically unaccompanied children from Afghanistan, Pakistan, Somalia, and other countries in sub-Saharan Africa, are subjected to prostitution in Greece. Ninety percent of all illegal migrants entering the EU currently enter through Greece, a trend that poses additional challenges to Greek authorities in monitoring severe forms of trafficking. Greek police report a trend in which traffickers used psychological abuse and threats of financial harm instead of physical force as tools of coercion in attempts to evade legal prosecution. Forced labor victims found in Greece originated primarily in Albania, Romania, Bulgaria, Moldova, Afghanistan, Pakistan, India, and Bangladesh, and reportedly were forced to work primarily in the agriculture or construction sectors in debt bondage. Greek police estimated there likely are hundreds of forced labor victims in Greece. NGOs reported children, mainly Roma from Albania, Bulgaria, and Romania, were forced to sell small items, beg, or steal. Unaccompanied minors, many of whom paid large smuggling fees, remained highly vulnerable to human trafficking.

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. Following its ratification of the 2000 UN TIP Protocol, the Greek government enacted comprehensive victim-centered legislation that includes stronger tools such as: a lengthened reflection period; increased flexibility in victim certification; and improved temporary and long-term residency options for trafficking victims. During the year, the government sustained its progress in prosecuting labor and sex trafficking offenses and disrupting major trafficking networks by using advanced investigative techniques in collaboration with international partners and local entities. Law enforcement agencies responded to trafficking cases in a manner consistent with the vigorous investigation and prosecution of these crimes. The Ministry of Justice did not report any suspended sentences

given to convicted trafficking offenders. Nevertheless, the government's *de facto* provision of victim protection remained weak. Greek police arrested 246 trafficking offenders in the last year, but officially certified only 30 victims for victim care during the same time period. In the face of financial restrictions, government funding of victim protection efforts and shelters remained limited. The judiciary continued to suffer from structural and legal inefficiencies that resulted in low conviction rates for most prosecuted offenders. NGOs alleged instances of unethical behavior by defense lawyers, which reportedly further slowed the judicial process and subjected affected victims of trafficking to threats. One high-profile police complicity case has remained unresolved since 2006.



Recommendations for Greece: Take appropriate measures to improve success rates and more expedient resolution of trafficking prosecutions, such as increased specialization; vigorously prosecute trafficking offenders with a view to increasing convictions, including against officials complicit in trafficking; encourage victims to participate in criminal trials by incorporating incentives such as restitution or other benefits into trials and providing enhanced protections for victims who testify; collect and provide data on length of sentences for trafficking convictions; encourage sustainable funding for anti-trafficking NGOs; ensure victims of trafficking are certified under the government program and offered assistance and deportation relief available under Greek law; ensure access to specialized assistance for child victims and adequate protection 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; and renew public awareness campaigns targeted toward a Greek audience, including potential clients of the sex trade and consumers of the products made and services provided as a result of forced labor.

Prosecution

The government sustained its progress on trafficking prosecutions this year, although structural delays in Greece's judicial system continued to impair its effectiveness and accountability in trafficking cases. 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, fines of \$14,000 to \$70,000, and imprisonment up to life in aggravated cases. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The police conducted 62 human trafficking investigations in 2010, compared with 66 investigations in 2009. Fifteen

of these investigations concerned forced labor, similar in number to the 14 cases of forced labor investigated by authorities in 2009. The police reported that labor trafficking cases remained difficult to investigate because evidence of force or coercion was difficult to uncover and because labor trafficking victims were reluctant to self-identify. In 2010, authorities arrested and charged 246 suspected trafficking offenders.

Greek authorities reported 28 new convictions of trafficking offenders this year, 14 acquittals, and 46 ongoing prosecutions in 2010, compared to 32 convictions, 12 acquittals, and 42 ongoing prosecutions in 2009. Courts affirmed 27 convictions and reversed two convictions on appeal during the reporting period. The Ministry of Justice did not report any suspended sentences in 2010. Sentences for convicted trafficking offenders ranged from one to 15 years' imprisonment. There were reports that some judges did not understand trafficking offenses, which contributed to the slow resolution of trafficking cases and convictions on lesser charges.

According to NGOs, Greek authorities allegedly failed to address instances of unethical behavior by traffickers' lawyers, which in turn reportedly impaired successful resolution of some trafficking cases. NGOs reported that in some instances traffickers' lawyers attempted to buy the testimony of trafficking victims and that victims refused to testify out of fear of retribution. The government reported it discharged, investigated, and prosecuted all law enforcement officers alleged to be complicit in trafficking; these complicity prosecutions and the majority of judicial proceedings were slow to be resolved due to structural delays in the judicial system. For example, the government reported discharging from duty, investigating, and charging two officers allegedly involved in a high-profile case in December and that several trafficking prosecutions of allegedly complicit officers continued in court. However, in one case cited in the 2008 TIP Report in which a trafficking victim was allegedly raped while in police custody in 2006, the three police officers suspected of the crime remained free on bail as their court case remained indefinitely postponed this year.

The police anti-trafficking unit achieved significant successes this year in dismantling complex international trafficking rings involving large numbers of defendants. In 2010, the Greek Anti-Trafficking Police reported cooperating with Italy, Romania, Russia, Albania, and Bulgaria on trafficking cases. The government continued to train front-line law enforcement officers on identifying trafficking victims and investigating trafficking cases.

Protection

The government made significant improvements protecting victims of trafficking this year, particularly through its legislative structure, though it certified few victims of trafficking relative to the number of victims identified. In September 2010, following the Greek government's ratification of the 2000 UN TIP Protocol, the government passed comprehensive victim-centered legislation. Among other provisions, the new law increased the reflection period for trafficking victims from 30 days to three months

for adults and five months for children, clarified that victims of trafficking were ineligible for deportation, and made victims eligible for translation services and free legal aid. In January 2011, new asylum legislation stipulated that even if victims of trafficking do not cooperate with police, they are entitled to receive residency permits subject to the prosecutor's victim certification. The Ministry of Interior reported that it granted legal residency permits to 87 trafficking victims – 21 were new permits and 66 were renewals. The National Center for Social Solidarity in the Ministry of Health (EKKA) operated a hotline for victims of abuse, including trafficking victims. In March 2011, the Interior Ministry General Secretariat for Gender Equality launched a multilingual hotline to assist female victims of violence, including trafficking victims.

In part due to austerity measures, government funding to NGOs providing support to trafficking victims decreased by approximately 75 percent during the reporting period. As a result, NGOs reported unstable provision of victim support services, including shelter, legal aid, and hotline operation. In some areas of the country, NGOs operating without financial support from the government provided trafficking victims with shelter services. Nevertheless, the Government of Greece operated a mixed-use shelter to accommodate trafficking victims 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 involuntarily victims of trafficking in these shelters; they could leave unchaperoned and at will. NGOs reported anecdotally, however, that the government unevenly applied existing protection mechanisms, including the reflection period. In 2010, the Greek government officially identified 92 victims of sex and labor trafficking, in contrast to 125 victims of trafficking identified in 2009. Out of the 92 victims identified, only 30 received official certification as victims of trafficking. NGOs reported providing support or shelter to more than 800 victims or potential victims. The Ministry of Health continued to train doctors and nurses in identifying victims of trafficking in persons.

Prevention

The Government of Greece improved its prevention activities during the reporting period. While the government did not initiate new media public awareness campaigns, it continued to distribute informational material on trafficking, including an informational card in multiple languages at border checkpoints. In October, the government hosted an event to raise awareness against human trafficking in commemoration of EU Anti-trafficking Day, at which senior government officials spoke. In March 2011, senior government representatives hosted an awareness raising event featuring a film on trafficking in persons. The Greek government hosted training courses on combating trafficking for law enforcement officers from Balkan countries. The government operated a mixed-use social services hotline that could receive trafficking calls. It also funded NGO efforts to exchange best practices on combating trafficking in Southeast Europe. The government made progress in national coordination this year; in October 2010, it announced a national action plan to improve the central monitoring

and coordination of its anti-trafficking activities. The EKKA and General Secretariat for Gender Equality hotlines provided information on trafficking prevention. During the reporting period, however, 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. The government did not undertake projects to reduce the demand for commercial sex acts during the reporting period. In June 2010, Greece ratified the 2000 UN TIP Protocol.

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 found in forced and child prostitution within the country, as well as in Mexico and the United States. Boys from Guatemala and other Central American countries are found in commercial sexual exploitation, particularly in Guatemala City and on Guatemala's borders with Honduras and Mexico. Guatemalan men, women, and children are subjected to forced labor within the country, often in agriculture or domestic service, and particularly near the Mexican border and in the highland region. Guatemalan men, women, and children also are found in conditions of forced labor in Mexico and the United States in agriculture and the garment industry. Indigenous Guatemalans are particularly vulnerable to labor exploitation. In the border area with Mexico, Guatemalan children are exploited for forced begging on streets and forced labor in municipal dumps. Guatemala is a destination country for women and girls from El Salvador, Honduras, Colombia, and Nicaragua, in forced and child prostitution. Migrants from Central American countries transit through Guatemala *en route* to Mexico and the United States; some may become human trafficking victims. Child sex tourism is prevalent in certain tourist areas such as Antigua, Puerto Barrios, and around Lake Atitlan, and child sex tourists predominantly 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.

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 officials maintained anti-trafficking law enforcement efforts and inaugurated a specialized shelter for adult trafficking victims. Guatemalan authorities continued to partner with civil society to develop and implement protocols on victim protections, and increased funding for the secretariat responsible for coordinating government anti-trafficking efforts. 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, including public officials complicit in trafficking; enhance the availability of specialized victims services throughout the country, including through partnerships with civil society; conduct anti-trafficking training for local judges, police, immigration officers, and other government officials; and increase funding for anti-trafficking efforts, particularly for the country's dedicated prosecutorial and police units.

Prosecution

The government increased anti-trafficking law enforcement efforts during the year. Article 202 of the Guatemalan penal code, which came into force in early 2009, 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; under aggravated circumstances, such as when the crime involves kidnapping, threats, violence, weapons, or a public official, penalties increase by one-third. Such penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Some trafficking cases, however, continued to be prosecuted under other statutes, such as "corruption of minors," which carry lesser sentences. The government maintained a small prosecutorial unit to investigate and prosecute human trafficking cases; however, over half of this unit's investigations focused on illegal adoptions, which do not fall within the international definition of human trafficking. This unit had only three prosecutors and lacked sufficient funding and staff. During the reporting period, authorities achieved 10 convictions for human trafficking offenses, two of which were charged under the anti-trafficking law; the other convictions were achieved under statutes relating to pimping of children and employing children in jobs that risk their integrity and health. Sentences ranged from three to five years' imprisonment; all convicted trafficking offenders appealed, and some were out on bail. In comparison, during the previous year, the Guatemalan government reported seven convictions for human trafficking offenses, one of which related to forced labor.

Anti-trafficking police and prosecutors suffered from a lack of funding, human resources, and training. Some judges reportedly dismissed trafficking cases or acquitted trafficking offenders due to a lack of understanding of the 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 prosecuting or convicting any officials complicit in human trafficking. In partnership with civil society and foreign governments, Guatemalan authorities held numerous anti-trafficking workshops and conferences aimed at educating and building capacity among judges, police, public prosecutors, immigration officers, and other government officials, as well as educating foreign diplomats accredited in Guatemala about the government's new repatriation protocol for trafficking victims. Guatemalan authorities collaborated with Nicaraguan, Honduran, and Salvadoran officials on several trafficking investigations.

Protection

While the government relied largely on NGOs and international organizations to provide the bulk of victim services during the reporting period, in March 2011 Guatemalan authorities inaugurated a shelter for adult victims and dedicated an area and specialized services for child trafficking victims at an existing residential facility for children. While the government reported employing a standard operating procedure on how to assist sex trafficking victims, it does not employ procedures for identifying forced labor victims among vulnerable populations, and most NGOs remain critical of the government's ability to identify trafficking victims effectively. According to NGOs, the government's referral mechanism for trafficking victims was streamlined in late 2010. Child victims were referred to two NGO-operated shelters dedicated for girl trafficking victims, or could be placed in state-run group homes designed for orphans or homeless children. NGOs did not receive government funding to provide services to trafficking victims. Prior to the inauguration of the government shelter, most foreign adult victims were placed in the migration detention center before being voluntarily repatriated. Adult foreign victims previously were held in the migration detention center in inadequate conditions for months before deportation. During the reporting period, however, the Government of Guatemala improved the living quarters dedicated to trafficking victims in the center, as well as the quality and speed of counseling and legal services, and most cases were processed within a week. During the reporting period, the government identified 373 possible trafficking victims, 180 of which were housed at the migrant detention center, and determined that 54 were 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 and the inadequacy of the government's limited program to protect witnesses from potential retaliation. Guatemalan law allows for victim testimony via video, and some victims did so. The government did not detain, fine, or otherwise penalize identified victims for unlawful acts committed as a direct result of being trafficked. Some foreign trafficking victims, however, may not have had

their victim status recognized by Guatemalan authorities before being deported as undocumented migrants. Guatemalan law establishes 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. In March 2011, government officials signed a protocol for the repatriation of trafficking victims, formalizing repatriation mechanisms followed during the reporting period. The Ministry of Foreign Affairs facilitated the repatriation of 57 trafficking victims returning to Guatemala from abroad, 44 of whom were identified in Mexico, and seven foreign victims wishing to return to their countries of origin.

Prevention

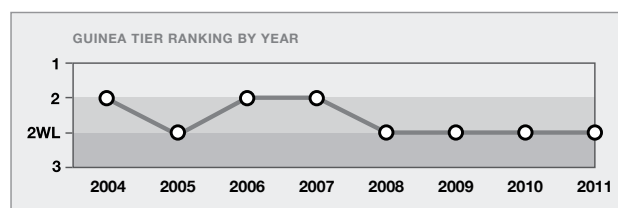
Members of civil society noted enhanced coordination among government and NGO anti-trafficking actors. The Ministry of Education conducted training sessions and seminars on human trafficking for teachers, students and parents, and reported reaching over 20,000 Guatemalan citizens. The government displayed significant transparency in its anti-trafficking measures; its human rights ombudsman published a report on the trafficking situation in Guatemala that included data on government efforts, as well as recommendations. Funding for the Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons increased substantially during the year, though it still fell short of the \$610,000 designated as start-up funding in 2009. The legislature, however, approved \$500,000 for the secretariat for 2011. Despite increasing 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. In addition to efforts to educate the public, especially school children, about trafficking through awareness campaigns, authorities reported educating some Guatemalan workers living in the northern border region and working in Mexico about the dangers of forced labor. Authorities provided training on human trafficking to Guatemalan troops prior to their deployment abroad on international peacekeeping missions.

GUINEA (Tier 2 Watch List)

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 or to work as street vendors, shoe shiners, and laborers in gold and diamond mines. Some Guinean men are subjected to forced agricultural labor. 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 commercial sexual exploitation. Some Guinean boys and girls are subjected to forced labor in gold mining in Senegal, Mali, and possibly other 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. Chinese women are brought to Guinea for commercial sexual exploitation by Chinese traffickers, and women from Vietnam are reportedly forced into prostitution in hotels and restaurants in Guinea. Networks also traffic women from Nigeria, India, and Greece through Guinea to the Maghreb and onward to Europe – notably Italy, Ukraine, Switzerland, and France – for 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. During the reporting year, virtually all of Guinea's transition government's attention and funding were devoted to the first democratic election in the country's 52-year post-colonial history. Although the government acknowledges that trafficking in persons is a problem in Guinea, it is unclear if the new government, which took power in December 2010, will demonstrate an increase over the previous regime's minimal efforts to combat trafficking. The government failed to investigate and prosecute trafficking offenses; no new prosecutions or convictions were reported, 12 cases from the previous reporting period remain pending in the courts, and 18 additional cases have disappeared from the court system. The government created a specialized police unit responsible for child labor and child trafficking investigations; however, a failure to clearly define the relationship of this unit to the National Committee to Fight Against Trafficking in Persons has led to internal conflict over the government's limited anti-trafficking funds. The government failed to provide protection to trafficking victims, and although the government conducted an anti-trafficking awareness campaign on radio and television, overall prevention efforts remained weak. Therefore, Guinea is placed on Tier 2 Watch List for a fourth consecutive year. Guinea was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan.



Recommendations for Guinea: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; finalize and adopt the implementing text for the new Child Code; train law enforcement officials and magistrates on anti-trafficking statutes in the new Child Code and the existing penal 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 National Action Plan to fight trafficking for the years 2009 – 2013, and establish a clear division of responsibilities and allocation of resources between the National Committee to Fight Against Trafficking in Persons and the Office for the Protection of Gender, Childhood, and Morals; develop stronger partnerships with NGOs and international organizations, where possible, to care for victims; and increase efforts to raise public awareness about trafficking.

Prosecution

The Government of Guinea did not demonstrate significant anti-trafficking law enforcement efforts during the reporting period. Although Guinea prohibits all forms of trafficking in persons through separate legal statutes, some types of forced labor, such as debt bondage, may be difficult to prosecute under these statutes. 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 resulting profits. There is no evidence that a conviction for forced labor has ever been obtained using this article. Pimping is outlawed by Articles 329-330 of Guinea's Penal Code, which prescribes penalties of two to five years' imprisonment when the victim is a minor, or if the offender employs the use of coercion or fraud. These penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. Articles 385-396 of the Child Code, signed into law in December 2009, prohibit all forms of child trafficking and prescribe penalties of three to 10 years' imprisonment and the confiscation of any resulting profits. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, ambiguity over the authority of the Child Code continues to impede its effective implementation. NGO observers believe that an implementing text by presidential decree is required for the law to be enforced, though the Ministry of Justice released an oral opinion stating that the Child Code does not require an implementing text in order to be enacted. Nevertheless, the Legal Advisor for the Ministry of Social Affairs, who serves as the head of the National Committee to Fight Against Trafficking in Persons, said in February 2011 that passing the implementing text is a priority. The government initiated no new trafficking investigations or prosecutions during the reporting period; 12 cases remain pending from the previous reporting period, and another 18 cases from previous years appear to have been closed, as they are no longer on the courts' calendar. The Government of Guinea did not provide any specialized training to its officials on the recognition, investigation, and prosecution of human trafficking, and border guards were often accused of trafficking-related corruption. Though the Ministry of Security created a new unit in the civilian police force in June 2010 – the Office for the Protection of Gender, Childhood, and Morals – to conduct child labor and child trafficking investigations, it did not provide statistics to indicate the unit undertook such investigations.

Protection

The government demonstrated negligible efforts to protect trafficking victims during the reporting period. During 2010, the transition government had no formal operating budget, and funding for social programming was virtually nonexistent. The government reportedly referred an unknown number of potential victims to NGOs and international organizations for assistance, though government officials did not demonstrate use of systematic referral procedures or proactive measures to identify trafficking victims among vulnerable groups, such as foreign children at worksites. The Ministry of Social Affairs reported that it continued to provide assistance to a few hundred children, a small number of whom may be trafficking victims, though it did not provide information about the type of assistance that it provided. The government reported its knowledge of 12 child trafficking victims during 2010, but did not provide information about whether these children received assistance from the government or were referred to NGO facilities for care. The government did not provide trafficking victims with access to legal, medical, or psychological services, and did not provide direct or in-kind support to foreign or domestic NGOs that assisted victims. Foreign trafficking victims were not given permanent residency status or relief from removal to countries where they would face retribution or hardship. The Ministry of Social Affairs reportedly coordinated with local and international NGOs during the reporting period to repatriate an unknown number of child victims to Mali and Sierra Leone, and to return Guinean children to their home villages. The government reported that it places repatriated child trafficking victims in protection cells on military bases, though it is not known if this practice occurred during the year. The Child Code contains provisions allowing NGOs to bring cases to court on behalf of victims, and the government reports that a victim could file a civil suit against a trafficking offender, but this did not happen during the year. The government reports that a victim could file a civil suit against a trafficking offender, as long as the victim is at least 12 years of age, or NGOs could file such a suit on behalf of a victim, but in practice this did not occur. There was no evidence that the government encouraged trafficking victims to assist in the investigation and 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 demonstrated some efforts to prevent trafficking during the reporting period. The government conducted an awareness campaign against child sex trafficking via radio and national television to coincide with the launch of the Office for the Protection of Gender, Childhood, and Morals within the Ministry of Security. The Ministry of Social Affairs adopted an updated National Action Plan to Combat Trafficking in Persons for the years 2009-2013. However, the National Committee to Fight Against Trafficking in Persons, charged with meeting every three months, met only twice during the last year. The government did not take steps to reduce the demand for commercial sex acts.

GUINEA-BISSAU (Tier 3)

Guinea-Bissau is a country of origin for children subjected to forced labor and sex trafficking. The focus of research on and remedies to human trafficking in the country has been confined largely to child trafficking; therefore, the scope of the problem of trafficking 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. The most recent estimates available suggest that 200 children are taken as *talibes* (students attending Koranic schools) from Guinea-Bissau and forced into begging each month, and that nearly one-third of the 8,000 *talibes* begging on the streets of Dakar are from Guinea-Bissau. Men, often former *talibes* from the regions of Bafata and Gabu, and generally well-known within the communities in which they operate, are the principal trafficking offenders. NGOs observed an increase in overall trafficking during the past year, as well as incidences of previously unobserved types of trafficking. 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. Girls may be subjected to forced domestic service and child prostitution in Senegal, including for exploitation by international sex tourists, or lured to The Gambia and Lebanon with promises of employment and subsequently placed in the sex trade.

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking, and has been placed on Tier 2 Watch List for the last four consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Guinea-Bissau is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government acknowledged that human trafficking is a problem in the country and took steps to enact legislation outlawing all forms of trafficking. It lacked a properly functioning judicial system and did not pursue criminal action against trafficking offenders during the year. Anti-trafficking awareness efforts apply 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: Enact legislation prohibiting all forms of trafficking in persons; focusing

first on Pirada and Sao Domingos, transit towns on the border with Senegal, train law enforcement officials and magistrates to use existing legislation to investigate and prosecute trafficking offenses; ensure that efforts to hold parents criminally liable for sending their children away with abusive *marabouts* are accompanied by efforts to prosecute and convict the *marabouts* who use *talibes* for forced begging; ensure that budget allocations are designated to make two prisons fully operational with furnishings and security staff to ensure that traffickers serve prison sentences; implement the draft anti-trafficking national action plan; undertake increased efforts to coordinate with NGOs to provide services to trafficking victims; and, in partnership with NGOs, implement a public awareness campaign warning families of prospective *talibes* about the dangers of trafficking.

Prosecution

The Government of Guinea-Bissau did not increase efforts to prosecute and punish trafficking offenders during the reporting period. Bissau-Guinean law does not prohibit all forms of human trafficking, and existing laws were not used to prosecute trafficking cases. Forced labor is prohibited under Article 37 of the country's penal code, which prescribes a sufficiently stringent penalty of life imprisonment. Pimping is outlawed, but no law specifically prohibits forced prostitution. In January 2011, the National Inter-ministerial Steering Committee on Trafficking promulgated a draft National Law and Implementation Plan to prohibit all forms of trafficking in persons; the bill and action plan were submitted to the Council of Ministers in February 2011, but were not introduced to the parliament during the reporting period. Guinea-Bissau's judicial system lacks sufficient human and physical capital to function properly; during the year, there were no operational prisons and authorities relied on the use of *ad hoc* detention facilities for holding convicted criminals. The government, with the support of international partners, took steps to improve this situation by constructing two prisons during the year. The government did not provide any specialized training to law enforcement officials on investigating or prosecuting trafficking crimes, and it did not pursue legal action against unscrupulous religious teachers, who are often regarded highly in their communities. An unknown number of suspected traffickers were arrested and possibly detained, but no investigations or prosecutions of trafficking offenses occurred. There were no investigations into official government complicity, but observers believe police and border guards accepted bribes to release traffickers 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 inadequate efforts to identify and protect victims, and NGOs report that government efforts to coordinate services with NGOs and international organizations were weak. The government did not take steps to proactively identify victims; although the National Institute for Women and Children routinely called NGOs to alert them to the arrival of a repatriated victim, the government took no additional

steps to coordinate care for victims returned to Guinea-Bissau. The government lacked resources to provide victim services directly, but provided some resources to NGOs that care for victims. The central government contributed approximately \$12,000 to an NGO that runs two shelters for victims, and two governors of regions with a high prevalence of trafficking paid the salaries of security guards for two care facilities for *talibes* in their jurisdictions. The Bissau-Guinean Embassy in Dakar assisted in the repatriation of 20 victims identified in Senegal, but this represents only a small portion of the total victims identified; UNICEF reports 140 *talibes* were identified and repatriated from Dakar alone, and NGOs estimate that 320 total victims were repatriated to Guinea-Bissau during the year. There are reports that some children who were able to escape their traffickers, as many as 30 to 40 each month, 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 streets. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Child victims were not encouraged to assist in the investigation and prosecution of trafficking offenses; the government reports encouraging family members and neighbors to participate in legal proceedings against traffickers, 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

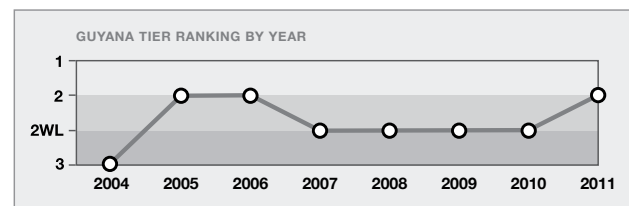
The government undertook few anti-trafficking prevention efforts during the reporting period. An Inter-Ministerial Steering Committee, chaired by National Institute for Women and Children, which met twice during the reporting period, drafted new anti-trafficking legislation and an accompanying action plan, and submitted them to the Council of Ministers for review. The government reports the existence of an informal process requiring the parents of returned *talibes* to sign a court contract holding them criminally liable if they send their children away again for this purpose, though this practice was not codified into law; this policy should not be viewed as a substitute for prosecuting and convicting those who use *talibes* for forced begging. In August and September 2010, the government held two training sessions — one for 35 judicial officials and one for 35 community members — on trafficking prevention and victim protection for *talibes*. It reported conducting anti-trafficking awareness campaigns on national radio and television with assistance from international donors but did not play a financial role in this effort. 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. Identified cases of human trafficking within the country during this reporting period generally involved

women and girls in forced prostitution. Guyanese nationals have been subjected to forced prostitution and forced labor in other countries in the region. 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 sometimes transforms into domestic servitude. Other groups particularly vulnerable to human trafficking in Guyana include women in prostitution, children working in hazardous conditions, and foreign workers. Guyanese from rural, economically depressed areas are particularly vulnerable to trafficking in mining areas and urban centers. Trafficking victims in Guyana face disincentives to self-identify to authorities due to fear of retribution from trafficking offenders, fear of resettlement to abusive home situations, fear of arrest, and lack of awareness that human trafficking is a crime.

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. Officials achieved an important milestone during the year — the first conviction of a trafficking offender — and there was new information that some public servants, including mining officials, made efforts to try to rescue potential victims. Continued rhetoric from higher levels of the government minimizing the potential scope of human trafficking, poor results in the area of victim protection, and lack of action against official complicity of human trafficking are major obstacles to future progress.



Recommendations for Guyana: Foster a climate in which officials and NGOs are encouraged to discuss human trafficking vulnerabilities openly with the government and feel empowered to assist potential victims throughout the country, instead of being constrained by public statements that the problem is small; identify and help more potential victims of sex and labor trafficking throughout the country; empower and fund or offer in-kind support to NGOs to identify and actively help the women, men and children subjected to forced labor and sex trafficking; develop policies to ensure all identified victims are helped and not punished for crimes committed as a direct result of being in a forced prostitution or forced labor situation; vigorously and appropriately investigate and prosecute forced prostitution and forced labor, including trafficking complicity; raise awareness of forced labor and forced prostitution and opportunities for help in and around mining areas in addition to Georgetown and coastal areas.

Prosecution

The government made limited 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 that four new sex trafficking investigations were initiated in 2010. Authorities initiated two new prosecutions against sex trafficking offenders as compared to the previous reporting period, during which authorities did not initiate any new prosecutions. In one case, a magistrate refused bail for an alleged trafficking offender at the request of a prosecutor. Two prosecutions initiated in other years were dismissed. For the first time, authorities reported a conviction of an offender who received a three-year prison sentence for sex trafficking. Local experts believe, and media reporting suggests, that some government officials are making a good-faith effort to obtain convictions in human trafficking cases. Officials and other local experts also view Guyana's legal system as largely dysfunctional and an ineffective deterrent against human trafficking. Accused criminals generally wait two years or longer for a judgment, and their cases are often delayed by backlogs, incorrectly filed paperwork, or the failure of witnesses to appear at a hearing. The Minister of Human Services and Social Security has attempted to strengthen trafficking prosecutions by hiring private attorneys to serve as special prosecutors in trafficking prosecutions, although this appears to be a temporary solution.

The government's anti-trafficking task force denied the existence of forced labor in Guyana, raising concerns about their credibility. According to several media reports, authorities removed a domestic servant complaining of forced labor and sexual assault by her private employers. Other government officials intervened and apparently brokered an informal settlement between the parties. The government reported no follow up investigation of this case for potential human trafficking.

Protection

The government made limited progress in protecting victims of trafficking during the reporting period. The government reported identifying only three forced prostitution victims and no forced labor victims during the reporting period. The government has a protocol in place to guide officials in identifying and referring suspected trafficking victims to assistance, but a 2010 government report indicated that the small quantity of victims is an internal measure of success in combating trafficking, creating a potential disincentive for officials to identify victims proactively. In a positive development during the reporting period, Guyana Geology and Mines Commission officials found during routine inspections children working in gold mines, a warning sign of potential human trafficking, and ordered the mine operators to remove the children; the government did not report on any subsequent action to refer the children to protective services or hold the mine owners accountable. While NGOs reported overall good working-level relations with anti-trafficking officials,

some local observers expressed concern that pressure from senior officials may have prompted some lower-level officials to suppress information to avoid drawing attention to trafficking in Guyana. The government provided approximately \$50,000 to a domestic violence shelter in 2010 (an increase from \$45,000 the previous year) that provided psychological counseling and shelter for two child trafficking victims during the reporting period. The government also provided medical assistance to one of the two victims placed in the shelter during the reporting period. The government did not report on assistance provided to any other potential trafficking victims. There was evidence that some trafficking victims were penalized for crimes committed as a direct result of being in a trafficking situation. Local observers have noted that other potential victims may have been sent to the juvenile detention center, and one victim was arrested and charged with "wandering" as a result of her trafficking experience during the reporting period, according to media reports. The government did not enact formal provisions ensuring legal alternatives to the removal of foreign victims to their home countries where they may face hardship or retribution.

Prevention

The government made limited progress in preventing human trafficking during the reporting period. The Ministry of Human Services distributed anti-trafficking awareness materials throughout the country. In a positive development, during a speech to a large group of Chinese nationals in Guyana, the president reportedly addressed the issue of forced and bonded labor; however, during the reporting period, the government continued to focus public comments on propagating a position that there are few trafficking victims in Guyana instead of fostering awareness, open discussion, credible research of the problem, and a self-critical approach to monitoring government efforts. The government has not updated its national action plan to combat trafficking in persons since 2005. Officials did not report any measures to reduce the demand for commercial sex acts during the reporting period. While child prostitution exists in Guyana, there were no reports that Guyana was a significant sex tourism destination.

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 promises of employment and later subjected to forced prostitution in urban and tourist centers, such as Tegucigalpa, San Pedro Sula, and the Bay Islands. Honduran women and children are found in conditions of sex trafficking in Guatemala, El Salvador, Mexico, Belize, and the United States. To a lesser extent, women and girls from neighboring countries, including Guatemala and Mexico, are subjected to sexual servitude in Honduras. In addition to anecdotal reports of incidents in the Bay Islands, Honduran authorities identified child sex tourists in La Ceiba, San Pedro Sula, and Siguatepeque during the year. There have also been reports of rural families selling their children who ultimately end up

subject to forced labor and commercial sexual exploitation in urban areas. NGOs reported 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. Officials, NGOs, and the media reported that there was an increase in cases in which young males in urban areas were coerced and threatened by gang members in order to traffic drugs.

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, the creation of a draft comprehensive anti-trafficking law, and the launching of an anti-trafficking hotline. However, government services for trafficking victims remained limited, laws failed to prohibit trafficking for the purposes of forced labor, and authorities did not employ proactive methods to identify trafficking victims among vulnerable populations.



Recommendations for Honduras: Pass a comprehensive anti-trafficking law that prohibits forced labor; increase efforts to investigate and prosecute all trafficking offenses, including forced labor crimes and forced prostitution of adult victims, and convict and sentence trafficking offenders; ensure that specialized services and shelter are available to trafficking victims through increased funding, either to government entities or civil society organizations; increase resources and staff for the dedicated police and prosecutorial units; develop formal procedures for identifying victims among vulnerable populations; increase training on victim identification and assistance, including for victims of forced labor, for local immigration, law enforcement, and judicial officials; enhance government planning and coordination mechanisms, perhaps through passing a national plan or increased committee action; and continue to raise awareness about all forms of human trafficking.

Prosecution

The Honduran government maintained efforts to investigate and punish sex trafficking crimes involving children over the reporting period, though it did not make serious and sustained efforts against trafficking crimes involving forced labor or the forced prostitution of adults. Honduras prohibits forced prostitution through aggravated circumstances contained in Article 149 of its penal code, enacted in 2006, but does not specifically prohibit forced labor. For sex trafficking offenses, Article 149 prescribes penalties ranging from 12 to 19.5 years' imprisonment. Such punishments are commensurate with those prescribed for other serious crimes, such as rape. While officials

reported their drafting of a new comprehensive anti-trafficking law, no draft law was submitted to Congress during the reporting period. 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; however, this unit's effectiveness was hampered by limited staff and funding.

There were 106 pending investigations into human trafficking complaints during the reporting period. Authorities prosecuted seven cases of sex trafficking of children, as well as one case of forced labor using a financial exploitation law. The government obtained three convictions, with convicted offenders given sentences ranging from 10 to 19.5 years' imprisonment. In comparison, authorities prosecuted 26 trafficking cases and obtained five 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. There were no confirmed allegations of trafficking-related corruption during the year. Honduran authorities collaborated with Guatemalan and Mexican officials on two investigations during the reporting period. NGOs and international organizations continued to deliver most of the anti-trafficking training available to government officials.

Protection

The Honduran government provided minimal services to trafficking victims during the year, but referred victims to NGOs to receive care services. There continue to be no formal procedures employed by officials to identify trafficking victims among vulnerable populations, such as women and girls in prostitution. The government did not fund dedicated shelters or services for trafficking victims. Child victims could receive limited medical and psychological assistance at three government shelters for at-risk children, one of which opened in San Pedro Sula in December 2010. Officials did not record the number of child trafficking victims who received services at these facilities. Honduran officials generally coordinated with NGOs to refer trafficking victims to receive care services. One partner NGO provided the majority of victim care for children and received no direct funding from the government. While NGOs have provided services to adult victims of trafficking in Honduras, including repatriated Honduran victims, government funding for adult victim services was practically nonexistent. The only government-provided shelter accessible to adult male victims is the migrant detention center, which is 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. A network of NGOs reported identifying over 300 victims during the reporting period. Honduran diplomats abroad reported assisting Honduran victims in other countries. Victims were encouraged to

assist in the investigation and prosecution of trafficking offenders, and some 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, as victim protection services are lacking. 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, though authorities reported that there were no known cases of trafficking victims being deported.

Prevention

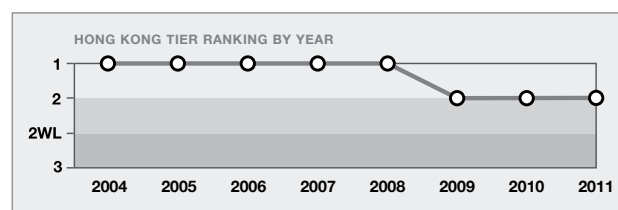
The government enhanced efforts to prevent human trafficking during the reporting period through partnerships with civil society organizations. The Inter-Institutional Commission on the Commercial Sexual Exploitation and Trafficking of Children, which is composed of government agencies, NGOs, and international organizations, served as the interagency coordinating body, and met eight times during the year. Most of the commission's efforts focused on child prostitution. Transparency in the government's anti-trafficking measures was limited; while authorities shared statistics on anti-trafficking efforts on request, the government did not publicly report on the effectiveness of its own efforts during the year. In September 2010, the government launched a national hotline for trafficking victims to obtain information and assistance, with the support of an international organization, the NGO community, and a foreign government; the hotline was administered by the anti-trafficking police unit. With the support of an international organization, officials hosted a bilateral working group with Colombian officials on best practices in fighting trafficking. Authorities continued to partner with the country's private tourism board, which worked with hotels and other tourist businesses to promote a code of conduct prohibiting the commercial sexual exploitation of children; 182 additional hotels and resorts signed during the reporting period for a total of 416 participating businesses. Authorities reported fining and closing two hotels for a week for permitting the sexual exploitation of children, in addition to fining seven bars and nightclubs for permitting sexual exploitation of children. The government investigated three child sex tourists from the United States and one from Honduras during 2010 but reported no prosecutions or convictions of child sex tourists. Authorities reported training almost 2,000 vulnerable children on how to recognize and report trafficking crimes and how not to be a victim. The government did not report efforts to reduce the demand for forced labor.

HONG KONG (Tier 2)

The Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is a destination and transit territory for men and women from mainland China, the Philippines, Indonesia, Thailand, Vietnam, Nepal, Cambodia, and elsewhere in Southeast Asia, subjected to forced prostitution and possibly forced labor. Women from Hong Kong have also been subjected to forced prostitution

in Canada. Some migrants are lured to Hong Kong by criminal syndicates or acquaintances with promises of financial rewards and deceived about the nature of the 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, some victims of sex trafficking have been psychologically coerced into prostitution by traffickers 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 \$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 during which time some workers may be particularly afraid to report abuse by employers for fear of losing their jobs and being unable to pay debts. Several of Hong Kong's domestic worker employment agencies have 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. In previous years, one NGO reported that some employers of Indonesian domestic workers compel their employees to work seven days a week and forbid them to leave the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities.

The Government of Hong Kong does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In August 2010, the government established the Anti-Trafficking Working Group composed of officials from the Security Bureau, Hong Kong Police Force, and the Immigration, Customs, Labor, and Social Welfare Departments to coordinate on Hong Kong's anti-trafficking efforts. The government sustained efforts to investigate and punish sex trafficking offenses, and continued anti-trafficking prevention efforts among foreign domestic workers. Hong Kong authorities did not, however, prosecute labor trafficking offenses.



Recommendations for Hong Kong: Define the term "trafficking in persons" in Hong Kong law to fully prohibit domestic sex trafficking and forced labor and prescribe penalties of imprisonment for these acts; significantly increase efforts to identify indicators of trafficking in persons during investigations of illegal immigration and labor violations to increase trafficking prosecutions, particularly acts of domestic servitude and debt bondage; strengthen penalties for forced prostitution and delineate

penalties for forced labor that are sufficiently stringent; investigate and criminally prosecute Hong Kong employment agencies who require domestic workers to pay significant fees beyond the level permitted by Hong Kong authorities, which usually increases their vulnerability to trafficking resulting from the significant amounts of debt they assume to pay these fees; strengthen implementation of victim identification procedures for identifying trafficking victims among vulnerable groups to identify a greater number of sex and labor trafficking victims; provide incentives for foreign trafficking victims to pursue cases against their traffickers, such as routinely granting permission to remain in Hong Kong and allowing victims to work while participating in court proceedings; increase efforts to enforce existing criminal laws on holding travel documents and other identification as collateral on debts, particularly where used to hold someone in forced labor; and conduct a visible public awareness campaign aimed at reducing the demand for commercial sex acts.

Prosecution

The Hong Kong government improved its anti-trafficking law enforcement efforts during the reporting period, though it continued to be handicapped by an inadequate legal structure to address human trafficking. Section 129 of the Crimes Ordinance prohibiting “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 other serious crimes. The Hong Kong Bill of Rights prohibits slavery and servitude, though it does not prescribe specific penalties for these offenses. Other sections of Hong Kong’s Immigration Ordinance, Crimes Ordinance, and Employment Ordinance can be used to prosecute trafficking offenses, though there was no indication that they were so used during the reporting period. Hong Kong authorities’ interpretation of trafficking, focusing on movement for prostitution and the lack of specific criminal prohibition on forced labor hinders the government’s anti-trafficking response. Nonetheless, authorities reported investigating four trafficking cases during the reporting period, resulting in the conviction, in one case, of five traffickers for luring five Chinese women to Hong Kong and subjecting them to forced prostitution under Section 129. These traffickers received sentences ranging from 16 months’ to three years’ imprisonment. The other three investigations are ongoing. Hong Kong authorities did not report, however, criminally investigating or prosecuting any cases of labor trafficking during the reporting period. Hong Kong’s laws also prohibits illegally withholding a foreign domestic worker’s passport – punishable with imprisonment of up to 10 years – though there was no evidence that authorities used this to prosecute and punish any trafficking offenders. In addition, police continued to receive training on investigating trafficking cases during the reporting period. There were no reports of official involvement or complicity in trafficking, and the government did not report any investigations, arrests, prosecutions, or convictions of government officials complicit in trafficking offenses.

Protection

The Hong Kong government made progress in identifying and protecting trafficking victims during the reporting period. The government identified 11 victims in four trafficking cases in 2010, including two Chinese, four Thai, and five Filipina women, all of whom were victims of forced prostitution. In identifying these 11 victims, the government reportedly employed a formal victim identification procedure to standardize and improve identification of trafficking victims among vulnerable populations, such as those arrested for prostitution and immigration violations. Victims who were recognized by Hong Kong authorities were not penalized for unlawful acts committed as a direct result of their being trafficked. However, some victims may have been deported for immigration violations. For example, one NGO reported that two young women from China were allegedly lured to Hong Kong with promises of jobs in hotels, but were later forced into prostitution. They were subsequently arrested and sentenced to 15 months’ imprisonment for illegally entering and remaining in Hong Kong. Hong Kong did not report identifying or having any victims of forced labor request protection during the reporting period. Hong Kong authorities operated three shelters for victims of violence, abuse, or exploitation, including trafficking victims, and subsidized an additional six NGO-operated shelters. Five of the 11 victims identified were referred to and received protection services at a shelter operated by one government-funded NGO; the other six victims returned home. Victims are legally required to assist in the investigation and prosecution of their traffickers and are provided with a stipend, but are not allowed to work while in Hong Kong. Victims, however, are allowed to leave Hong Kong pending trial proceedings. Seven of the 11 identified victims of trafficking assisted Hong Kong authorities with investigations during the reporting period. Some victims are reluctant to assist in long trials while not allowed to work in Hong Kong. Workers who filed labor complaints, including of conditions indicative of forced labor, were not allowed to work during subsequent legal proceedings, and it often took several weeks to schedule a conciliation meeting. While victims have the ability to file civil charges for compensation from their traffickers and are eligible for legal aid from the Hong Kong government, there were no such cases during the year. The Hong Kong government did not provide any victims with long-term legal alternatives to their removal to countries where they may face hardship or retribution, though authorities report that no foreign victim has requested such immigration relief.

Prevention

Hong Kong continued modest efforts to prevent trafficking in persons during the reporting period. Authorities did not criminally prosecute any cases of withholding workers’ passports or charging excessive fees during the reporting period. The Labor Department, however, reported receiving four complaints from foreign domestic workers of employment agencies withholding their travel documents; the Labor Department returned the documents to the workers and issued warnings to the offending employment agencies, but did not criminally investigate or punish them for these offenses. Nine employers of foreign domestic workers were fined or made to perform community service for withholding workers’ salaries and

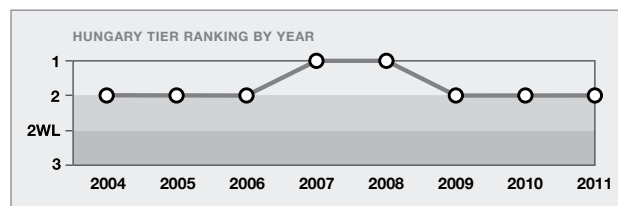
one employer was fined and sentenced to three months' imprisonment. The Labor Department revoked the license of one employment agency for charging foreign domestic workers excessive placement fees. It is unclear, however, whether these particular acts were used by employment agencies and employers for forced labor or sex trafficking. The Hong Kong authorities published and distributed an anti-trafficking informational pamphlet in five languages – Chinese, English, Bahasa Indonesia, Tagalog, and Thai – aimed at educating the public on trafficking issues. The Labor Department also continued to publish "guidebooks" for foreign domestic workers in several languages that explain workers' rights and services provided by the government. To reduce the demand for commercial sex acts, the Hong Kong authorities distributed pamphlets outlining prostitution-related offenses; however, authorities tolerated the existence of "one woman brothels" in Hong Kong. Authorities did not report efforts to address any demand for child sex tourism by Hong Kong residents. Hong Kong's Crimes Ordinance, however, allows for the prosecution of Hong Kong residents suspected of committing sex crimes against children under the age of 16 outside of the Hong Kong region. In January 2011, the government used this provision to sentence a Hong Kong social worker to eight years in prison following conviction for sex crimes against children in mainland China. 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, 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 areas in Hungary along the Austrian border. Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to internal sex trafficking. Men and women from Hungary are subjected to conditions of forced labor in the United Kingdom, Spain, Canada, and the United States, as well as within Hungary. Women from Slovakia, Romania, Moldova, Poland, Ukraine, and China are transported through Hungary to the Netherlands, the United Kingdom, 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, some of which may involve the exploitation of trafficking victims. Roma victims are overrepresented in trafficking victims from 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. The government of Hungary funded a shelter for trafficking victims for the first five months of 2010; however, this

shelter closed in May 2010 and the government has yet to fund a replacement shelter for trafficking victims. The government provided some in-kind assistance to NGOs assisting trafficking victims and funded a hotline for trafficking victims. Efforts to investigate and prosecute trafficking cases and convict offenders appeared to decline during the year, though the government continued to sentence the majority of convicted offenders to time in prison. The government provided a reflection period for foreign victims of trafficking; however, domestic victims were not permitted a reflection period. Additionally, at least one victim was punished for unlawful acts as a direct result of being trafficked.



Recommendations for Hungary: Boost efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; ensure that victims are not punished for unlawful acts as a direct result of being trafficked; ensure foreign victims have the same access to government-funded assistance as do Hungarian victims, including shelter; ensure government funding for trafficking victim assistance is sustained and renewable as well as allocated and distributed; provide trafficking training for law enforcement to increase the number of victims referred by police for assistance; consider amending Paragraph 175/b of the criminal code to remove language requiring proof that a victim is bought or sold – this change may increase prosecutions and convictions as well as victim identification; improve awareness among law enforcement and NGOs of what government-provided and privately provided services are available to victims of trafficking; and conduct a general trafficking awareness campaign about both sex and labor trafficking, targeting both potential victims as well as the general public.

Prosecution

The Hungarian government demonstrated decreased anti-trafficking law enforcement efforts during the reporting period. Hungary prohibits all forms of trafficking through Paragraph 175/b of its criminal code, though prosecutors rely on other trafficking-related statutes to prosecute most trafficking cases. Penalties prescribed in Paragraph 175/b range from one year to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities note that because of a ruling by the Hungarian Supreme Court, prosecutors must meet strict evidentiary requirements for proving the crime of human trafficking under Paragraph 175/b, specifically that a victim of human trafficking had either been bought or sold by another person, or that direct or recently committed violence had been used as a form of coercion as opposed to the use of psychological coercion or abuse of a position of vulnerability. Because of this evidentiary

standard, prosecutors generally use other statutes to prosecute trafficking offenders. Police initiated eight new trafficking investigations, compared with 27 investigations initiated in 2009. Authorities prosecuted eight traffickers in 2010, compared with 16 in 2009. Convictions were obtained against 10 sex trafficking offenders and two labor trafficking offenders in 2010, compared with 23 sex trafficking convictions in 2009. In 2010, at least eight of 12 convicted offenders were sentenced to time in prison, compared with 20 of 23 convicted offenders sentenced to time in prison in 2009. Those sentenced to time in prison in 2010 received sentences ranging from one to seven years' imprisonment. The government did not provide any funding for trafficking-specific training of law enforcement officials; however, the government did provide venues for trafficking-specific training sessions run by NGOs for 62 law enforcement officials, social workers, teachers, and child care and protection workers. The government also provided anti-trafficking training to consular officials before their overseas postings. The government conducted six joint trafficking investigations with law enforcement from the Netherlands, Germany, Belgium, Switzerland, and France. NGOs reported that police often failed to investigate trafficking cases with Roma victims. There were no special judges or prosecutors for trafficking cases, and few county police officers trained in combating trafficking. The government maintained a central database to flag suspected trafficking cases for potential follow up by the National Bureau of Investigation. There were no reports of government officials complicit in trafficking crimes in 2010.

Protection

The Hungarian government made uneven progress in protecting and providing assistance to victims during the reporting period; while it funded a shelter during the reporting period, that funding was allowed to lapse partway through the year and the government made no provisions for alternate sources of shelter for victims. A total of 22 victims were identified by the government in 2010; 16 were referred to IOM, while four were otherwise assisted by the government. Privately funded NGOs identified an additional 22 victims and provided assistance to a combined total of 38 trafficking victims in 2010, compared with a total of 45 victims assisted by NGOs in 2009. NGOs expressed concern that the government's legal interpretation of "victim of human trafficking" was often too narrow to include some victims of trafficking, thus making it difficult for these organizations to secure government funding. Although the government allocated approximately \$30,000 in 2009 to an NGO to establish a trafficking shelter, only \$19,500 was used, and the shelter closed in May 2010. The shelter was limited to assisting Hungarian victims of trafficking, and assisted three such victims in 2010 before closing. The government encouraged victims to assist with trafficking investigations and prosecutions; in 2010, three victims assisted in the investigation and prosecution of trafficking cases. 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 the 30-day temporary residency permits in 2010. Foreign victims may apply for a six-month temporary residency permit if they choose to cooperate with law enforcement.

Hungarian victims were not provided with a reflection period to receive assistance and decide whether to assist law enforcement; instead, Hungarian victims were required to decide at the time of initial identification whether they wanted to assist law enforcement. In practice, some victims who chose not to assist law enforcement were forced to testify, and trafficking victims may be charged for violating prostitution, labor, or migration laws. At least one victim of trafficking was arrested and prosecuted in 2010 and children in prostitution were at times not screened as potential trafficking victims when detained by law enforcement. NGOs reported that some victims were reluctant to approach the police for fear of prosecution for prostitution.

Prevention

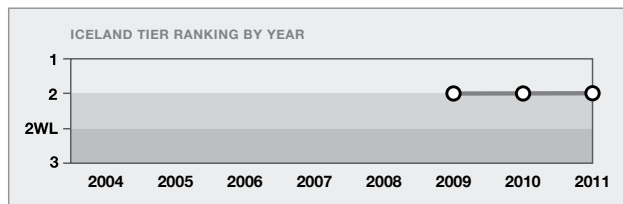
Hungary demonstrated negligible efforts to raise awareness during the reporting period. For another year, the central government took no steps to conduct any general anti-trafficking awareness campaigns focused on the general public or potential victims of trafficking; however, local officials delivered lectures about trafficking prevention in schools, orphanages, and churches. In contrast with previous years, the government did not include NGOs in National Coordinating Mechanism meetings and the meetings were largely symbolic. The national strategy to combat human trafficking, adopted in 2008, established a framework of cooperation for government agencies involved in trafficking cases. However, the government has yet to adopt a complementary national action plan. The government did not undertake specific measures to reduce demand for commercial sex acts during the reporting period.

ICELAND (Tier 2)

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. A 2009 Icelandic Red Cross report claimed that there were at least 59 and possibly as many as 128 cases of human trafficking in Iceland over the three years prior to the report; female victims of human trafficking in Iceland came from Eastern Europe, Russia, Africa, South America, and Southeast Asia. During the reporting period, foreign women in prostitution within the country were vulnerable to sex trafficking. According to the Red Cross report, undocumented foreign workers – mostly from Eastern Europe and Baltic states – in Iceland's manufacturing and construction industries were vulnerable to forced labor. During the reporting period, local authorities were unable to document cases of forced labor but did acknowledge violations of immigration or employment law. Authorities suspected involvement of organized crime in trafficking.

The Government of Iceland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Icelandic government made important progress in victim protection this year, identifying and caring for more victims of trafficking than in the previous year. The government

also approved two new residence permits to assist victims of trafficking and provided funding for a new shelter to aid the long-term reintegration of trafficking victims. During the year, the Iceland police developed formal guidelines for victim identification. Nevertheless, the Government of Iceland's prevention activities were limited and, in contrast with the last reporting period, it prosecuted no trafficking offenses. Critically, the Icelandic government continued to prescribe a sentence for trafficking that was half that prescribed for other violent crimes such as rape and aggravated physical assault; the statutory maximum sentence did not oblige Icelandic police to hold human trafficking suspects in pre-trial detention.



Recommendations for Iceland: Amend the criminal code to ensure that penalties prescribed for sex trafficking are commensurate with penalties prescribed for other serious crimes such as rape and aggravated physical assault; vigorously investigate, prosecute, and convict trafficking offenders; continue to formalize victim identification and care procedures for all care providers; expand training on 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; consider establishing a hotline for reporting suspected instances of human trafficking.

Prosecution

The government of Iceland demonstrated some law enforcement efforts during the reporting period, although the government did not initiate any prosecutions or convict any trafficking offenders. Iceland prohibits both sex and labor trafficking under Article 227a of its criminal code. Punishments prescribed for trafficking under Article 227a range up to eight years' imprisonment, which are sufficiently stringent though not commensurate with penalties prescribed for other serious crimes such as rape. Although actual sentences awarded to trafficking offenders have been similar to rape sentences, government officials reported that the lower statutory trafficking sentence impaired criminal trafficking investigations by not obligating the police to hold trafficking suspects in pre-trial detention. During the reporting period, the Government of Iceland drafted legislation to raise the maximum sentence for trafficking in persons to 12 years' imprisonment. If passed, this legislation would enforce a maximum sentence that would oblige the police to hold trafficking suspects in pre-trial detention. Police conducted two trafficking investigations during the reporting period, compared with three investigations in 2009. Icelandic authorities did not initiate any trafficking prosecutions during the reporting period, nor did it achieve any convictions. Last year, it initiated eight prosecutions and convicted five trafficking

offenders. The Government of Iceland does not have specialized anti-trafficking investigative or prosecutorial units. The government did not report the investigation, prosecution, conviction, or sentencing of any government official complicit in trafficking. In 2010, the Icelandic government cooperated with Spanish law enforcement authorities on a trafficking investigation. Icelandic authorities trained students at the national police college on recognizing and investigating human trafficking and funded some training of Icelandic law enforcement officers abroad.

Protection

The government made significant progress in its victim protection efforts, establishing a more formal system for the identification and referral of victims of trafficking and developing residence permits for victims of trafficking. During the reporting period, the government established a new temporary residence permit for victims of trafficking, granting a six-month reflection period to foreign individuals if there is suspicion that they are victims of trafficking; the government granted one of these permits to a victim of trafficking. The government also created a second one-year renewable residence permit for victims of trafficking who cooperate with law enforcement or who find themselves in compelling circumstances, such as facing retribution or hardship in their home countries. The Icelandic government funded a domestic violence shelter that was available to house trafficking victims. This year, the shelter reported caring for approximately six victims of trafficking. Victims of trafficking were permitted to leave the shelter unchaperoned and at will. The government also allocated approximately \$85,000 for a long-term shelter to assist sex trafficking victims in reintegration; the government anticipates that this shelter will open later in 2011. There is no specialized care center available to male victims of trafficking, although all victims, regardless of age or gender, are entitled to free, government-supported health care, and legal and counseling services. During the reporting period, the National Police Commissioner published formal rules of procedure for identifying and caring for suspected victims of trafficking. Social workers, health care professionals, and labor inspectors still lacked formal proactive guidance on identifying and caring for victims of trafficking. Stakeholders consequently called for formal cooperation agreements and procedures to be established for all those participating in identification and care of trafficking victims. Law enforcement identified at least six trafficking victims during the reporting period and referred each victim to care. This is a large increase from last year, in which the government identified three victims of trafficking. Nevertheless, three victims declined assistance. NGOs reported identifying at least four more victims of trafficking. NGOs 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 and prosecution of trafficking and at least one victim did so during the reporting period.

Prevention

The Icelandic government made limited progress on trafficking prevention. Although there were no specific anti-trafficking awareness campaigns in Iceland during the reporting period, public awareness of trafficking continued to increase during the reporting period due to media reports about trafficking cases, a government conference featuring an anti-trafficking panel, and anti-trafficking training. In public appearances by high level government officials, the government also continued to recognize that trafficking remained a problem in the country. The government coordinated its anti-trafficking activities through its Specialist and Coordination Team for Human Trafficking, and followed the course of improvement set forth in its 2009-2012 National Action Plan. It did not publish a public report on its anti-trafficking activities. The government did, however, provide anti-trafficking financial assistance to the Government of Belarus for a project administered by the Icelandic Red Cross and to the OSCE to produce a documentary about labor trafficking. In June 2010, the Government of Iceland ratified the 2000 UN TIP Protocol.

INDIA (Tier 2)

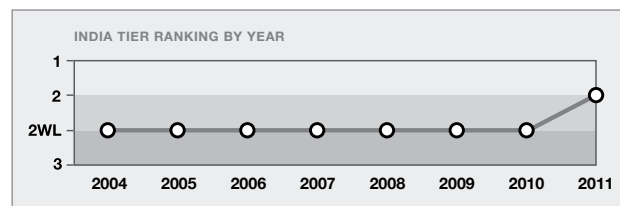
India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. The forced labor of millions of its citizens constitutes India's largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. A common characteristic of bonded labor is the use of physical and, in many instances, sexual violence – including rape – as coercive tools, in addition to debt, to maintain these victims' labor. Ninety percent of trafficking in India is internal, and those from India's most disadvantaged social economic strata including the lowest castes are particularly vulnerable to forced or bonded labor and sex trafficking. 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.

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. Indian nationals engage in child sex tourism within the country and, to a lesser extent, in other countries. Sex trafficking in some large cities continued to move from red light areas to road side small hotels, and private apartments. Women and girls from Nepal and Bangladesh are also subjected to sex trafficking in India. Maoist armed groups known as the Naxalites forcibly recruited children into their ranks.

There are also victims of labor trafficking among the hundreds of thousands of Indians who migrate willingly every year to the Middle East and, to a lesser extent, the United States, Europe, and other countries, for work as domestic servants and low-skilled laborers. 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 exploitation, conditions of involuntary servitude, and physical and sexual abuse by unscrupulous employers in the destination countries. Nationals from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East. Some Indians have been investigated and convicted by foreign governments for human trafficking. Over 500 guestworkers from India filed a class action lawsuit in a U.S. court alleging that they were held in forced labor in Texas and Mississippi.

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' launched the government's "Comprehensive Scheme for Strengthening Law Enforcement Response in India," which seeks to improve India's overall law enforcement response to all forms of trafficking, including bonded labor, and established at least 87 new Anti Human Trafficking Units (AHTUs). The government also ratified the 2000 UN TIP Protocol. The government took important law enforcement steps by convicting several bonded labor offenders with sentences between five and 14 years and improved rescue and rehabilitation efforts for bonded laborers. Overall law enforcement efforts against bonded labor, however, remained inadequate, and the complicity of public officials in human trafficking remained a serious problem, which impeded progress.



Recommendations for India: Strengthen central and state government law enforcement capacity to fight against all forms of human trafficking; work towards ensuring that national legislation prohibits and punishes all forms of human trafficking; increase intrastate and interstate investigations, prosecutions, and convictions on all forms of trafficking, including bonded labor; increase law enforcement efforts to decrease official complicity in trafficking, including prosecuting alleged complicit officials and convicting and punishing complicit officials in accordance with Indian law; encourage states to establish Immoral Trafficking Prevention Act courts like the one in Mumbai; 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; empower AHTUs through financial support and encourage them to address labor trafficking, including bonded labor; 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;

target welfare schemes and laws to communities that are specifically vulnerable to trafficking and to rescued victims; and increase the quantity and breadth of public awareness and related programs on bonded labor.

Prosecution

The government made progress in law enforcement efforts to combat human trafficking in 2010, but concerns remain. India prohibits and punishes most, but not all, forms of human trafficking under a number of laws. The government prohibits bonded and forced labor through the BLSA, the Child Labor (Prohibition and Regulation) Act (CLA), and the Juvenile Justice Act. These laws were unevenly enforced, and their prescribed penalties – a maximum of three years in prison – are not sufficiently stringent. Moreover, these prison sentences were rarely imposed on offenders. India also prohibits some, but not all, forms of sex trafficking through the Immoral Trafficking Prevention Act (ITPA). Prescribed penalties under the ITPA, ranging from seven 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. ITPA crimes, however, are frequently tried under magistrate courts, which limit sentences to three years, whereas rape cases are generally tried under Sessions courts which permit the maximum sentences according to the law. Indian authorities also used Sections 366(A) and 372 of the Indian Penal Code (IPC), which prohibit kidnapping and selling children into prostitution, respectively, to arrest and prosecute suspected sex traffickers. Penalties prescribed under these provisions are a maximum of 10 years' imprisonment and a fine. The Indian government continued to debate proposed amendments to the ITPA to give trafficking victims greater protections and eliminate Section 8, which is sometimes used to criminalize sex trafficking victims. The state of Goa has its own laws prohibiting child trafficking; prescribed penalties under the 2003 Goa Children's Act include imprisonment of no less than three months and/or a fine for child labor trafficking, and imprisonment for one year and a fine for child sex trafficking.

A court in the state of Tamil Nadu in July 2010 issued a landmark conviction of five years' imprisonment and a fine to three bonded labor perpetrators. An NGO reported five other convictions against bonded labor perpetrators in Uttar Pradesh with sentences of 14 years' imprisonment. NGOs reported there were at least 150 labor trafficking prosecutions launched. Most government prosecutions were supported in partnership with NGOs; however, officials in Tamil Nadu proactively initiated the rescue of bonded laborers and prosecutions in at least four cases. The disposition of the prosecutions recorded in the 2010 TIP Report are unknown. Some state governments convicted offenders for the use of child labor, such as the 444 convictions obtained by Uttar Pradesh courts under the CLA; some of these children may have been trafficking victims.

In Mumbai, the ITPA court issued 164 convictions against brothel owners and pimps; a majority of these convictions were for sex trafficking. As progress from the previous year, the judge in Mumbai's ITPA court ensured that sex

trafficking victims were not penalized with a \$2 fine. In 2010, Andhra Pradesh courts registered 118 convictions against brothel owners and pimps under various sections of the ITPA and IPC, with sentences ranging from three to seven years; a majority of these convictions were for sex trafficking. However, as convicts are entitled to bail on the first day of sentencing, it is unclear how many convicted criminals actually served their sentences. In Tamil Nadu, the government reported that police launched investigations in 572 cases under the ITPA between January and December 2010.

Indian courts had a lenient attitude towards bail for alleged trafficking offenders, and the accused were often released on bail after an investigation was over; this facilitated witness intimidation and delayed trials. Obtaining convictions in many parts of India was difficult due to many causes, including overburdened courts, the lack of modern docket systems, a weak understanding of the laws, and lack of commitment and awareness by some local authorities. Under the Indian Constitution, states have the primary responsibility for law enforcement, and state-level authorities are limited in their abilities to effectively confront interstate and transnational trafficking crimes. The ILO has noted that enforcement of the BLSA remains weak. Law enforcement efforts against bonded labor were also hampered by instances of police complicity, traffickers escaping during raids or on bail, or cases dropped by officials for a variety of reasons, including insufficient evidence, witnesses turning hostile, and intimidation by traffickers. Some police treated victims as perpetrators, did not use victim-centric policies, and did not improve victim-witness security, which hindered victim testimony and prosecutions. Other police, however, actively partnered with NGOs to facilitate prosecutions.

The Government of India's "Comprehensive Scheme for Strengthening Law Enforcement Response in India" earmarked \$12 million over three years to implement the nationwide anti-trafficking effort. As a part of this effort, state governments established at least 87 new AHTUs in police departments during the reporting period, for a total of at least 125 AHTUs, spanning at least 17 of India's 28 states. Some NGOs believed that some units were more focused on sex trafficking than the more significant problem of labor trafficking, including bonded labor. Each AHTU is designed to be tailored to local conditions to effectively confront the forms of human trafficking found in the particular district.

The involvement of some public officials in human trafficking, and the pervasiveness of corruption in India, remained significant and largely unaddressed hurdles to greater progress against trafficking. Corrupt law enforcement officers reportedly continued to facilitate the movement of sex trafficking victims and protected suspected traffickers and brothel keepers from the law. Some police continued to tip-off locations of sex and labor trafficking to impede rescue efforts. Some owners of brothels, rice mills, brick kilns, and stone quarries are reportedly politically connected. India reported no convictions or sentences of government officials for trafficking-related offenses during the reporting period. However, the government arrested a former member of

parliament for forcing a girl into prostitution in Kolkata. The government filed a First Information Report against an Indian Administrative Service officer for his alleged use of forced child labor. The officer is currently out on bail.

Indian courts continued to be active in the fight against human trafficking during the year. High court orders in Bihar, Delhi, Punjab, and West Bengal required those states to strengthen their anti-trafficking law enforcement efforts; results from these court orders were uneven. According to NGOs, state and district officials countrywide trained over 10,000 law enforcement officials on human trafficking, in partnership with them. This included four training-of-trainer regional workshops held in the reporting period by the Bureau of Police Research and Development and UNODC.

Protection

India made uneven progress in its efforts to protect victims of human trafficking. Indian law enforcement and immigration officials continued to lack formal procedures for proactively identifying victims of trafficking among vulnerable populations, such as children at work sites, females in prostitution, or members from the disadvantaged social economic strata in rural industries. The Ministry of Labor and Employment reported that in Chhattisgarh, Uttar Pradesh, and West Bengal, over 750 bonded laborers were rescued and hundreds of rehabilitation packages were issued, valuing approximately \$171,000, between January 2010 and September 2010. NGOs reported hundreds of more rescues and release certificates and issued during the reporting period, particularly in Tamil Nadu, Andhra Pradesh, Karnataka, Uttar Pradesh, and Bihar. Although each government-recognized victim of bonded labor is entitled to 20,000 rupees (about \$450) under the BLSA from the state and central government, disbursement of rehabilitation funds was uneven. NGOs reported that the government increasingly released rehabilitation funds, although disbursement problems remained. For instance, one NGO cited that in a Tamil Nadu case, 10 laborers received their rehabilitation packages within two and a half months (in advance of the six months processing time allowed by the law), but also noted that bonded laborers released in Andhra Pradesh had not received any rehabilitation funds since 2007, despite 150 packages pending. Andhra Pradesh provided property to 30 freed bonded laborers and provided government-subsidized loans to help 200 sex trafficking victims acquire homes. Tamil Nadu trained over 100 of its inspectors on human trafficking, including bonded labor. According to an NGO, state officials in Orissa and Karnataka worked together to rescue and repatriate 77 bonded laborers from a brick kiln in Karnataka in September 2010, although the government has not yet prosecuted the alleged traffickers.

The Ministry of Women and Child Development (MWCD) funded 331 Swadhar projects – which helps female victims of violence, including sex trafficking – and 134 projects and 73 rehabilitation centers in 16 states under the Ujjawala program – which seeks to protect and rehabilitate female trafficking victims – and 238 women's helplines. This is an increase from the previous year. Foreign victims can access

these shelters. Some NGOs have cited difficulty in receiving timely disbursements of national government funding of their shelters under these programs, and some rescued sex trafficking victims in Andhra Pradesh died while waiting over three years to get rehabilitation funds. India does not have specialized care for adult male trafficking victims.

Conditions of government shelter homes under the MWCD varied from state to state. Many shelters functioned beyond capacity, were unhygienic, offered poor food, and provided limited, if any, psychiatric and medical services, although NGOs provided some of those services. Some women may have been placed in protective homes against their will. Some shelters did not permit child victims to leave the shelters – including for school – to prevent their re-trafficking. Traffickers continued to re-traffic some victims by approaching shelter managers and pretending to be family members to get the victims released to them, although this practice is declining. Many Indian diplomatic missions in destination countries, especially those in the Middle East, provided services, including temporary shelters, to Indian migrant laborers, some of whom were victims of trafficking.

Some trafficking victims were penalized for acts committed as a result of being trafficked. NGOs asserted that some parts of Andhra Pradesh, Maharashtra, Goa, Bihar, Delhi, Tamil Nadu, and West Bengal continued to make progress in not criminalizing sex trafficking victims; however, Section 8 of the ITPA (solicitation) and Section 294 of IPC (obscenity in public places) continued to be widely used in other areas. Reports indicated that some foreign victims continued to be charged and detained under the Foreigners' Act for undocumented status. Foreign trafficking victims were not offered special immigration benefits such as temporary or permanent residency status. Foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution. The Government of India successfully repatriated seven Bangladeshi trafficking victims from Chennai in 2010 with the assistance of NGOs, and repatriated 29 Bangladeshi victims from Maharashtra in 2010-2011, although repatriation remained a challenge for other victims. India established a trafficking task force with Bangladesh which held three meetings.

The level to which government officials encouraged victims to cooperate with law enforcement investigations and prosecutions of traffickers was inconsistent and 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.

Prevention

The Government of India made progress in its efforts to prevent human trafficking. Central and state governments conducted several initiatives to raise awareness about sex trafficking, especially during the run-up to the October Commonwealth Games, but made little progress in increasing awareness about adult forced labor. The Ministry of Home Affairs collaborated with the Indira Gandhi National Open University (IGNOU) and the

Home Minister publicly launched a six-month graduate certificate course on human trafficking. In January 2011, the MHA issued an Advisory encouraging state police officers to enroll in the course; the government reported that more than 200 officials have already enrolled, most of whom are police officers. Through the Ujjawala scheme, the MWCD held quarterly inter-ministerial stakeholder meetings. The MHA's Anti-Trafficking Nodal Cell held four video-conference meetings with state anti-trafficking nodal officers during the reporting period to coordinate and monitor nationwide efforts to implementing the Comprehensive Scheme for Strengthening Law Enforcement Response in India. In these meetings, the nodal officers reported on state government anti-trafficking activities, such as progress in establishing AHTUs, translating and distributing anti-trafficking manuals, submitting names of state and district officials to attend training-of-trainers classes, and encouraging officials to enroll in the IGNOU course. The Government of Orissa issued a notification abolishing the *bartan* system, a form of bonded labor. The Government of Punjab passed an anti-smuggling bill in the reporting period, one clause of which could be used to prosecute recruitment agents who act as aiders or abettors to trafficking; there is no indication whether such cases have been brought. The Ministry of Labor and Employment provided \$119,000 for states to conduct bonded labor surveys; it is uncertain what the status is of the bonded labor survey conducted in Madhya Pradesh last year, as noted in the 2010 TIP Report. Karnataka officials distributed 7,000 copies of the state's action plan against bonded labor in all its 30 districts. The Ministry of Labor and Employment also earmarked \$1.1 million for advocacy campaigns against child labor over the reporting period, some of which may have been for forced child labor, a large increase over the previous year.

The Ministry of Labor and Employment launched a five-state project, funded by a foreign government and implemented in partnership with the ILO, which is directed in part against forced child labor. The Ministry also expanded its preventative convergence-based model against bonded labor in Andhra Pradesh, Haryana, and Orissa. The model targets populations specifically vulnerable to bonded labor and seeks to empower them economically and socially. While it is difficult to measure the impact on bonded labor of the completed pilot project in Tamil Nadu, the project helped approximately 7,200 families access basic education, health insurance, and other government benefits. This model, however, involves collaboration between bonded laborers and their employers – that is, their traffickers – which casts doubt on its ability to adequately address bonded labor. After a rescue operation of bonded laborers in a rock quarry, a Deputy Commissioner in Mangalore requested government officials to cancel the lease of that quarry; however, it is not clear whether that request has been granted. The government does not permit its female nationals under the age of 30 to emigrate to 17 countries due to the high incidence of physical abuse; evidence suggests such restrictions on migration do not have a positive effect on preventing human trafficking. The Migrant Resource Center in Cochin counseled 2,985 potential migrants between January and October 2010, compared to 2,633 in 2009.

Indian embassies in the Middle East housed Indian Worker Resource Centers, including a new center publicly launched by the Indian president in the United Arab Emirates. The government reduced the demand for commercial sex acts in the reporting period by convicting clients of prostitution. The Code of Conduct adopted by the Tourism Ministry in July 2010 included guidelines to enable the Indian travel and tourism industry to prevent child sex tourism. Data from India's last social survey indicates approximately 60 percent of births were unregistered; such a lack of identify documentation contributes to vulnerability to trafficking. However, the government launched a multi-year project in July 2010 to issue unique identification numbers to citizens, with over \$400 million in funds that were allocated last year (and noted in the 2010 TIP Report). As of March 2011, the Unique Identification Authority issued numbers to almost four million citizens. In an effort to reduce the demand for commercial sex acts, the Supreme Court reportedly issued a directive February 2011, ordering all states to provide a list of the measures they are taking to fight prostitution. Training for Indian soldiers and police officers deployed in peacekeeping missions reportedly included awareness about trafficking. India ratified the 2000 UN TIP Protocol in May 2011.

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 Java, West Kalimantan, Lampung, North Sumatra, and South Sumatra. 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 Malaysia, Saudi Arabia, Singapore, Kuwait, Syria, and Iraq. The number of Indonesians seeking work abroad remains very high, with an estimated 6.5 million to 9 million Indonesian migrant workers worldwide, including 2.6 million in Malaysia and 1.8 million in the Middle East. An estimated 69 percent of all overseas Indonesian workers are female. IOM and a leading Indonesian anti-trafficking NGO estimates that 43 to 50 percent – or some 3 to 4.5 million – of Indonesia's expatriate workforce are victims of conditions indicative of trafficking. Of 3,840 trafficking victims IOM and the Indonesian government identified upon their return from work overseas, 90 percent were female and 56 percent had been exploited in domestic work. According to IOM, a total of 82 percent of victims identified in 2010 had been trafficked abroad; 18 percent were trafficked within Indonesia. During voluntary interviews, these Indonesian trafficking victims reporting experiencing the following forms of abuse, all conducive to trafficking: withheld salary (85 percent); excessive working hours (80 percent); total restriction of movement (77 percent); verbal or psychological abuse (75 percent); and confiscation of travel documents (66 percent). The number of Indonesian women who are raped while working as domestic workers appears to be on the rise. Based on a 2010 survey, a respected Indonesian NGO noted that during the year 471 Indonesian

migrants returned from the Middle East pregnant as the result of rape, and an additional 161 returned with children who had been born in the Middle East. Half of the victims of trafficking within the country were children, while 70 percent of victims trafficked abroad were adults.

According to IOM, labor recruiters, both legal and illegal, are responsible for more than 50 percent of the Indonesian female workers who experience trafficking conditions in destination countries. Some recruiters work independently, others for recruitment labor companies called PJTKIs (which include both legal and illegal companies). Some PJTKIs operate similar to trafficking rings, leading both male and female workers into debt bondage and other trafficking situations. These recruitment brokers often operate outside the law with impunity and some PJTKIs use ties to government officials or police to escape punishment. There are reports of workers recruited for overseas work by PJTKIs being confined involuntarily for months in compounds – ostensibly for training and processing – prior to their deployment, accumulating debts that make them vulnerable to debt bondage. Licensed and unlicensed companies used debt bondage, withholding of documents, threats of violence, and confinement in locked premises for extended periods to keep Indonesian migrants in situations of forced labor.

Indonesian women migrate to Malaysia, Singapore, and the Middle East and are subsequently subjected to forced prostitution; they are also subjected to forced prostitution and forced labor in Indonesia. According to the Director General for the Development of Tourist Destinations, an estimated 40,000 to 70,000 Indonesian children have been exploited in prostitution within the country. Children are trafficked internally and abroad primarily for domestic servitude, forced prostitution, and cottage industries. Many of these trafficked girls work 14-16 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 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. Sixty percent of children under 5 years old 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.

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. A greater number of Indonesian girls were recruited into sex trafficking through Internet social networking media during the year. Traffickers also resorted to outright kidnapping of girls and young women for sex trafficking within the country and abroad. More than 25 sex trafficking victims from Uzbekistan were identified in 2010, and there were reports of victims from China,

Thailand, other Central Asian countries, and Eastern Europe exploited in Indonesia.

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 originally recruited with offers of jobs in restaurants, factories, or as domestic workers before they were coerced into prostitution. Child sex tourism is prevalent in most urban areas and tourist destinations, such as Bali and Riau Island. Some traffickers continued to forge partnerships with school officials to recruit young men and women in vocational programs for forced labor on fishing boats through fraudulent “internship” opportunities. In April 2011, the government established the National Coalition for the Elimination of Commercial Sexual Exploitation of Children at the University of Indonesia as a first step to addressing the problem.

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 efforts to improve coordination and reporting of its anti-trafficking efforts. However, the government did not enact necessary migrant worker legislation or apply sufficient criminal sanctions to labor recruiters who subject Indonesian migrants to labor trafficking. Moreover, the government did not demonstrate vigorous efforts to investigate, prosecute, and criminally punish law enforcement officials complicit in human trafficking, and this remained a severe impediment to the government’s and NGOs’ anti-trafficking efforts.

During the year, the Indonesian government undertook a number of reforms that significantly improved the coordination and effectiveness of the 19 ministries and agencies involved in addressing human trafficking. The government clarified the role of the National Agency for Placement and Protection of Indonesian Overseas Workers (BNP2TKI) in implementing the 2004 migrant labor law (Law No. 39), which created the agency. It also enacted a new immigration law that provides additional tools with which to fight the complicity of law enforcement officials in human trafficking and smuggling, and advanced draft legislation to protect migrant workers, including trafficking victims, more effectively. Recognizing the high vulnerability of female migrant workers in some receiving countries, the Indonesian government imposed a ban on its certification of additional Indonesian female migrants going to Saudi Arabia and Jordan; it continued an earlier-imposed ban on female migrants going to Malaysia.



Recommendations for Indonesia: Enact draft legislation that would amend 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; undertake greater efforts to criminally prosecute and punish labor recruitment agencies involved in trafficking and the illicit recruitment practices that facilitate trafficking, including the charging of recruitment fees that are grossly disproportionate to the services that recruiters provide; increase efforts to prosecute and convict public officials – particularly law enforcement and Ministry of Manpower officials who are involved in trafficking; undertake efforts to prosecute and punish those who obtain commercial sexual services from children; increase government funding at all levels of government for law enforcement efforts against trafficking and the rescue, recovery, and reintegration of trafficking victims; increase efforts to protect domestic workers within Indonesia, particularly children, through law enforcement, public awareness and assistance to families, given their particular vulnerabilities to trafficking; improve the collection, analysis, and public reporting of comprehensive data on law enforcement actions taken under the 2007 law; improve coordination with other labor sending governments, through ASEAN or regional migration fora such as the Colombo Process, with the goal of creating a regional migration framework that protects workers from human trafficking and exploitation; and 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.

Prosecution

The Indonesian government sustained anti-trafficking law enforcement efforts during the last year, though the reported numbers of trafficking offenders prosecuted and convicted declined significantly. This drop may be attributable to an improved system of collecting and reporting law enforcement data within Indonesia's increasingly decentralized government. 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. However, police and prosecutors, many of whom are still unfamiliar with the legislation, are often reluctant or unsure of how to effectively use it to punish traffickers. While police reportedly used the 2007 law to prepare cases for prosecution, some prosecutors and judges still use other, more familiar laws to prosecute traffickers. During 2010, police investigated 106 persons who were arrested and charged with offenses under the 2007 law. During the year, the government prosecuted 112 suspected trafficking offenders under the 2007 trafficking law, compared with 138 prosecuted in 2009. The Indonesian government obtained the convictions of 25 offenders in 2010, compared with 84 convictions obtained in 2009. The significantly lower number of convictions in 2010 is in part due to a new and improved data reporting format for national and provincial law enforcement authorities, which resulted in reporting only January through June 2010 for this report

and includes only cases charged under the 2007 anti-trafficking law, rather than counting convictions under child labor and immigration laws. The national task force, in consolidating the collection of anti-trafficking data, faced challenges in collecting full data from provincial and district law enforcement authorities.

Indonesian officials and local NGOs continued to criticize the police as being too passive in investigating trafficking absent specific complaints. NGOs also reported that in cases where police rescued trafficking victims, they often failed to pursue their traffickers, who fled to other regions or left the country. While police were often aware of children in prostitution or other trafficking situations, they frequently failed to intervene to arrest probable traffickers or to protect victims without specific reports from third parties. Police liaison officers are posted to Indonesian embassies in Saudi Arabia, Malaysia, Australia, the Philippines, and Thailand to support law enforcement cooperation with host governments, including trafficking investigations. During the year, the government expanded its collaboration with foreign partners and NGOs in the training of law enforcement officials on trafficking.

The Criminal Investigation Unit in Surabaya has focused on prostitution offenders. In September 2010, they arrested the head of two child trafficking rings. Twenty victims were rescued and the case was referred to prosecution. Police also uncovered a case in which the parents of three girls, who lived in a poor area of Surabaya, sold their daughters to local pimps. Also, in East Java, in May 2010, police in Malang arrested the owners of the labor recruitment firm Jaya Sakti PT Sodo for involvement in suspected trafficking offenses.

During the year, government officials and civil society actors discussed draft legislation on migrant workers that would address the significant gaps in the existing 2004 law. In March 2011, Indonesia's parliament passed a new immigration law, replacing a 1992 statute, that provides punishments of up to two years' imprisonment for officials found guilty of aiding and abetting human trafficking or people smuggling. The new law also links human trafficking and people smuggling, allowing traffickers also to be prosecuted for the crime of smuggling.

Corruption remains endemic in Indonesia, and members of the security forces continued to be involved both directly and indirectly in trafficking, according to NGOs and local officials. Police and military officials were sometimes associated with brothels and fronts for prostitution, most frequently through the collection of protection money, which was a widespread practice. Some security force members were also brothel owners. Fraudulent recruitment brokers involved in trafficking often operate outside the law with impunity. Some Ministry of Manpower officials reportedly licensed and protected international labor recruiting agencies involved in human trafficking, despite the officials' knowledge of the agencies' involvement in trafficking. Some fraudulent recruitment agencies tied to families or friends of government officials or police who make deals when caught, and then continue to operate government passport services remained the object of widespread corruption, and recruitment agencies routinely

falsified birth dates, including for children, in order to apply for passports and migrant worker documents. The Ministry of Manpower publicly stated that it is identifying and punishing these companies, and the media frequently reports arrests of labor company recruiters. In April 2011, authorities reportedly arrested two PJTKI representatives for falsifying the documents of two Indonesian domestic workers that the company sent to Saudi Arabia, and who were severely abused in the Kingdom. However, the ministry has not yet provided any statistics on such activities. Some local officials facilitated trafficking by certifying false information in the production of national identity cards and family data cards for children, allowing them to be recruited for work as adults abroad and within the country.

International organizations and third-country diplomats reported that, in return for bribes, some immigration officials turned a blind eye to potential trafficking victims, failing to screen or act with due diligence in processing passports and immigration control. International NGOs report that corrupt Indonesian immigration officials posted abroad work hand-in-hand with trafficking rings in supplying brothels with victims. There were credible reports of police and military elements complicit in running brothels filled with victims from foreign countries, such as Uzbekistan. When alerted by the victims' embassies of the problems the police reportedly refused to rescue the women. Despite some reports of law enforcement officials' complicity in human trafficking during the year, the government did not report any investigations, prosecutions, convictions, or sentences of public officials for such trafficking-related offenses.

Protection

The Indonesian government continued modest but uneven efforts to protect victims of trafficking during the year. The Ministry of Social Welfare continued to operate 22 shelters and trauma clinics for victims of sex and labor trafficking and the National Police operated several "integrated service centers," which provided medical services to victims of violence, also accessible to victims of trafficking. The government did not, however, report how many victims of trafficking were assisted by these centers. The government continued to operate more than 500 district level women's help desks to assist women and child victims of violence, including trafficking. The government relied significantly on international organizations and NGOs for the provision of services to victims, such as IOM assistance in running the police integrated service centers, and provided some limited funding to domestic NGOs and civil society groups that supported services for populations which included trafficking victims. Most security personnel did not employ formal procedures for the identification and referral of victims among vulnerable groups, such as females in prostitution, children migrating within the country, and workers returning from abroad, but did refer some victims to service providers on an *ad hoc* basis. In part because of a lack of sufficient funding, police were often compelled to return trafficking victims to their homes the day they were rescued, without the provision of any meaningful shelter or assistance. This jeopardized the successful prosecution of trafficking cases and often placed into the hands of

traffickers who waited for the victims' return and the opportunity to re-traffic them.

During the year, the government sustained funding for trafficking victim protection efforts, allocating \$133,000 through the Ministry of Women's Empowerment and Child Protection (MWECP) specifically for assistance to trafficking victims. An additional \$3.1 million was allotted by MWECP to the protection of women and children, an unknown part of which will benefit victims of human trafficking. The Social Welfare Ministry continued programs that included operating trauma centers, providing more psychosocial workers and trauma experts, and training on trauma treatment.

Screening of migrants for evidence of trafficking at Jakarta International Airport's Terminal Four, through which nearly 40 percent of legal migrants on their way to destinations other than Malaysia pass, remained inadequate. Officials at the terminal estimated that more than 35 percent of the returnees are victims of trafficking, though for a number of reasons were reluctant to report the problem. Seven ministries operated Terminal Four and the result was that the returnees, more than 1,000 per day, were forced to pay excessive fees for inadequate services. Returnees were required to use transportation arranged by the Ministry of Transportation at exorbitant rates. Neither family members nor friends were allowed to meet with the returnees until they returned to their home of record. The police demanded a fee for the ride and certification of delivery.

Some trafficking victims were detained and arrested by police, including through raids on prostitution establishments; some anti-prostitution raids were carried out by police in order to extract bribes from managers and owners of these establishments. There were reports that some police refused to receive trafficking complaints from victims, instead urging the victims to reach informal settlements with their traffickers. Some government personnel encouraged victims to assist in the investigation and prosecution of trafficking cases, while others were less solicitous of victims' cooperation. The prolonged nature of court cases often led victims to avoid cooperating with the prosecution of their traffickers; additionally, the government does not provide adequate funds for victim witnesses to travel to trials. Authorities continued to round up and deport a small number of women in prostitution without determining whether they were victims of trafficking. Indonesia's Foreign Ministry continued to operate shelters for trafficking victims and migrant workers at some of its embassies and consulates abroad. These diplomatic shelters sheltered thousands of Indonesian citizens in distress, including trafficking victims.

Prevention

The Indonesian government made efforts to prevent human trafficking during the reporting period. The Ministry of Women's Empowerment and Child Protection continued to chair the national task force on trafficking, which included working group sub-units on coordination, policy, and other areas. Indonesia's vice president chaired an October 2010 meeting of the national task force, in which the 19 member agencies were tasked with forming six working groups

and attendant work plans and budgets in line with the 2009-2014 national action plan against human trafficking. The MWECP chaired a follow-up meeting of the task force in January 2011, to develop the six working groups' plans. Despite this progress in coordinating the national government's anti-trafficking, the task force's secretariat continued to face inadequate funding and staffing. During the reporting period, the number of provinces with local anti-trafficking task forces increased to 20, along with a total of 72 regencies and cities with their own task forces. The Ministry of Education launched a public awareness campaign throughout Indonesia to alert vulnerable populations, in particular girls in vocational schools in poorer regions, to the dangers of trafficking and to inform them of their rights. Similarly, the MWEPC aired public service announcements throughout Indonesia warning about trafficking and providing contact information for assistance to victims. The government continued partnerships with NGOs and international organizations to increase public awareness of trafficking. This was the result of coordination among members of the joint task force against trafficking. The government's negotiations with the Malaysian government on amendments to a 2006 memorandum of understanding covering Indonesian domestic workers stalled during the year, reportedly due to an impasse on the issue of a minimum wage and a weekly day off which the government of Indonesia is demanding of domestic workers; as a result, an Indonesian government ban on approving the emigration of domestic workers to Malaysia remained in effect. The 2006 MOU ceded the rights of Indonesian domestic workers to hold their passports while working in Malaysia.

During the year, the government clarified the mandate of the BNP2TKI, which was established under the 2004 Labor Placement and Protection Law (Law No. 39). In prior years, the BNP2TKI and the Ministry of Manpower claimed dueling mandates over the placement and protection of Indonesian migrant workers. The BNP2TKI was formally designated the sole implementer of the 2004 law through a Ministry of Manpower decree issued in October 2010. The Ministry of Manpower reportedly listed approximately 100 labor recruiting companies (PJTIs) suspected of malpractice and abuses that potentially contribute to labor trafficking; to date, however, the government has not penalized any of these PJTIs. The government did not report efforts to reduce the demand for forced labor or the demand for commercial sex acts during the year.

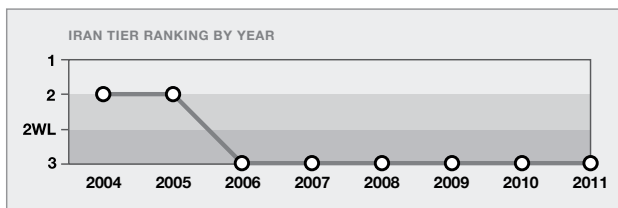
IRAN (Tier 3)

Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Iranian women are trafficked internally for forced prostitution and forced marriage. Iranian and Afghan children living in Iran are trafficked within the country for commercial sexual exploitation – sometimes through forced marriages, in which their new “husbands” force them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude. Young men and Afghan boys

are forced into prostitution in male brothels in southern Iran or to Afghan and Pakistani warlords. Iranian women and children – both girls and boys – are also subjected to sex trafficking in Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Bahrain, Iraq, France, Germany, and the United Kingdom. Some NGOs report that religious leaders and immigration officials are involved in the sale of young girls and boys between nine and 14 years old to men in Gulf states, particularly Bahrain, for commercial sexual exploitation. According to these sources, a young girl or boy could be sold for \$15 to \$20 or, in Iran, for as little as \$5. The main purchasers of child prostitution in Iran include truck drivers, religious seminaries, and Afghan immigrant workers. Afghan women, boys and girls are also trafficked through Iran to the Persian Gulf for commercial sexual exploitation.

Men and women from Pakistan, Bangladesh, and Iraq migrate voluntarily or are smuggled to Iran, or through Iran, to other Gulf states, Greece, and Turkey seeking employment. Some subsequently are subjected to conditions of forced labor or debt bondage, including through the use of such practices as restriction of movement, nonpayment of wages, and physical or sexual abuse. In Iran, reports indicate victims primarily work in the construction and agricultural sectors, although this type of forced labor may have declined over the past year due to the economic crisis. There are reports that women from Azerbaijan and Tajikistan travel to Iran to find employment and subsequently fall victim to forced prostitution. Tajik women transit Iran and are forced into prostitution in the UAE. 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 smuggling of migrants, drugs, and arms. There are nearly one million Afghans living in Iran, some as refugees and others as economic migrants, who are vulnerable to conditions of human trafficking.

The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. government officials impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. The government did not share information on its anti-trafficking efforts with the international community during the reporting period. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless indicate that the government is not taking sufficient steps to address its extensive trafficking challenges. The government did not report any law enforcement efforts to punish trafficking offenders and continues to lack any semblance of victim protection measures. Victims of trafficking are, by government policy, detained and deported if foreign, or simply jailed or turned away if Iranian, further compounding their trauma. The Government of Iran has made no discernible efforts to address widespread government corruption that facilitates trafficking in Iran. For these reasons, Iran is placed on Tier 3 for a sixth 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 a victim identification procedure to systematically identify victims of trafficking, particularly those 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 on these.

Prosecution

No reliable information was available on human trafficking investigations, prosecutions, convictions or punishments during the past year. A 2004 law prohibits trafficking in persons by means of the 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 crimes and is not commensurate with prescribed penalties for other serious crimes, such as rape. In addition, the Labor Code does not apply to work in households. NGO sources report that these laws remain unenforced due to lack of political will and widespread corruption. According to these sources, government officials rarely make efforts to investigate trafficking offenses and traffickers, if found, are able to pay bribes or use connections to avoid punishment. When traffickers are sentenced to prison terms, their sentences are often short to avoid overcrowding of prisons and because Iranian authorities reportedly do not view human trafficking as dangerous to the public. 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, but rather, took steps to punish them. Iran continued to favor direct deportation of foreign victims of trafficking over protection; during the reporting period, Iran deported very large numbers of undocumented Afghans without attempting to identify trafficking victims among them. The government did not have a process to identify

trafficking victims among vulnerable populations found in the country, and officials did not differentiate between victims of trafficking and undocumented migrants. The government also reportedly punished victims of sex trafficking for unlawful acts committed as a direct result of being trafficked, for example, adultery and prostitution. There were reports that the government arrested, prosecuted, and punished several trafficking victims on charges of prostitution or adultery. It is unknown how many victims may have been subjected to punishment during the reporting period for such acts committed as a result of being trafficked. It was extremely difficult for women forcibly held in commercial sexual exploitation to obtain justice; first, because under Iranian law the testimony of two women is needed to contest adequately the testimony of one man, and second, because women who are victims of sexual abuse are vulnerable to being executed for adultery, defined as sexual relations outside of marriage. Most foreign trafficking victims are detained for a short period of time and then deported. Child victims of trafficking may, on rare occasions, be sent to orphanages, but it is reported that these children are often abused there and returned to society without protection. Some welfare organizations may help Iranian trafficking victims, but their efforts are not supported by the government. Foreign victims of trafficking do not have a legal alternative to removal to countries in which they may face hardship or retribution and the government does not encourage victims to assist law enforcement authorities as they investigate and prosecute trafficking cases.

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. There was no improvement in the transparency of the government's reporting on its own anti-trafficking policies or activities and no discernible efforts to forge partnerships with international organizations or NGOs in addressing human trafficking problems. Government complicity in trafficking is a serious impediment to anti-trafficking efforts in Iran and remains unaddressed by the Iranian government. Iran is not a party to the 2000 UN TIP Protocol.

IRAQ (Tier 2 Watch List)

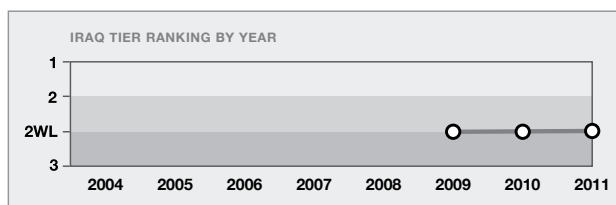
Iraq is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Iraqi women and girls are subjected to conditions of trafficking within the country and in Syria, Lebanon, Jordan, Kuwait, the United Arab Emirates, Turkey, Iran, Yemen, and Saudi Arabia for forced prostitution and sexual exploitation within households. Women are lured into forced prostitution through false promises of work. Women are also subjected to involuntary servitude through forced marriages, often as payment of a debt, and women who flee such marriages are often more vulnerable to being subjected 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 holding them in situations of debt bondage in prostitution. Some women and children are forced by family members into prostitution 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 for them forged documents to enter Syria and employment in a nightclub. 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.

Iraq is also a destination country 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 face practices such as 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, and food and lodging. Other foreign migrants were aware they were destined for Iraq, but once in-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. In addition, some Iraqi boys from poor families are reportedly subjected to forced street begging and other nonconsensual labor exploitation and commercial sexual exploitation. Some women from Ethiopia, Indonesia, Nepal, and the Philippines who migrated to the area under the jurisdiction of the Kurdistan Regional Government (KRG) experienced conditions of domestic servitude after being recruited with offers of different jobs. An Iraqi official revealed networks of women have been involved in the trafficking and sale of male and female children for the purposes of sex trafficking.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. The government did not demonstrate evidence of significant efforts to punish traffickers or proactively identify victims; therefore, Iraq is placed on Tier 2 Watch List for a third consecutive year. Iraq was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization

Act, however, as the 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 is devoting sufficient resources to implement that plan. Nonetheless, the government did not enact its draft anti-trafficking legislation and has reported no other efforts to prosecute or punish traffickers. The Government of Iraq continues to lack proactive victim identification procedures, persists in punishing victims of forced prostitution, and provides no systematic protection services to victims of trafficking.



Recommendations for Iraq: Use existing Iraqi criminal statutes – including those prohibiting kidnapping and detention by force or deception – to investigate and prosecute human trafficking offenses; institute a procedure to proactively identify victims, such as by comprehensively training police and immigration officials who may come into contact with trafficking victims; enact and begin implementing the draft law criminalizing all forms of trafficking; investigate and prosecute trafficking offenses – including both forced prostitution and forced labor – and convict and punish trafficking offenders; cease punishing identified victims of trafficking for crimes committed as a direct result of being trafficked, including forced prostitution; provide protection services to victims or proactively refer victims to available non-governmental protection services; 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 negligible law enforcement efforts against the country's trafficking in persons problem during the reporting period. The 2005 Iraqi Constitution prohibits forced labor, slavery, slave trade, trafficking in women or children, and sex trade, though the Constitution does not prescribe specific punishments for these acts and it cannot be used to prosecute offenders. The Government of Iraq's Council of Ministers approved a draft anti-trafficking law during the reporting period, but was unable to enact and begin implementing its promised draft law criminalizing all forms of trafficking, because there was virtually no legislative session since February 2010 due to Iraq's prolonged government formation process. Nonetheless, several provisions of the penal code criminalize unlawful seizure, kidnapping, and detention by force or deception. The prescribed penalty is up to seven

years' imprisonment and up to 15 years' imprisonment if the victim is a minor 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, though not commensurate with the penalties prescribed for rape (up to 15 years in prison). Despite the availability of these laws, however, the government does not collect statistics on prosecutions, convictions, or sentences of trafficking offenders. The government also did not make demonstrable efforts to investigate or punish official complicity in trafficking offenses. The Baghdad Police College provided two anti-trafficking training sessions for police officers, one for female officers and one for male officers, which raised awareness of human trafficking. The Government of Iraq has no mechanisms to collect data on offenses or anti-trafficking law enforcement measures.

Protection

The Iraqi government demonstrated minimal efforts to protect victims of trafficking during the reporting period. Government authorities continued to lack a formal procedure to identify victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers, and did not recognize that women in prostitution may be coerced. As a result, some victims of trafficking were incarcerated, fined, or otherwise penalized for acts committed as a direct result of being trafficked, such as prostitution. Some victims of forced labor, however, were reportedly not detained, fined, or jailed for immigration violations, but they were generally not provided protection services by the government. Some Iraqi police centers have specialists to assist women and children who are victims of trafficking and abuse; the number of victims assisted and the type of assistance provided is unclear. The government neither provided protection services to victims of trafficking nor funded or provided in-kind assistance to NGOs providing victim protection services. All available care was administered by NGOs, which ran victim-care facilities and shelters accessible to victims of trafficking. However, there were no signs that the government developed or implemented procedures by which government officials systematically referred victims to organizations providing legal, medical, or psychological services. 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 their 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. Since trafficking is not established as a crime in Iraq, the government did not encourage victims to assist in investigations or prosecutions or provide legal assistance or legal alternatives to removal to countries in which they may face hardship or retribution for foreign victims of trafficking into Iraq.

Prevention

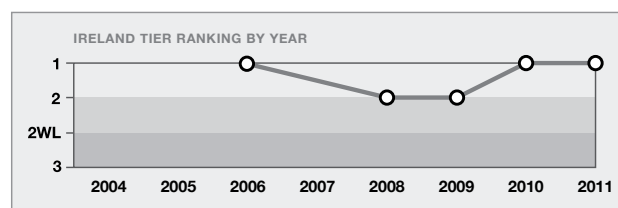
The Government of Iraq did not report efforts to prevent trafficking in persons. The government has not conducted any public awareness or education campaigns to educate

migrant workers, labor brokers, and employers of workers' rights against forced labor. There were also no reported efforts to reduce the demand for commercial sex acts beyond enforcing anti-prostitution laws. The Iraqi government does not consistently monitor immigration and emigration patterns for evidence of trafficking, but there are reports of isolated instances in which Iraqi border security forces prevented older men and young girls traveling together from leaving Iraq using fake documents.

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, Africa, including Nigeria, as well as South America and Asia. Labor trafficking victims reportedly consist of men and women from Bangladesh, Pakistan, Egypt, and the Philippines, though there may also be some victims from South America, Eastern Europe, and other parts of Asia and Africa. Forced labor victims are found in domestic service, restaurant, and agricultural work. According to local reporting, including an NGO service provider, some victims have been subjected to domestic servitude by foreign diplomats posted in Ireland. According to local experts, children are subjected to prostitution in various cities in Ireland, including Sligo, Kilkenny, Cork, and Dublin. A 2010 report by NGO experts concluded that victims of sex trafficking in Ireland are subjected to multiple repressive methods, including debt bondage, as well as physical and psychological coercion, which prevent their discovery by law enforcement. Further, NGOs report that the majority of trafficking victims in Ireland remain unidentified; only victims who escape, are rescued, or pay off their indentured debts come to the attention of authorities.

The Government of Ireland fully complies with the minimum standards for the elimination of trafficking. During the year, the Irish government funded NGOs that provided specialized assistance to victims of forced labor and forced prostitution and increased implementation of its anti-trafficking law. The government, however, prosecuted and convicted only one person for a human trafficking offense, involving the commercial sexual exploitation of a child. The government identified a number of possible victims of trafficking, but only a few were granted official victim status or provided with temporary residency permits in 2010.



Recommendations for Ireland: Increase implementation of the Criminal Law (Human Trafficking) Act of 2008 and vigorously prosecute, convict, and sentence labor and sex trafficking offenders in Ireland; separate the sexual

abuse of children and child pornography clauses from the 2008 statute to ensure trafficking offenses prosecuted under the 2008 law can be tracked under accepted definitions; publish recently amended guidelines for prosecutors and take additional steps to ensure identified victims are not punished as a direct result of their being trafficked; take steps to institutionalize and improve the proactive identification of trafficking victims given their initial reluctance to disclose elements of exploitation to law enforcement; pursue a victim-centered approach to trafficking by expanding partnerships with NGOs providing specialized services for forced labor and sex trafficking victims; improve identification efforts of potential forced labor victims, including among undocumented migrants in Ireland; and implement demand measures among consumers of the products made and services provided through forced labor and educate potential clients of prostitution about trafficking.

Prosecution

The Government of Ireland made progress in its anti-trafficking law enforcement efforts during the reporting period. Although it improved implementation of its 2008 anti-trafficking law, only two convicted offenders served time in jail during the reporting period. Ireland prohibits all forms of trafficking through its Criminal Law (Human Trafficking) Act, enacted in 2008. Penalties prescribed under this law 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. The government investigated 75 suspected offenders in 2010, an increase from 66 investigated in 2009. Local observers continued to express concern over the lack of use of the 2008 anti-trafficking law to prosecute trafficking offenders in Ireland. Furthermore, the government adopted a broad definition of sexual exploitation under this law, including the sexual abuse of children. Under Ireland's Child Trafficking and Pornography Act, the government convicted an offender to a prison sentence of 10 years for recruiting a child to engage in a sexual act for the purpose of producing child pornography, an offense that constitutes human trafficking. In another case, the government convicted and sentenced an offender to six years' imprisonment under its Child Trafficking and Pornography Act for the attempted recruitment of a child for sexual exploitation. While the government reported it convicted other offenders in 2010, these cases centered on the sexual abuse of children that did not include elements of commercial sexual exploitation. There were no convictions of labor trafficking offenders in Ireland in 2010. The government took an important step to address the trafficking complicity of public officials through Operation Mast, a two year investigation into trafficking and organized prostitution in Ireland, which resulted in the rescue of 11 Nigerian trafficking victims and the arrest of a suspended member of the Irish police force in November 2010. According to media reports, the officer allegedly provided falsified documentation to a female Nigerian trafficker running the ring.

Protection

The Irish government sustained its progress in the protection of trafficking victims in 2010, but issued only five temporary residence permits in 2010. According to NGOs and recent research, Ireland's current statutory systems and services are insufficient to support and protect victims of trafficking, which can result in victims' criminalization and deportation. During the reporting period, the government identified 78 potential trafficking victims, including 19 children, and six Irish nationals; this is an improvement from 2009, when 66 potential victims were identified. However, given the government's overly broad definition of trafficking, some of these could be cases of sexual abuse rather than trafficking as such. According to NGOs, the average waiting time for a victim to be officially identified as a potential victim of trafficking is six months, and during this time, the individual is not entitled to any state benefits. Thus, NGOs take responsibility for providing support to the uncertified victims. In addition, NGO experts continued to assert that more trafficked children and adults in Ireland remain unidentified and could not benefit from the increased protections put in place for them. While the government formalized procedures to guide officials in the identification and referral of victims, NGOs report that better institutional cooperation among key stakeholders is needed to achieve a reliable identification process to locate other potential trafficking victims in Ireland. Most trafficking victims identified by Irish authorities were referred to state-provided accommodations or to the government's health care and planning department, instead of being referred to NGOs offering specialized services for trafficking victims. The government accommodated trafficking victims in reception centers that also cared for asylum seekers.

The government provided only temporary legal alternatives to the removal of foreign victims as part of a 60-day reflection period – time for victims to receive immediate care and assistance while they consider whether to assist law enforcement. Five victims received the reflection period during the reporting period, compared with 10 victims during the previous year. NGOs expressed concern with the length of time it takes to grant victims a reflection period. Also, NGOs reported that victims were subjected to interviews with law enforcement before being granted temporary legal status. The government reported that nearly half of the identified trafficking victims were in the process of claiming asylum, a complex and time-consuming procedure. According to the government's 2009-2012 National Action Plan on Trafficking, victims in Ireland who "allege trafficking as part of an asylum claim" cannot access the labor market, while other victims are granted such access.

The government reported funding \$551,000 to NGOs providing specialized services for victims of sex trafficking and \$12,000 to NGOs focusing on labor trafficking. Government social workers, the majority of whom have received anti-trafficking training, organized specific care plans for child victims. The government encouraged victims to participate in anti-trafficking investigations and prosecutions and provided a 60-day period of reflection to decide; however, NGOs noted concern that some victims required more time to recover and to escape the influence

of their alleged traffickers in order to make a decision about whether to cooperate with law enforcement. The government reported that no identified trafficking victims were subjected to deportation from Ireland and there were no documented cases of trafficking victims being criminalized for unlawful acts committed as a direct result of their being trafficked during the reporting period. NGOs continue to voice concerns that victims were not adequately protected from such penalization.

Prevention

The government sustained its anti-trafficking prevention efforts. In January 2011, it launched a regional Blue Blindfold campaign in Ireland aimed at targeting potential victims and to reduce demand for trafficking. The Irish Justice Department's anti-human trafficking unit continued to coordinate the country's anti-trafficking effort; a high-level anti-trafficking interdepartmental group also functioned as a coordination mechanism. It sponsored and organized a one day film festival in October 2010 to coincide with the EU's Anti-trafficking day. 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. The government did not identify any Irish nationals involved in child sex tourism during the reporting period.

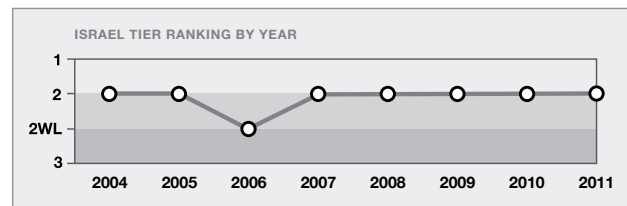
ISRAEL (Tier 2)

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 home health care provision. Some, however, 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 and in Israel require workers to pay recruitment fees typically ranging from \$4,000 to \$20,000 – a practice making workers highly vulnerable to trafficking or debt bondage once working in Israel. One NGO noted that recruitment fees increased in 2010.

According to the Ministry of Interior (MOI), an increased number of migrants (approximately 14,000) crossed into Israel in 2010 from the Sinai, compared with approximately 5,000 in 2009. Organized Bedouin groups kept many of these migrants captive in the Sinai; an unknown number of them were forced into sexual servitude or labor to build homes and serve as domestic workers. Some women from the former Soviet Union and China are subjected to forced prostitution in Israel, although the number of women affected has declined since the passage and implementation of Israel's 2006 anti-trafficking bill. Chinese sex trafficking victims are forced into prostitution for male Chinese

workers in Israel. In the past year, the government and the media reported that four South American women were forced into prostitution. According to an NGO and a media report, some Israeli women and girls are subjected to sex trafficking in Israel, but the police could not corroborate these allegations.

The Government of Israel does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Israel continued law enforcement actions against sex trafficking and continued to make strong prevention efforts. The government continued to take inadequate steps, however, to identify and protect labor trafficking victims and prosecute and convict labor trafficking offenders in the reporting period.



Recommendations for Israel: Significantly increase prosecutions, convictions, and punishment of labor trafficking offenders (including “employers”) and offenses; ensure that labor trafficking crimes are prosecuted under labor trafficking statutes; ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked, such as immigration violations; continue to investigate the incidence of Israeli nationals subjected to forced prostitution; 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; eliminate “binding” and other restrictions on the ability of foreign workers to freely change employers within sectors; evaluate employers and recruitment agencies for histories or indicators of abusive practices before referring abused migrant workers to them for new employment; strengthen victim identification of migrants arriving from Sinai, and accord those trafficking victims full protections and medical treatment; enforce the prohibition to charge brokerage fees beyond the maximum amount allowed by Israeli law; and cease practice of immediately returning migrants back to Egypt (“hot returns”) without determining if they were trafficking victims in the Sinai.

Prosecution

The Government of Israel sustained its strong law enforcement progress against sex trafficking during the reporting period; it also made initial progress against labor trafficking, seen through the first prosecution under a labor trafficking statute involving a migrant worker. Israel 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 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 year, the government did not record any convictions for labor trafficking under trafficking statutes. The government convicted seven sex traffickers under trafficking statutes, with sentencing ranging from six months' community service to 8.5 years' imprisonment with compensation to the victim of about \$11,000. At least one of these cases is currently under appeal. Israel convicted six sex traffickers under non-trafficking statutes; these cases were prosecuted under trafficking statutes but the offense was changed during plea negotiations. Sentences imposed on these convicted offenders ranged from 24 months' imprisonment with compensation to the victim of \$8,000 to 7.5 years' imprisonment. The government prosecuted two cases with three defendants for labor trafficking under trafficking statutes, one of which involved migrant workers from Thailand and the Philippines in the agriculture and homecare sectors. Eleven sex trafficking cases, with approximately 21 defendants, were prosecuted under trafficking statutes. Many of these prosecutions were ongoing from previous years. In the reporting period, the government investigated three individuals for labor trafficking and seven individuals for sex trafficking. One of these investigations stemmed from a complaint an NGO filed with police in May 2010 on behalf of a caregiver from Moldova who was forced to have sex with the employer's young disabled son over a sustained period of time, experiencing threats and lack of freedom of movement. A Ministry of Welfare and Social Services employee had been aware of the situation of forced sex but did not intervene; the government launched an investigation of the employer, as well as a separate investigation of the Ministry worker.

NGOs continued to assert that the government focused on prosecutions of related offenses – which allow for smaller punishments – rather than the prosecutions of trafficking crimes. Police did not uncover cases where Israeli women were forced into prostitution during the reporting period. NGOs continued to report that the majority of alleged labor trafficking complaints were launched by NGOs, as opposed to by the government, and they also noted that there was insufficient funding and staffing for police enforcement, particularly in the field. The SAAR unit – which was established in 2009 to specialize in cases involving foreign workers, and includes a trafficking unit – confirmed that it relied largely on information from NGOs to investigate instances of alleged labor trafficking. The government continued to provide numerous classes, workshops, and seminars to train law enforcement officers, judicial officials, labor inspectors, and others on trafficking. For instance, the Institute of Legal Training for Attorneys and Advisors of the Ministry of Justice conducted a seminar on trafficking for state prosecutors, judges, and lawyers.

Protection

The Government of Israel continued to improve its protection of trafficking victims over the reporting period, although it lacked effective procedures to identify victims of labor trafficking, including migrant workers and migrants who entered from the Sinai. As a result, some unidentified victims were penalized for offenses or violations committed as part of their being trafficked. The

government has a formal system of proactively identifying foreign sex trafficking victims among high-risk persons with whom they come in contact. In the reporting period, police did not identify any children or Israeli women forced into prostitution. During the reporting period, the government completed a study which, among other things, examined claims of internal sex trafficking. According to an NGO, Israel detained and deported some labor trafficking victims if they were undocumented and not identified as trafficking victims. Some alleged sex trafficking victims were also arrested and detained for their undocumented status. An NGO noted that some trafficking victims who entered Israel via the Sinai stayed in the Saharonim prison long after being recognized as trafficking victims. The government provided some training and workshops on victim identification to officials. For instance, in November 2010, all Population, Immigration, and Borders Authority inspectors enforcing certain foreign labor laws participated in a mandatory training program which included a segment on trafficking prevention and victim identification.

The government continued to run 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 did not detain victims involuntarily. NGOs and international organizations claim that these shelters are insufficient to treat the scale of trafficking victims in Israel. The government referred 15 women to the Maagan shelter and 63 men to the Atlas shelter in 2010. As of December 2010, 20 women, 13 men, and six children were housed in the shelters. The shelter staff maintained contact with trafficking victims after they had left the shelter to assist them with long-term re-integration into Israeli society. The government continued to fund and supervise the shelters and its legal and medical services, allocating approximately \$1.4 million in 2010 to fund an NGO's operation of the Atlas and Maagan facilities. While these two shelters offer some job training, they were not geared for long-term treatment beyond one year. The Legal Aid Branch of the Ministry of Justice continued to enable victims to obtain restitution and provided representation to all victims free of charge. In cases handled by the Branch, however, traffickers were given lesser penalties than if they were sentenced in criminal proceedings. The government encouraged victims to assist in the investigation and prosecution of trafficking.

The MOI did not perform sufficient checks on referred employers and had sent some migrant workers, who had already experienced abuses in Israel, to work for other abusive employers – sometimes without their consent. Government officials noted that there were several allegations against particular police officers about mistreatment and abuse of foreign workers, some of whom may have been trafficking victims. During the year, the government issued several temporary B1 visas – unrestricted work visas – to trafficking victims, not contingent on their cooperation with law enforcement officials. While the government insisted that all requests for such B1 visas be approved by the Ministry of Interior, an NGO noted that some trafficking victims assisted in shelters during the reporting period – including those who entered via the Sinai – were not granted those visas. The government acknowledged the problem that no trafficking

victims who entered via the Sinai received B1 visas, and officials began discussing how to rectify the situation.

NGOs and international organizations were critical of Israeli efforts to identify and protect trafficking victims among the migrants and refugees who entered via the Sinai, as well as the government's continued practice of "hot returns" of asylum seekers back to Egypt without attempting to identify trafficking victims among them. According to international organizations and NGOs, immigration officials pressured some trafficking victims with disputed nationalities not to claim citizenship of Sudan or Eritrea, which would accord protection from deportation. As a result, these trafficking victims were not offered protection, including shelter and B1 visas. In August 2010, the Humanitarian Committee of the Ministry of Interior ruled that a sex trafficking victim was permitted to receive an A5 temporary residence visa for two years, after which period she could enter into the process to become a permanent resident, due to the special circumstances of her case – she was trafficked at the age of 15 by her father in 2001.

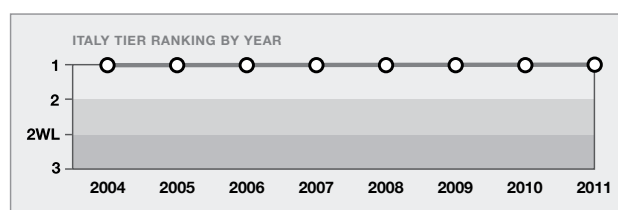
Prevention

The Israeli government made sustained progress in preventing trafficking in persons over the reporting period. In December 2010, the government held its third annual ceremony to present awards to individuals or organizations that made a significant contribution against human trafficking. The Knesset Subcommittee on Trafficking in Women met often during the reporting period, including via public hearings, to discuss ways to enhance governmental efforts to combat human trafficking. Inter-agency coordination on human trafficking was generally well-coordinated. The government opened several investigations and prosecutions, and obtained three convictions with sentences ranging from 15 to 50 months' imprisonment, for illegal extraction of recruitment fees from foreign workers. The government revoked the license of one recruitment agency due to illegal fees taken from migrant workers recruited abroad. NGOs continued to criticize the lack of mobility of foreign workers within sectors and raised concerns over amendments to the Law of Entry passed in the Knesset in May 2011 that further bind foreign workers to sectors, employers, and geographic regions. NGOs assert that the binding of migrant workers creates vulnerability to human trafficking. As a continuation of last year's efforts, the country's national coordinator for human trafficking posted an annual summary of the Israeli government's anti-trafficking efforts on the Internet. As in prior years, the Knesset held a meeting to discuss the 2010 TIP Report for Israel. The government continued to distribute a labor rights brochure to foreign workers arriving at Ben Gurion Airport. In November 2010, an amendment to the Foreign Workers Law was passed which authorizes inspectors to enter and inspect a private household where migrant workers are employed. Every Israeli citizen is registered in the Population Registry. Foreign workers are registered with their respective manpower agencies. The government opened 456 cases of managing a property for the purpose of engaging persons in prostitution and 27 cases of advertisement of prostitution services, in efforts to reduce the demand for commercial sex acts.

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, and, to a lesser extent, Belarus, Brazil, Colombia, Kazakhstan, Kyrgyzstan, Pakistan, Bangladesh, and Ecuador. Romanians and other children from Eastern Europe continued to be subjected to sex trafficking and forced begging in the country. 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 service sectors in the north of the country. Recruiters or middlemen are often used as enforcers for overseeing the work on farms in the south; reportedly they are often foreigners linked to organized crime elements in southern Italy. Immigrant laborers in the agriculture, construction, and domestic service sectors and those working in hotels and restaurants were particularly vulnerable to forced labor. Forced labor victims originate in Poland, Romania, Pakistan, Albania, Morocco, Bangladesh, China, Senegal, Ghana, and Cote d'Ivoire.

The Government of Italy fully complies with the minimum standards for the elimination of trafficking. The government provided comprehensive social assistance to identified trafficking victims and it continued to vigorously prosecute trafficking offenders. However, the government has yet to adopt national procedures for the identification and referral of victims throughout Italy. Furthermore, NGOs remain concerned that the government's focus on the expedited return of illegal migrants and foreign women in street prostitution resulted in trafficking victims not being identified by authorities and therefore being treated as law violators and being penalized for unlawful acts committed as a direct result of being trafficked. During the reporting period, the country's prime minister was investigated for facilitating child prostitution.



Recommendations for Italy: Ensure that formalized protection and services are provided to victims of forced labor in Italy; collect and disseminate comprehensive law enforcement data disaggregating forced labor from forced prostitution convictions; standardize identification and referral procedures for potential trafficking victims on the national level; increase outreach and identification efforts to all potential victims to ensure trafficking victims are not penalized for immigration 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; consider establishing 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 proactively investigate and prosecute 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 2009, the government reported investigating 2,521 suspected trafficking offenders, resulting in the arrest of 286 people, compared with investigating 2,738 suspects, and arresting 365 people in 2008. Italian courts convicted 166 trafficking offenders in 2009, an increase from 138 convictions in 2008. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted under 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. In February 2011, investigators disrupted a criminal organization composed of three groups of Romanians and Italians suspected of trafficking in persons in Messina. Prosecutors requested the arrest of 40 individuals accused of recruiting, kidnapping, segregating, raping, and forcing Romanian victims into prostitution as well as threatening their relatives in Romania. The suspects reportedly also auctioned off the virginity of underage victims. Although the government continued to investigate acts of trafficking-related complicity involving police officers and other officials, it did not report any resulting prosecutions, convictions, or sentences. Specifically, the government did not report additional action in a case from December 2009 in which authorities arrested and charged two prison guards with exploitation of women in prostitution or a case from September 2007 involving an officer of the Italian consulate in Kyiv arrested for facilitating the trafficking of young girls for forced prostitution. In May 2010, officials arrested two police officers suspected of trafficking-related complicity in a night club in Pisa. In February 2011, judges set a trial date for Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan child; media reports indicate evidence of third party involvement in the case, indicating the girl was a victim of trafficking.

Protection

In 2010, the Government of Italy continued to provide comprehensive assistance to identified trafficking victims, primarily through the funding of NGOs by national, regional and local authorities. 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. While there are arrangements at the local level to help guide officials in identifying and referring trafficking victims, the government did not have formal procedures on the national level for all front-line responders in Italy. The

government did not provide information on the overall number of victims identified or the number who entered social protection programs during the year, though it reported that 527 victims obtained temporary residence visas in 2010, a decline from 810 victims who obtained such visas in 2009. The police reported identifying 640 victims of labor exploitation in 2010, compared to 410 identified in 2009. During the reporting period, government funding made available for social assistance programs for trafficking victims was approximately \$12.7 million. Eighty-three victims assisted law enforcement in the investigation of their traffickers. The Italian government does not have a formal reflection period during which trafficking victims can recuperate and decide whether to assist law enforcement, but rather informally grants one without it being limited to a finite number of days. A recent NGO report praised this informal reflection period, noting its "important results" when combined with comprehensive assistance provided to victims.

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. Further, in November 2010, the government approved a security package that provides for the return of foreign women in prostitution found on the street in violation of rules adopted by local authorities. Local and international experts continue to voice concerns that this commitment to expedited expulsion has prevented law enforcement authorities from adequately identifying potential victims of trafficking.

Prevention

The Government of Italy demonstrated some efforts to prevent trafficking in 2010, but did not launch any new, comprehensive anti-trafficking campaigns to raise awareness or address demand for forced prostitution and forced labor during the reporting period. The Ministry for Equal Opportunity established a committee that included independent experts and NGOs to draft Italy's first national action plan on trafficking in 2010. Transparency in the government's anti-trafficking efforts was limited, however, as the government did not report publicly on its policies or various measures to address the problem. In September 2010, a federation of tour operators and trade unions presented its first report on child sex tourism: reportedly 78 percent of 130 tour operators informed their tourism clients about the need to respect children when traveling abroad; however, the report criticized Italian authorities for not enforcing child sex tourism laws. The Center of Excellence for Stability Police Units continued to organize training on human rights and trafficking for personnel who serve in international missions and the Italian armed forces regularly organize training to prevent the trafficking or sexual exploitation of women and children while troops are deployed abroad for any purpose.

JAMAICA (Tier 2)

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Prevention

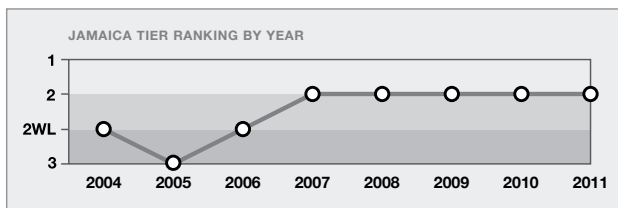
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JAMAICA (Tier 2)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. NGOs report that the most common form of

trafficking in Jamaica is sex trafficking, which allegedly occurs in night clubs, bars, and private homes. The populations most vulnerable to trafficking include women and children from poor and single-parent backgrounds. 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. NGOs have reported that child sex tourism is a problem in Jamaica's resort areas. In addition, massage parlors in 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 human trafficking indicators. Foreign victims have been identified in forced prostitution and domestic servitude in Jamaica. Jamaican children also may be subjected to forced domestic service and forced begging. An NGO working with street children reported that the forced labor of children in street vending is prevalent. There is evidence that foreign nationals are subjected to forced labor in Jamaica. Some Jamaican women, men, and girls have been subjected to forced labor or sex trafficking in Canada, the United States, the UK, countries throughout the Caribbean, and elsewhere.

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. The government made strides in investigating international sex and labor trafficking operations and initiated four new prosecutions. The government also made progress in identifying foreign victims. The government reported no convictions of trafficking offenders or any officials complicit in human trafficking during the reporting period, and there were few results regarding Jamaican citizen victims of sex trafficking or forced labor assisted in Jamaica.



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; enhance guidance and training to 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 18 in prostitution in night clubs, bars, and massage parlors) and their referral to adequate service providers; encourage partnerships between police and NGOs in Negril, Montego Bay, and other towns outside of Kingston, fostering more referrals of Jamaican victims and prosecution of cases; continue to develop victim protection services for children; 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 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 Jamaican Constabulary Force has a specialized anti-trafficking unit, which conducted 14 human trafficking raids and investigations. Officials initiated four new prosecutions of sex trafficking offenders during the reporting period. Six additional prosecutions from the previous reporting period remained ongoing. The government reported no convictions of trafficking offenders or any officials complicit in human trafficking. One alleged trafficking offender undergoing prosecution fled the country on bail. The government provided in-kind assistance to an OAS training event on human trafficking awareness; the national anti-trafficking task force identified the need for continued sensitization and education of government officials.

Protection

The government made some progress in the protection of trafficking victims during the reporting period. The government identified eight foreign victims of sex trafficking, including two children, and seven foreign forced labor victims during the year. The Office of the Children's Advocate released a report in 2010 that documented the government's identification of at least 16 child trafficking victims in 2009. Government officials reportedly employed formal procedures to proactively identify victims of trafficking and to refer them to organizations providing services. The government continued to work with NGOs on preparations to make operational a shelter equipped to protect Jamaican and foreign trafficking victims during the reporting period. The Government of Jamaica reportedly attempted to return child victims to their families or referred them to foster homes. It also directly operated facilities that could house child trafficking victims, though some of these facilities also served as juvenile detention centers. At least eight foreign victims received shelter provided by the government or by NGOs that receive some government funding as well as psychological care and medical services. Despite scarce resources, the government reportedly spent \$176,470 on victim protection and assistance in 2010, including the refurbishing and furnishing of the government-owned shelter. Four victims identified during the reporting period chose to assist in the prosecution of their offenders. The Jamaican government did not penalize victims for immigration violations or other unlawful acts committed as a direct result of being in forced prostitution or forced labor. During the year, the government developed formal guidance for immigration officials, advising them not to deport foreign victims.

Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. The government acknowledged Jamaica's trafficking problem, and the government's anti-trafficking task force sustained partnerships with NGOs in coordinating anti-trafficking activities and implementing the national anti-trafficking action plan. The Office of the Children's Advocate raised awareness about the prostitution of children and other forms of child trafficking and served as a monitoring mechanism regarding the government's efforts to address child trafficking. Immigration officials also conducted some anti-trafficking outreach targeted toward Jamaicans traveling overseas, and the national anti-trafficking task force made several presentations to the public in tandem with the launch of a book about people in prostitution in Jamaica. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking. The government charged a foreign visitor that was alleged to have engaged in child sex tourism in June 2009 with carnal abuse, which actually carries higher penalties than child sex tourism. The Office of the Director of Public Prosecutions indicated that the accused would face trial in May 2011.

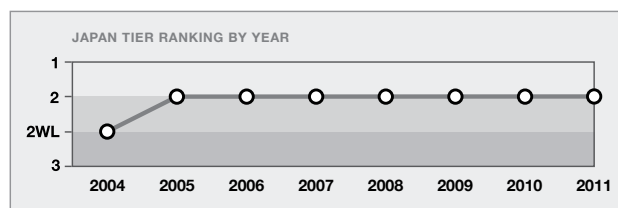
JAPAN (Tier 2)

Japan is a destination, source, and transit country for men, women, and children subjected to forced labor and 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, and in previous years, Eastern Europe, Russia, South America, and Latin America who travel to Japan for employment or fraudulent marriage are forced into prostitution. During the reporting period, there was a growth in trafficking of Japanese nationals, including foreign-born children of Japanese citizens who acquired nationality. 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. Government and NGO sources report that there was an increase in the number of children identified as victims of trafficking. Japanese organized crime syndicates (the *Yakuza*) are believed to play a significant role in 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 as high as \$50,000 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 added to their original debt, and the process that brothel operators used to calculate these debts was not transparent. Some of the victims identified during the reporting period were forced to work in exploitative conditions in strip clubs and hostess bars, but were reportedly not forced to have sex with clients. Japan is also a transit country for persons trafficked

from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia.

Although the Government of Japan has not officially recognized the existence of forced labor within the Industrial Trainee and Technical Internship Program (the "foreign trainee program"), the media and NGOs continue to report abuses including debt bondage, restrictions on movement, unpaid wages and overtime, fraud, and contracting workers out to different employers – elements which contribute to situations of trafficking. The majority of trainees are Chinese nationals who pay fees of more than \$1,400 to Chinese brokers to apply for the program and deposits – which are now illegal – of up to \$4,000 and a lien on their home. An NGO survey of Chinese trainees in Japan, conducted in late 2010, found that workers' deposits are regularly seized by the brokers if they report mistreatment or attempt to leave the program. Some trainees also reported having their passports and other travel documents taken from them and their movements controlled to prevent escape or communication.

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. Although Japan provided a modest grant to IOM for the repatriation of foreign victims identified in Japan, the government's resources dedicated specifically to assist victims of trafficking were low, particularly relative to Japan's wealth and the size of its trafficking problem. During the year, the government published a manual for law enforcement and judicial officers on identifying trafficking victims and developed a Public Awareness Roadmap to increase prevention of trafficking in Japan. The government also reported some efforts to punish and prevent trafficking of women for forced prostitution. Nonetheless, the government made inadequate efforts to address abuses in the foreign trainee program despite credible reports of mistreatment of foreign workers. Although the government took some steps to reduce practices that increase the vulnerability of these workers to forced labor, the government reported poor law enforcement against forced labor crimes and did not identify or provide protection to any victims of forced labor. In addition, Japan's victim protection structure for forced prostitution remains weak given the lack of services dedicated specifically to victims of trafficking.



Recommendations for Japan: Dedicate more government resources to anti-trafficking efforts, including dedicated law enforcement units, trafficking-specific shelters, and legal aid for victims of trafficking; consider drafting and enacting a comprehensive anti-trafficking law prohibiting all forms of trafficking and prescribing sufficiently stringent

penalties; significantly increase efforts to investigate, prosecute, and assign sufficiently stringent jail sentences to acts of forced labor, including within the foreign trainee program, and ensure that abuses reported to labor offices are referred to criminal authorities for investigation; enforce bans on deposits, punishment agreements, withholding of passports, and other practices that contribute to forced labor in the foreign trainee program; continue to increase efforts to enforce laws and stringently punish perpetrators of forced prostitution; make greater efforts to proactively investigate and, where warranted, punish government complicity in trafficking or trafficking-related offenses; further expand and implement formal victim identification procedures and train personnel who have contact with individuals arrested for prostitution, foreign trainees, or other migrants on the use of these procedures to identify a greater number of trafficking victims; ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; 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 by making them free and actively informing victims of their availability; and more aggressively investigate and, where warranted, prosecute and punish Japanese nationals who engage in child sex tourism.

Prosecution

The Japanese government took modest, but overall inadequate, steps to enforce laws against trafficking during the reporting period; while the government reportedly increased its law enforcement efforts against forced prostitution, it did not report any efforts to address forced labor. Japan does not have a comprehensive anti-trafficking law, but Japan's 2005 amendment to its criminal code, which prohibits the buying and selling of persons, and a variety of other criminal code articles and laws, could be used to prosecute some trafficking offenses. However, it is unclear if the existing legal framework is sufficiently comprehensive to criminalize 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. During the reporting period, the government reported 19 investigations for offenses reported to be related to trafficking, resulting in the arrest of 24 individuals under a variety of laws, including immigration and anti-prostitution statutes. Given the incomplete nature of the government's data, it is not clear how many of these involve actual trafficking offenses. The government convicted 14 individuals of various trafficking-related offenses, though most were convicted under statutes other than those for human trafficking crimes. Of these 14 convicted offenders, six received non-suspended jail sentences ranging from 2.5 to 4.5 years plus fines, six received suspended jail sentences of approximately one to two years plus fines, and one was ordered to only pay a fine. Ten cases were not prosecuted for lack of evidence. These law enforcement efforts against sex forms of trafficking are an increase from the five convictions reported last year. The National Police Agency (NPA), Ministry of Justice, Bureau of Immigration, and

the Public Prosecutor's office regularly trained officers on trafficking investigation and prosecution techniques, including training programs conducted by IOM and NGOs. In July 2010, the government distributed a 10-page manual to assist law enforcement, judicial and other government officers in identifying and investigating trafficking offenses and implementing victim protection measures.

Nonetheless, Japan made inadequate efforts to criminally investigate and punish acts of forced labor. Article 5 of Japan's Labor Standards Law prohibits forced labor and prescribes a penalty of one to 10 years' imprisonment or a fine ranging from \$2,400 to \$36,000, but is generally limited to acts committed by the employer. A July 2010 government ordinance bans the practices of requiring deposits from applicants to the foreign trainee program and imposing fines for misbehavior or early termination. Despite the availability of these prohibitions, however, authorities failed to arrest, prosecute, convict, or sentence to jail any individual for forced labor or other illegal practices contributing to forced labor in the foreign trainee program. The government investigated only three cases of suspected forced labor during the reporting period. Most cases of abuse taking place under the foreign trainee program are settled out of court or through administrative or civil hearings, resulting in penalties which are not sufficiently stringent or reflective of the heinous nature of the crime, such as fines. For example, in November 2010, the Labor Standards Office determined that a 31-year-old Chinese trainee officially died due to overwork; although he had worked over 80 hours per week for 12 months preceding his death without full compensation, the company received only a \$6,000 fine as punishment and no individual was sentenced to imprisonment or otherwise held criminally responsible for his death.

In addition, the government failed to address government complicity in trafficking offenses. Although corruption remains a serious concern in the large and socially accepted entertainment industry in Japan, which includes the prostitution industry, the government did not report investigations, arrests, prosecutions, convictions, or jail sentences against any official for trafficking-related complicity during the reporting period.

Protection

The Government of Japan identified more victims of sex trafficking than last year, but its overall efforts to protect victims of trafficking, particularly victims of forced labor, remained weak. During the reporting period, 43 victims of trafficking for sexual purposes were identified, including a male victim – an increase from the 17 victims reported last year, though similar to the number identified in 2008 (37), and lower than the number of victims identified in each of the years from 2005 to 2007. Japanese authorities produced a manual entitled, "How to Treat Human Trafficking Cases: Measures Regarding the Identification of Victims" that was distributed to government agencies in July 2010 to identify victims of trafficking. 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 nonconsensual exploitation of the migrants. It is also unclear if this

manual led to the identification of any victims and whether it was used widely throughout the country. Some victims were reportedly arrested or detained before authorities identified them as trafficking victims. Japan failed to identify any victims of forced labor during the reporting period despite ample evidence that many workers in the foreign trainee program face abuses indicative of forced labor. The government has no specific protection policy for victims of forced labor and it has never identified a victim of labor trafficking. Moreover, services provided to identified victims of trafficking for forced prostitution were inadequate. Japan continues to lack dedicated shelters for victims of trafficking. Of the identified victims, 32 received care at government shelters for domestic violence victims – Women’s Consulting Centers (WCCs) – but these victims reportedly faced restrictions on movement outside of these multi-purpose shelters, and inadequate services inside them. Due to limitations on these shelters’ space and language capabilities, WCCs sometimes referred victims to government-subsidized NGO shelters. For instance, due to the government’s continued lack of protection services for male victims of trafficking, the one male victim identified during the reporting period received services at an NGO shelter. IOM provided protection to 20 foreign victims of trafficking during the reporting period with government funding. Although the government paid for victims’ psychological services and related interpretation costs in the WCC shelters, some victims at NGO shelters did not receive this care. A government program exists to pay for all medical services incurred while a victim resides at the WCC, but the system for administering these services is not well organized and, as a result, some victims of trafficking did not receive all available care. The government-funded Legal Support Center provides *pro bono* legal services to destitute victims of crime, including trafficking victims, but information about available service was not always provided to victims in the government and NGO shelters. If a victim is a child, the WCC works with a local Child Guidance Center to provide shelter and services to the victim; the government reported that one victim was assisted in this manner during the reporting period. Furthermore, while authorities reported encouraging victims’ participation in the investigation and prosecution of their traffickers, victims were not provided with any incentives for participation, such as the ability to work or otherwise generate income. In addition, the relative confinement of the WCC shelters and the inability of victims to work led most victims to seek repatriation. A long-term residency visa is available to persons identified as trafficking victims who fear returning to their home country, but only one person has ever applied for or received this benefit.

Prevention

The Japanese government made limited efforts to prevent trafficking in persons during the reporting period. The Inter-ministerial Liaison Committee continued to meet, chaired by the cabinet secretary, and agreed on a “Public Awareness Roadmap” and released posters and distributed brochures aimed at raising awareness of trafficking. More than 33,000 posters and 50,000 leaflets were distributed to local governments, police stations, community centers, universities, immigration offices, and airports. NGOs,

however, reported that this campaign had little effect and failed to reach the consumers of commercial sexual services. The Immigration Bureau conducted an online campaign to raise awareness of trafficking and used flyers to encourage local immigration offices to be alert for indications of trafficking. In July 2010, the government amended the rules of the foreign trainee program to allow first-year participants access to the Labor Standards Office and to ban the use of deposits and penalties for misbehavior or early termination, in order to prevent conditions of forced labor within this program and provide increased legal redress to participants of the program. The government did not report its efforts to enforce the ban on deposits and it is unclear whether the new rules contributed to a reduction in the number of cases of misconduct committed by the organizations that receive the interns. NGO sources report that brokers have instructed participants to deny the existence of these deposits or “punishment agreements” to Japanese authorities. The government continued to fund a number of anti-trafficking projects around the world. For years, a significant number of Japanese men have traveled to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Japan has the legal authority to prosecute Japanese nationals who engage in child sex tourism abroad and arrested one man under this law in February 2011; a total of eight persons have been convicted under this law since 2002. Japan is not a party to the 2000 UN TIP Protocol.

JORDAN (Tier 2)

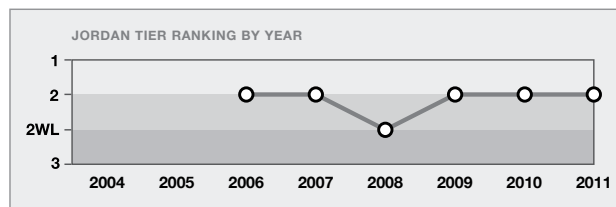
Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Small numbers of Jordanian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. 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. 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. Approximately 480 Filipina, Indonesian, and Sri Lankan domestic workers, most of who had fled conditions indicative of forced labor, were sheltered at their respective embassies in Amman at the conclusion of the reporting period. In March 2011, the Government of Jordan announced it would allow the legal recruitment of domestic workers from Vietnam in light of continued bans imposed

by the Indonesian and Philippine governments against the employment of their nationals in Jordan. The Aqaba Special Economic Zone Authority, governed under separate labor regulations, allows the recruitment of domestic workers from Ethiopia, Nepal, Kenya, and Ghana.

Chinese, Bangladeshi, Indian, Sri Lankan, Nepali, and Indonesian men and women encounter conditions indicative of forced labor in a few of the Jordanian garment sector's factories, including unlawful withholding of passports, delayed payment of wages, forced overtime, and, to a lesser extent, verbal and physical abuse. Observers noted a decrease in the holding of factory workers' passports by factory managers during the year, possibly due to increased awareness of criminal prohibition of this practice. While garment sector employees may enjoy greater freedom of movement as a result, continued bureaucratic difficulties in accessing legal remedies to complaints of abuse and in legally transferring from one employer to another may contribute to this group's vulnerability by encouraging illegal employment. In 2010, the garment workers' union received 450 individual complaints from workers of labor abuses, compared to 1,444 filed in 2009, a sharp decrease that may indicate some improvements in labor conditions in the garment sector. During the year, NGOs and the media reported that unlawful practices in Jordan's agricultural sector – such as passport confiscation, nonpayment or underpayment of wages, forced overtime, and possibly debt bondage – led to conditions of forced labor for some Egyptian and, to a lesser extent, Syrian workers. Egyptian migrant workers may also experience forced labor in the construction and building maintenance sectors. Moroccan, Tunisian, and Eastern European women are reportedly subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. Jordan's airports may be transit points for South and Southeast Asian men and women *en route* to employment opportunities in other Middle Eastern countries, where some experience labor exploitation after arrival.

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, it demonstrated progress in enforcing regulations restricting garment sector employers from withholding their workers' passports, responding to labor complaints made by factory workers, waiving migrant domestic workers' accumulated overstay fines, and punishing a small number of individuals for crimes of forced labor against domestic workers. Despite these efforts, the government demonstrated overall decreased commitment to combat human trafficking, as once effective structures became moribund. Several government reshuffles, limited capacity in key ministries, and a general lack of inter-ministerial coordination and cooperation prevented Jordan from capitalizing upon the solid anti-trafficking legal and strategic framework established in the previous reporting period. The government accomplished little to implement its national anti-trafficking action plan in 2010, and did not finalize guidelines for establishing and operating a facility to provide shelter and other forms of assistance to trafficking victims. It failed to enforce its bylaws that provide standards for employing domestic workers and operating recruitment agencies, and did not launch an

anti-trafficking public awareness campaign. To the extent the government worked to combat forced labor, it is almost exclusive emphasis on conditions in garment factories left abused workers in other sectors – particularly domestic service and agriculture – without viable means of recourse or assistance.



Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, convict, and sentence trafficking offenses, especially those involving the forced labor of domestic, garment factory, and agricultural workers; increase penalties for forced labor offenses; implement an awareness campaign to educate the general public, as well as foreign migrant workers in all sectors, on the nature of 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 available to trafficking victims to include the availability of adequate shelter; strengthen efforts to proactively identify victims of forced labor and forced prostitution and 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 to 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 increased efforts to prosecute and punish trafficking offenders during the reporting period. Police officials, however, did not always view withholding passports and nonpayment of wages as indicators of human trafficking. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of six months' to 10 years' imprisonment for forced prostitution, child trafficking, trafficking of women and girls, and trafficking crimes involving other aggravating circumstances; these penalties are sufficiently stringent, though 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 \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties, such as fines of up to \$1,400, for labor violations committed against Jordanian or foreign workers, including forced labor violations; these penalties also are not sufficiently stringent.

Over the last year, the government investigated and prosecuted several cases involving forced labor and forced prostitution. The Public Security Department (PSD) reported its investigation of 12 cases involving the exploitation of domestic workers and referral of six cases to the courts. The Jordanian government reportedly used the anti-trafficking law to convict and sentence six individuals in 2010 for crimes involving the exploitation of domestic workers. Three defendants – all owners of recruitment agencies – were sentenced in unrelated cases in March and May 2010 to six months' imprisonment and a \$1,410 fine for forcing runaway domestic workers to illegally work on a daily basis for various employers while collecting their wages. In September and October 2010, courts in Madaba and Amman, respectively, convicted and sentenced to one year's imprisonment and a \$1,410 fine two female employers for forcibly hiring out their domestic workers to their neighbors and illegally collecting the payments. In late 2010, a third female employer was convicted for the same crime and received an identical sentence. In addition, the Higher Criminal Court in Amman commenced the prosecution of a domestic worker's employer on charges of human trafficking and rape. In early 2011, three additional cases were filed in Amman and one in Zarqa involving the alleged exploitation of migrant domestic workers; these prosecutions remained pending at the close of the reporting period. Contrary to previous reporting, the government has not concluded the prosecution of two suspected trafficking offenders for forcing two Tunisian women into prostitution. Two cases pending in Amman courts at the close of the previous reporting period – the prosecution of an employer who allegedly confined a Sri Lankan domestic worker to the house without pay for more than 10 years and the prosecution of a man charged with the sexual assault of his domestic worker – remained pending final judicial decisions. The government made no efforts, however, to prosecute forced labor abuses in other sectors, including against those employers suspected of withholding workers' passports as a means of keeping workers in situations of forced labor. The government provided anti-trafficking training to some officials through its police training academy and a training program for labor inspectors.

Protection

The government made inadequate efforts to protect victims of trafficking during the last year; it did not provide any specialized services to trafficking victims. The government reportedly identified 12 potential victims of domestic servitude during the reporting period; it is unclear what services it provided, if any, to these victims. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. The working group established in 2009 under the National Committee for the Prevention of Human Trafficking to draft bylaws to serve as the legal framework for operating shelters for trafficking victims did not formulate and receive approval for these bylaws during the reporting period. The Committee also failed to approve the Ministry of Social Development's (MOSD) management and resource plan for operating a shelter. The MOSD shelter for abused women accepted some foreign victims of trafficking in 2010; however, this shelter lacks sufficient capacity and

services specific to trafficking victims. During the year, the Ministry of Labor rented hotel rooms for some garment sector workers pending investigations of labor complaints, but reported that funds for this purpose were limited; none of these investigations resulted in criminal proceedings in 2010. In contrast, unidentified victims were generally kept in administrative detention pending deportation or, in the case of domestic workers, sometimes sought refuge at their respective embassies, as Jordanian law enforcement and social welfare authorities did not employ systematic procedures to proactively identify victims of trafficking among vulnerable populations.

Most detained foreign domestic workers, even those who claimed abuse, were not screened for victimization. For example, in June 2010, preventative security cadres in Zarqa governorate raided a house used as a brothel and arrested seven Asian males and six females, some of who had previously worked as maids; government authorities determined that the women were not potential trafficking victims and prosecuted all 13 individuals for prostitution violations. 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 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; several local observers indicate that the majority of such accusations are unfounded. In early 2011, the PSD granted residency permits to nine migrant domestic workers being held by a recruitment agency, forced to perform illegal day labor, and denied wages; these residency permits, however, did not allow the victimized workers to seek alternate employment. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them, and did not provide lawyers for alleged victims to pursue criminal or civil cases against their employers. The threat of detention due to expired residency documents and the lack of special work permits and visas that would allow trafficking victims to remain legally in Jordan made it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking.

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 disincentive to remain in Jordan and pursue legal action against traffickers. During the year, the Ministry of Interior (MOI), in consultation with an *ad hoc* committee comprised of government and private sector representatives, waived the accumulated overstay penalties levied against some "runaway" foreign domestic workers in order to repatriate them. Others, however, remained in detention for prolonged periods as they were either unable to pay these fines or were subject to a lengthy and highly bureaucratic process to obtain a waiver, which could take in excess of two years; the government failed to screen detained out-of-status migrant workers for victimization. In March 2011, the cabinet granted a 50 percent reduction in foreign domestic workers' accumulated overstay fines and provided a two-month grace period to pay these fines. In April 2011,

the cabinet announced a two-month amnesty for Filipina, Sri Lankan, and Indonesian domestic workers to apply for both a waiver of the entirety of their accumulated overstay fines and a new work permit. This amnesty was then extended in May 2011 until mid-June.

While foreign workers in garment sector factories were not liable for overstay fines, for which the government instead held their sponsoring employer accountable, the Ministry of Interior reportedly deported foreign factory workers rather than investigating their claims of labor violations. The Ministry of Labor (MOL) made some headway 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. The government did not provide long-term shelter to trafficking victims, although the PSD provided residency permits in the one aforementioned case.

Prevention

The government's efforts to prevent trafficking decreased during the reporting period. It did not conduct any information or education campaigns beyond the labor inspectorate's provision of brief awareness raising workshops for workers in garment factories. As a result, awareness of human trafficking and the appropriate treatment of domestic workers remained low among the general population. The National Committee for the Prevention of Human Trafficking 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 meetings were not consistently held during the reporting period, greatly limiting its effectiveness. The government made little effort to enforce its two bylaws enacted in 2009 that provide standards for employing domestic workers and operating recruitment agencies; their implementation was partially hindered by the unclear nature of some of the regulations, as well as the inability of the labor inspectorate to monitor effectively domestic servants' workplaces. The government also made no effort to rectify weaknesses in the bylaws, including the requirement that the worker obtain the employer's permission to leave the house; if a domestic worker flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. A standardized contract for the employment of domestic workers, which is required by law, was not consistently implemented. Unlike the previous reporting period, the government provided no information regarding its closure of or fines issued against recruitment agencies for failure to comply with the labor law or recruitment agency bylaw.

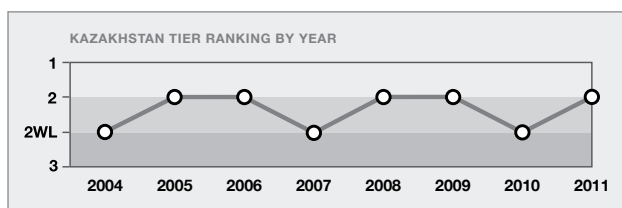
The MOL continued operation of a hotline to receive labor complaints, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contended that every complaint was investigated. NGO and private sector contacts reported that the hotline provided better assistance to factory workers than to domestic helpers, as after-hours calls required a complainant to leave a message and be called back. The MOL Labor Inspectorate conducted regular

night inspections of garment sector factories, and contacts confirmed these inspections were being carried out. The government has not issued regulations governing work in the agricultural sector, leaving the Ministry of Labor without a clear mandate to investigate possible labor violations within this field. Labor inspectors issued an unknown number of fines for labor violations in some garment factories. In contrast to past years, the government did not provide information as to whether administrative courts heard cases of wage nonpayment and provided compensation to aggrieved foreign workers. Additionally, labor regulations prevented the three-person inspectorate dedicated to addressing abuses against domestic workers from investigating private homes when they doubled as workplaces for domestic workers. The MOL undertook two nationwide child labor inspection and education campaigns during the reporting period, covering a total of 900 workplaces, which included brief lectures on the laws governing child labor in Jordan. While these inspections resulted in an unknown number of fines and warnings for employers found to be using child labor, it is unclear whether the children were screened for victimization by forced labor and what assistance, if any, was provided them. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. 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 conditions of forced labor. Kazakhstani women and children are subjected to sex trafficking in the United Arab Emirates (UAE), Russia, China, Turkey, Azerbaijan, Greece, Indonesia, and Israel. 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 subjected to sex trafficking in urban areas of the country. Kazakhstani men, women, and children as well as men from Uzbekistan, Kyrgyzstan, Tajikistan, Mongolia, and Nigeria are subjected to conditions of forced labor in domestic service, cattle breeding and pasturing and also in the harvest of tobacco and cotton in Kazakhstan.

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 significantly decreased the use of forced child labor in the cotton harvest, increased law enforcement efforts against human trafficking, passed a law strengthening penalties for convicted child sex trafficking offenders, and increased victim identification. However, it failed to effectively screen migrants for 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.



Recommendations for Kazakhstan: Increase efforts to identify foreign victims of both forced prostitution and forced labor, including through expanded training of police officers and government officials in victim identification and assistance; work to ensure that foreign victims of trafficking receive assistance; increase efforts to identify labor trafficking victims, including by ensuring that authorities screen for potential victims of forced labor among those detained during immigration raids and refer those identified as victims for assistance; investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish any complicit officials; continue efforts to prevent the use of forced labor during the cotton and tobacco harvests; continue to increase the number of victims who receive government-funded assistance by increasing funding to anti-trafficking NGOs; conduct trafficking awareness campaigns aimed at reducing the demand for both labor trafficking and commercial sexual exploitation; and continue to strengthen the capacity of police, prosecutors and judges to investigate, prosecute, and adjudicate trafficking cases.

Prosecution

The government of Kazakhstan demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3)(b), 126(3)(b), 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. Kazakhstan amended its penal code in 2010, adding Article 132-1 which strengthens punishments for child sex trafficking offenders. Police investigated 88 trafficking cases in 2010, a significant increase from 49 investigations in 2009. Authorities prosecuted 48 cases in 2010, compared with 35 prosecutions in 2009. A total of 32 trafficking offenders were convicted in 2010, an increase from 24 such convictions in 2009. The government convicted 29 offenders for sex trafficking offences in 2010, an increase from 21 sex trafficking convictions in 2009, and convicted three offenders for forced labor offences in 2010, the same number as in 2009. Five convicted traffickers received parole and served no time in prison. Twenty-seven convicted offenders received sentences ranging from two to 14 years' imprisonment. The Kazakhstani police, in cooperation with foreign donors, provided training in trafficking investigation techniques and victim identification procedures for 79 migration and criminal police officers and provided training for Kazakhstani law enforcement officers in Mongolia, Russia, Qatar, Turkey, Austria, the UAE, Belarus, and Armenia. It also provided in-kind assistance for NGO trainings for government officials. Police jointly investigated two trafficking cases with Russia and one with the UAE. Despite

anecdotal reports of individual police officers complicit in trafficking and with close associations with traffickers, the government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking.

The government demonstrated efforts to address the allegations of forced child labor in the 2010 TIP Report. The South Kazakhstan *oblast* government – the region in Kazakhstan where the majority of cotton is grown – issued several directives that explicitly prohibited the use of child labor (including forced child labor) during the 2010 fall cotton harvest. The Department of Education also inspected local schools to ensure they were not closed by local officials during the cotton harvest. Labor inspectors conducted inspection checks of cotton and tobacco fields and found no evidence of forced labor. NGOs in the region reported that the use of forced child and forced adult labor decreased significantly from the previous year. There were no reports of government officials complicit in forced labor in the cotton or tobacco harvests in 2010; however, the government did not pursue any prosecutions or convictions of government officials complicit in forced labor in the cotton or tobacco harvests of 2009.

Protection

The Government of Kazakhstan made some progress in identifying and protecting trafficking victims in 2010; however, the government identified only one foreign labor trafficking victim, despite being a recognized destination for foreign victims of forced labor. Although migration police reported screening illegal migrants detained during immigration raids, these efforts did not result in the identification of any trafficking victims. In 2010, thousands of migrants were deported without being screened for potential victims of trafficking. In 2010, the government identified 82 victims of trafficking, including 13 victims of forced labor, compared with 59 victims of trafficking, including 12 labor trafficking victims, identified in 2009. Of those identified, nine were foreign victims, including two victims of forced labor, an increase from three foreign victims identified in 2009. The government provided funding in the amount of \$70,000 for the provision of food, shelter, clothing, transportation, and other services for all identified victims; this was a decrease from the \$84,000 in funding the government provided for the same purposes in 2009. In total, 134 trafficking victims, including 49 victims of forced labor, were assisted by IOM, privately funded NGOs, and government-funded programs in 2010. The government fully funds one NGO-run shelter for trafficking victims, which assisted 40 victims, including nine foreign victims, in 2010. The local government of Almaty partially funds another NGO-run shelter, which assisted 33 trafficking victims, including 18 foreign trafficking victims. Shelters are open to all trafficking victims and provide legal, psychological, and medical assistance; however, some foreign victims of trafficking are unable to access medical assistance due to a lack of health insurance or temporary residency permits. Adult trafficking victims were permitted to freely enter and leave the shelters. Some child trafficking victims were held in juvenile detention centers until they were cleared of charges. In 2010, the government adopted a measure that permitted victims of serious crimes, including

trafficking victims, to receive government compensation. The government encouraged victims to participate in trafficking investigations and prosecutions. Foreign victims who agreed to cooperate with law enforcement were permitted to remain in Kazakhstan for the duration of the criminal investigation; this temporary residency status did not permit trafficking victims to work during the investigation. The government did not report how many foreign victims received temporary residence permits in 2010. The government did not offer victims longer-term residency; all victims were forcibly repatriated, either after a short recuperation period or after their service as a prosecution witness was completed. Although some victims cooperated with authorities during the initial investigation, some victims refused to testify in court for fear of retribution from traffickers. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked; however, unidentified victims may have been deported or prosecuted for immigration or other violations. Authorities provided one victim with repatriation assistance in 2010, a result of a joint investigation with law enforcement officials in the UAE.

Prevention

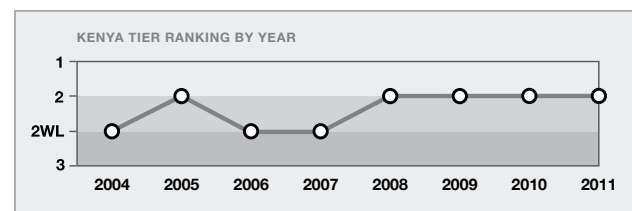
The government increased its prevention efforts during the reporting period, including an awareness campaign by local officials targeted at employers in the cotton or tobacco harvests. The government supported a number of anti-trafficking efforts, including at least 191 newspaper articles and 73 videos on human trafficking. The government ran anti-trafficking campaigns on passenger trains and a hotline for trafficking victims. NGOs received \$64,200 from the national government and \$11,800 from local governments for trafficking prevention activities, including a second trafficking hotline. This represents an overall increase from \$63,000 provided to NGOs for prevention activities in 2009. The government provided in-kind contributions for a program designed to reduce demand for sex trafficking.

KENYA (Tier 2)

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, Kenyan children are forced into domestic servitude, sex trafficking – including involvement in the coastal sex tourism industry – and labor in agriculture (including on flower plantations), fishing, cattle herding, street vending, and bars. Traffickers, who gain poor families' trust through familial, tribal, or religious ties, fraudulently recruit children through offers to raise and educate them and women through offers to place them in lucrative employment. Kenyan men, women, and children voluntarily migrate to other East African nations, Europe, and the Middle East – particularly Saudi Arabia – in search of employment, where they are trafficked into domestic servitude, massage parlors and brothels, and forced manual labor, including in the construction industry. Children from Burundi, Ethiopia, Rwanda, Somalia, Tanzania, and Uganda are subjected to forced labor and sex trafficking in Kenya. Chinese, Indian, and

Pakistani women reportedly transit Nairobi *en route* to exploitation in Europe's sex trade.

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 enacted comprehensive anti-trafficking legislation and convicted and punished two trafficking offenders. It expanded the reach and effectiveness of its hotline, launched a campaign against child trafficking, provided legal representation for child sex trafficking victims, and established an anti-trafficking office in the Ministry of Gender, Children, and Social Development. It failed, however, to finalize or implement its national plan of action, address trafficking complicity among law enforcement officials, or provide adequate anti-trafficking training to its officials, including diplomats, police, labor inspectors, and children's officers.



Recommendations for Kenya: Use the new anti-trafficking legislation to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; finalize necessary regulations and put in place appropriate structures to implement the victim protection provisions in the anti-trafficking statute; provide additional awareness training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; institute trafficking awareness training for diplomats posted overseas; engage foreign governments on improving legal protections for Kenyan workers to render them less vulnerable to trafficking; and approve and implement the national action plan.

Prosecution

The government's anti-trafficking law enforcement efforts significantly increased during the reporting period; for the first time, it provided statistics on such efforts for inclusion in this report. In July 2010, the Kenyan parliament held its third reading of the Counter-Trafficking in Persons Bill and, in October, the president signed it into law. 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 addition, 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). These sections, however, are not widely used by prosecutors.

The government reported 236 investigations, 10 prosecutions, and six convictions of trafficking offenders during the reporting period, though only two of the convictions actually involved human trafficking offenses. In September 2010, for example, a Nairobi court charged a Tanzanian national and his Kenyan wife under the Children's Act with utilizing unlawful child labor and illegal harboring, for allegedly abducting children from Tanzania and forcing them to beg on the streets of Nairobi; both were convicted and sentenced to two years' imprisonment. In June 2010, police in Kitale apprehended a man suspected of trafficking children from Kenya's Trans-Nzoia and Bungoma Districts to the Sudanese towns of Juba and Torit for use in the sex trade; the status of this case is unknown. Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police, immigration, or labor officials were complicit in, received bribes to overlook or provide lighter penalties for, or obstructed investigations of human trafficking. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of trafficking during the reporting period. The government did not provide anti-trafficking training to law enforcement officials during the reporting period.

Protection

The government increased its identification of trafficking victims and tracking of victim protection data during the year. As guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed, the government continued to lack both a mechanism for identifying victims of trafficking among vulnerable populations and a formal referral process to transfer victims to NGOs for assistance; it maintained no record of the number of victims referred by government officials to service providers during the year. It reported, however, that police, children's officers, and labor officers identified 236 trafficking victims in 2010, though it remains unclear how many received protective services. In 2010, the Ministry of Gender, Children, and Social Development's 450 children's officers – officials charged with advocating for children's rights and obtaining services for children in need – coordinated the work of 2,427 local Children's Advisory Committees, which worked in partnership with police to combat child trafficking, monitor institutions providing services to children, and advance awareness of human trafficking at the local level. During the reporting period, children's officers also reportedly participated in trafficking investigations and provided counseling to victims. In Mombasa, children's officers served on the management committee of the Rescue Center, a shelter for sex trafficking victims, and provided case assessments and service referrals for victims. The Ministry of Gender and a local NGO continued to jointly operate a 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse. The hotline is located in a government-owned building and staffed,

in part, by children's officers who facilitated rescues and made referrals to appropriate district officials. During the reporting period, the hotline received 100 reports of child trafficking, including child prostitution, and more than 350 related to child labor. In early 2010, the government established a national steering committee to manage the hotline that, in collaboration with an international NGO, opened additional call centers in the North Eastern and Rift Valley Provinces to better connect children with locally-available victim services. The Ministry of Gender also operated four referral centers located in Mombasa, Malindi, Eldoret, and Garissa that provided counseling and guidance services, as well as referrals to other centers for children who could not return home; it is unknown whether these centers provided such services to trafficking victims during the year.

In contrast to its care for child trafficking victims, the government provided few services – including shelter, medical care, or psycho-social counseling – to trafficked adults, with the exception of some Kenyan victims identified in Saudi Arabia. The Kenyan embassy in Riyadh provided assistance, including with repatriation, to at least one victim 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 Foreign Affairs, which demonstrated greater responsiveness to trafficking issues in 2010 than in previous years, funded travel costs in the amount of \$600 for the one victim returning from Saudi Arabia. While the government reports that it encourages Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not provide information on such instances. It did not inappropriately incarcerate or otherwise penalize identified Kenyan victims for unlawful acts committed as a direct result of being trafficked. Police, however, reportedly arrested foreign trafficking victims for engaging in prostitution or being in Kenya without valid identity documents; in most cases, they 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 the victim would face hardship or retribution upon repatriation. In 2010, Kenyan police actively cooperated with Ugandan authorities to repatriate both Kenyan and Ugandan child trafficking victims to their respective countries.

Prevention

The government made progress in its efforts to prevent human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, met three times during the reporting period; however, the five-year National Action Plan on Human Trafficking it drafted in the previous reporting period was not approved in 2010. In addition, the national steering committee formed 32 anti-trafficking sub-committees at the county level that identified cases of abuse and reported them to the local district commissioner. In June 2010, the Ministry of Gender established an Office in Charge of Counter-Trafficking to coordinate the national

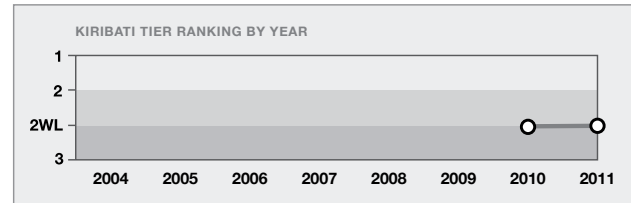
steering committee, build the capacity of stakeholders, and serve as a liaison between the government and NGOs. During the year, the Ministry of Gender's Children's Department conducted an anti-trafficking art and essay campaign, entitled "Stop Child Trafficking," in educational institutions; religious leaders and parents participated in these programs. In partnership with various donor-funded programs, labor officers, children's officers, social workers, chiefs, health officials, police, and religious leaders identified and withdrew an unknown number of children from forced labor situations during the reporting period. District-level child labor committees, which exist in approximately 30 out of 180 districts, in conjunction with local Children's Advisory Committees, raised awareness of child trafficking and labor among local populations. According to the Ministry of Gender, the government successfully prosecuted and punished 2,920 child labor violations during the year, but it failed to provide data regarding which penalties were applied or if the fines were ever collected. The Ministry of Labor, which is required by law to review and attest to all employment contracts for individuals legally migrating to work overseas, verified an unknown number of contracts in 2010; migrant workers, however, often left Kenya before their contracts had been reviewed and approved. In September 2010, the Ministry of Labor convened Kenya's first tripartite consultative workshop on decent work conditions for domestic workers. The government took measures to reduce its child sex tourism problem by launching a national code of conduct for the tourism sector in April. Also in April, police reported their ongoing investigations of four suspected child sex tourists from the Netherlands, United Kingdom, and Spain and the pending prosecution of a fifth tourist by British courts for child prostitution offenses allegedly committed in Kenya; in 2010, the Government of Kenya spent \$75,000 to hire legal representation for the child victims in this case. In 2010, the Malindi Stakeholders Network, chaired by the district commissioner, organized an anti-trafficking music festival for area schools that involved children composing songs on the topic of human trafficking.

KIRIBATI (Tier 2 Watch List)

Kiribati is a source country for girls subjected to sex trafficking. Crew members on Korean and perhaps other foreign fishing vessels in Kiribati or in its territorial waters exploit prostituted children on board their vessels. Some girls also are prostituted in bars frequented by crew members. Local I-Kiribati, sometimes family members, but also taxi drivers and owners of small boats, knowingly facilitate trafficking by transporting underage girls to the boats for the purposes of prostitution. The girls generally received cash, food, or goods in exchange for sexual services.

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. While the government worked with UNICEF to begin a radio show on the commercial sexual exploitation of children to raise public awareness of sex trafficking, it made few other efforts. The government did not define

labor or sex trafficking offenses in Kiribati law, make any efforts to proactively identify victims of trafficking or establish formal procedures for the identification of trafficking victims and the referring of these victims to protective services, investigate or prosecute any suspected trafficking offenders, or work with NGOs or international organizations to provide protective services to victims. Additionally, authorities did not investigate or prosecute foreign crewmen for the commercial sexual exploitation of children within its territory, or identify or assist any victims of trafficking during the year; therefore, Kiribati is placed on Tier 2 Watch List for a second consecutive year.



Recommendations for Kiribati: Publicly recognize and condemn incidents of trafficking of children for commercial sexual exploitation; develop and implement a definition for labor and sex trafficking offenses, and make efforts to train officials and front-line officers on trafficking; investigate, prosecute, and punish trafficking offenders; investigate and prosecute foreign crewmen for the commercial sexual exploitation of children; proactively identify and assist victims of trafficking; work with NGOs or international organizations to provide protective services to victims; establish formal procedures to identify and refer trafficking victims to protective services; and expand anti-trafficking information and education campaigns.

Prosecution

The Government of Kiribati failed to demonstrate any meaningful law enforcement efforts to combat human trafficking during the reporting period. Kiribati's 2005 criminal code criminalizes all forms of trafficking, and prescribes penalties of up to 15 years' imprisonment, which are sufficiently stringent. The law also provides protection for victims of trafficking from prosecution for crimes committed as a direct result of being trafficked. The law's lack of a definition of sex or labor trafficking, however, obstructed law enforcement officers from rescuing victims or arresting trafficking offenders on trafficking charges due to the lack of a clear understanding of the crime. The government did not make any efforts to investigate, prosecute, or convict trafficking offenders during the year. Government officials did not have an understanding of trafficking, and authorities made no effort to provide training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders.

Protection

The Government of Kiribati made no discernible progress in identifying or protecting trafficking victims during the reporting period. The government did not identify any trafficking victims, and did not report any efforts

to proactively identify victims during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact. The Kiribati government did not provide any victim care facilities for trafficking victims, and does not have any formal arrangements or mechanisms in place to provide trafficking victims with access to legal, medical, or psychological services. An NGO group reported helping child sex trafficking victims to access counseling and health services during the reporting period. The Kiribati government has not developed or implemented a referral process to transfer victims 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 relies on NGOs and international organizations to provide services to victims of crime.

Prevention

The government made some efforts to prevent trafficking or raise public awareness of the dangers of trafficking. In January, the Ministry of Internal and Social Affairs worked with UNICEF to begin a public outreach through a weekly radio show on the commercial sexual exploitation of children. The government did not provide any specialized training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period.

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. 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 Korean border, reportedly working with Chinese and North Korean border guards to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. In some cases, friends, neighbors, and village acquaintances transfer them to traffickers. Some vulnerable 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 trafficked into involuntary servitude, through forced marriages to Chinese men, often of Korean ethnicity, into forced prostitution in brothels, or the Internet sex industry. Some are forced to serve as hostesses in nightclubs and karaoke bars. Many victims are unable to speak Chinese and are held as prisoners by their traffickers. If found by Chinese authorities, victims are deported back to North Korea where they may face harsh punishment, and may be subject to forced labor in DPRK labor camps.

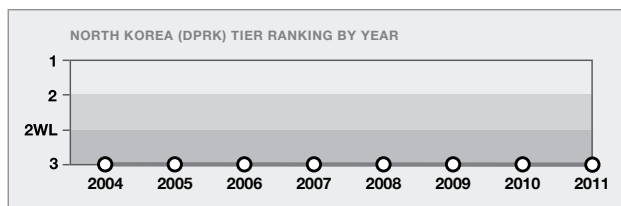
NGOs and researchers estimate that thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans have been trafficked, but their status in China as illegal economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. Reports indicate corruption exists involving North Korean border guards facilitating cross-border movement, particularly involving traffickers and professional border crossers.

Within North Korea, forced labor is part of an established system of political repression. North Koreans do not have a choice in the work the government assigns them and are not free to change jobs at will. The North Korean government is directly involved in subjecting North Koreans to forced labor in prison camps. An estimated 150,000 to 200,000 persons are held in political prison camps in remote areas of the country; many of these prisoners were not duly 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 recruits workers for work abroad under bilateral contracts with foreign governments, including in Russia; countries in Africa; Central and Eastern Europe; and East and Southeast Asia, including Mongolia; and the Middle East. There are credible reports that many North Korean workers sent abroad by the government under these contracts are subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." Credible reports state that they face threats of government reprisals against them or their relatives in North Korea if they attempt 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 receive a fraction of the money paid to the North Korean government for their work. Tens of thousands of 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. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home, in a coercive tactic by North Korean authorities to compel their labor. 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.

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 has denied explicitly that human trafficking

is a problem. Authorities do not differentiate between trafficking and illegal border crossing, and victims are punished for violation of migration laws. The government contributes to the problem of trafficking through its harsh restrictions on emigration, its poor economic and food situation, and through its forced labor prison 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: Improve the poor economic, social, political, and human rights conditions in North Korea that create an enabling environment for human trafficking; recognize human trafficking as a problem in North Korea, and one that is distinct from human smuggling; cease the practice of forced labor in prison and detention facilities; institute systematic victim identification procedures to identify and protect victims of trafficking; provide assistance to victims of trafficking and forge partnerships with international organizations and NGOs to aid in this effort; and cease the systematic punishment of trafficking victims in forced labor camps.

Prosecution

The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government continues to deny the existence of trafficking as a problem. The country's penal code prohibits crossing the border without permission; this provision, however, is used against both traffickers and trafficking victims. 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 labor correction. Other provisions of North Korean law could be used to prosecute trafficking offenses, such as prohibitions on abduction; for example, Article 289 of the Penal Code criminalizes the abduction of children and Article 290 criminalizes the abduction of individuals or groups; both articles carry a penalty of up to 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. There were no known prosecutions or convictions during the reporting period against trafficking offenders. Nonetheless, there was evidence that DPRK authorities enforced laws that seek to limit all cross-border migration, including refugee outflows, which often end up harming trafficking victims and perpetrators alike. Reports indicate that more restrictions were imposed on leaving North Korea during the last year, and there are reports of more severe punishments being imposed on

those who seek to leave the country and those who are forcibly returned after having successfully left illegally. Reports by North Korean defectors include instances of the government punishing traffickers, including execution; however, NGO reports indicate that the "traffickers" may include activists or professional border crossers who assist North Koreans voluntarily leaving for China.

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 individuals as victims of trafficking or to assist trafficking victims. The government did not ensure that trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. On the contrary, victims undergo severe punishment by the authorities if caught attempting to cross the border or if deported back to North Korea by Chinese officials. While authorities screened repatriated North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, they did not make a distinction between trafficking victims and illegal migrants. North Koreans forcibly repatriated by Chinese authorities, including a significant number of 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. Sentences in these prison camps may range from one month to several years, and victims may continue to face discrimination once released. 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 may brutally kill infants born to repatriated victims while in prison. Government authorities provided no discernible protection services to victims of trafficking and did not permit indigenous NGOs to operate in North Korea; the few international NGOs allowed in the DPRK were not permitted to assist trafficking victims. The government neither encouraged victims to assist in investigations against their traffickers nor provided legal alternatives to removal to countries in which the victim may face severe hardship or retribution.

Prevention

North Korean authorities made no efforts to prevent human trafficking during the reporting period. Internal conditions in the DPRK prompted many North Koreans to flee the country, making them particularly vulnerable to human trafficking. Although press reports indicated that border security increased during the reporting period, there was no evidence that the government attempted to prevent human trafficking by screening migrants along the border, nor did the government differentiate between trafficking and illegal migration or defection. The government may have cracked down on official corruption that facilitates cross-border trafficking, however there are reports that corruption among border officials continued to facilitate trafficking. 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.

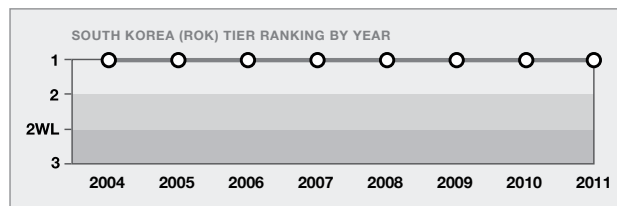
KOREA, REPUBLIC OF (Tier 1)

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 recruited for employment or marriage in the ROK, and subjected to forced prostitution or forced labor. Some foreign women who entered the country on entertainment visas, were trafficked for forced 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 upon arrival in the ROK or when running away from abusive spouses; some brokers reportedly charged up to \$20,000 from Korean clients. The use of debt bondage was common among sex trafficking victims, and employers and brokers often found ways to compound victims' debt. Many of these women also faced nonpayment of earnings, withholding of their passports, and restrictions on their movements. 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. According to government authorities, South Korean teenagers are increasingly exploited in prostitution; particularly runaways, more than 95 percent of commercial sexual exploitation of children in South Korea is arranged over the Internet.

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 Employment Permit System (EPS). While protections were implemented for EPS workers, observers claimed the EPS assigns excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. Migrant workers commonly 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. Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government reported significant efforts to prevent trafficking during the reporting period, including through anti-trafficking public awareness campaigns targeting vulnerable groups, such as teenagers at risk of commercial sexual exploitation and foreign wives in South Korea. South Korea also maintains an extensive network of victim protection services throughout the country, and works in cooperation with NGOs to provide care to identified victims of trafficking. In addition, South Korea allocated significant resources to protecting victims of trafficking and continued to train law enforcement and other government officials on trafficking in persons.

The government's efforts to investigate labor trafficking remained relatively weak, however, and the government did not institute formal procedures to proactively identify victims of trafficking.



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; ensure that convicted traffickers receive jail sentences for trafficking offenses; develop and implement formal victim identification procedures to proactively identify trafficking victims among vulnerable populations, including women arrested for prostitution and illegal immigrants; make greater efforts to identify victims of forced labor among migrant workers, such as those who file complaints of unpaid wages; 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 were 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. The government also reports using other criminal statutes related to kidnapping and juvenile protection to prosecute and punish trafficking offenses. During the reporting period, government authorities reported investigating 40 cases under the Act on the Punishment of Acts of Arranging Sexual Traffic; however, this resulted in only six convictions – a significant decrease from the 17 convictions reported last year – with only four traffickers serving prison sentences ranging from 18 months to two years; two trafficking offenders received only fines as punishment. Authorities investigated 43 cases under the Labor Standards Act, but reported only one indictment and no convictions or sentences for forced labor. The government reported 338 investigations under other statutes related to trafficking, resulting in 110 indictments, 68 convictions, and 37 prison sentences. The Ministry of Employment and Labor (MOEL) received over 9,000 complaints from migrant workers of \$19 million in unpaid wages and reported helping resolve 96 percent of these cases; the ROK did not, however, report investigating any of these complaints for forced labor. During July and

August 2010, ROK police authorities conducted a special crackdown on illegal international marriage brokers, arresting 761 for illegal operations and indicting 399 of them. Korean authorities also continued to train law enforcement and other government officials on trafficking and created a standardized training program on sex trafficking prevention. There were some reports police officers took bribes from brothel owners in exchange for prior notice about police raids; the government did not, however, report any law enforcement efforts against official complicity in trafficking offenses. During the reporting period, the government upgraded its data collection system to provide more detailed information on human trafficking prosecutions.

Protection

The Government of the Republic of Korea sustained robust efforts to protect trafficking victims during the reporting period, but its victim protection efforts were weakened by its lack of formal proactive victim identification procedures across the government. In 2010, the government spent approximately \$16.8 million to protect sex trafficking victims, mainly by providing financial support to NGOs offering shelter, counseling, medical and legal assistance, and rehabilitation services. The government also operates one shelter for foreign victims of sex trafficking, but did not report the number of victims assisted at this facility during the reporting period. The government expanded its extensive network of support centers for foreign wives and runaway teenagers, which offer support such as counseling in various languages, legal advice, and referral to medical services and shelters. Although the government continues to lack a formal system to proactively identify victims of trafficking among vulnerable groups, there were 76 victims identified in 2010, 26 of whom were identified by government authorities and all of whom were victims of sex trafficking. Foreign sex trafficking victims may receive temporary relief from deportation under the G-1 visa system, which allows them to remain in South Korea for up to one year to participate in investigations against their traffickers. Victims reportedly may apply for employment authorization under the G-1 visa, but NGO and other sources report that, in practice, the government has not authorized any existing G-1 visa holder to work pending an investigation or prosecution. The government did not report issuing a G-1 visa to any victim during the reporting period. Foreign victims of trafficking are offered legal alternatives to removal to countries in which they may face hardship or retribution. North Korean victims of trafficking may receive refugee settlement services. MOEL operated seven Migrant Workers' Centers nationwide to assist foreign workers in 15 different languages and the Seoul Metropolitan City Government maintained six similar centers; during the reporting period, the Seoul City Government opened its first migrant center with shelter facilities that would appear to be accessible to male victims of trafficking. However, the ROK government did not report efforts to proactively identify victims of trafficking during large crackdowns on illegal immigrants during the reporting period. As a result of the government's lack of proactive victim identification procedures and relatively less awareness of labor trafficking than of sex trafficking, victims of forced labor may have been arrested and

deported for crimes including illegal immigration without receiving any protection services.

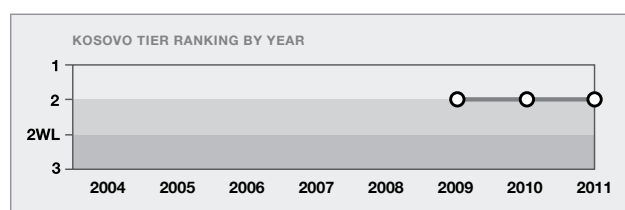
Prevention

The ROK government took steps to prevent trafficking during the reporting period, though these efforts focused primarily on sex trafficking. The government continued to conduct a wide variety of campaigns to raise awareness of trafficking in South Korea, targeting particularly vulnerable groups such as teenagers and foreign wives. In December 2010, the Ministry of Gender Equality and Family (MOGEF) developed training materials on sex trafficking for juveniles for distribution in schools and to public officials. MOGEF also launched the "Youth Keeper" program to notify police authorities when Internet sites were being used to arrange the prostitution of children and operated 77 shelters for runaway teenagers to reduce their vulnerability to commercial sexual exploitation. In addition, MOGEF ran specific campaigns to raise trafficking awareness among foreign wives, including messages publicizing the Emergency Support Center for Migrant Women on buses, electronic billboards, subways, and in foreign language publications. The Ministry of Foreign Affairs and Trade (MOFAT) also hosted pre-departure trainings for Koreans participating in working-holiday programs in Australia on their vulnerability to sex trafficking. 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. According to reports from destination countries, South Korean men continue to be a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. In response to reports in recent years that South Korean men engage in sex tourism, MOFAT continued to run public awareness campaigns against prostitution overseas, but during the reporting period, the government did not prosecute any Korean nationals for engaging in child sex tourism abroad or make other efforts to reduce the demand for this practice. The ROK government provided anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions. The Republic of Korea is not a party to the 2000 UN TIP Protocol.

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. 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 within Kosovo and also in countries throughout Europe. NGOs reported that child beggars were vulnerable to forced labor in Kosovo. Police continue to report that internal trafficking involving Kosovar Serbs may also occur in north Kosovo. IOM reported that for the fifth year in a row, it had assisted more victims of internal trafficking than victims of transnational trafficking.

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 elevated its anti-trafficking police section to directorate status and more than tripled the number of anti-trafficking investigations. It identified more trafficking victims than in prior years and offered a comprehensive range of government-funded services to those victims. All certified victims of trafficking participated in criminal investigations this year. The government's prevention efforts were very strong; it conducted a diverse and innovative trafficking awareness raising campaign in the fall of 2010. Trafficking cases were slow to resolve, however, and the rate of conviction was lower than in prior years. Challenges in victim identification persisted this year, as the government identified an average of one victim for every 10 raids conducted, and few victims of trafficking were identified among a highly vulnerable population of child beggars. Finally, there were investigations and prosecutions of public officials for complicity in trafficking, but there were no convictions.



Recommendations for Kosovo: Proactively prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; enhance effectiveness of victim identification during the raid procedures by thoroughly and consistently employing the standard operating procedures; enhance investigation of forced labor offenses; increase detection and protection for victims of forced begging in Kosovo; ensure that illegal migrants are screened for potential victims of trafficking prior to deportation; and continue public awareness campaigns, including campaigns about the risks of begging.

Prosecution

The Government of Kosovo demonstrated clear progress in law enforcement efforts in 2010, despite continuing problems with the resolution of cases through the judiciary. 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, with a sentence of 20 years' imprisonment available for organizers of trafficking crimes. These punishments are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. During the reporting period, Kosovo authorities elevated the anti-trafficking section to a directorate, improving the specialized section's access to resources for combating trafficking. The section's elevated status included an approximate 50 percent increase in law enforcement officers assigned to investigate trafficking. Nonetheless, the police reported continued difficulties in staffing available positions with minority, ethnic Serbian law enforcement officers, which would enable the police to conduct more

effective outreach in North Kosovo. The Kosovo Special Prosecutor's Office's specialized task force on organized crime, corruption, and trafficking reached full staffing in February 2010.

In 2010, Kosovo authorities conducted 194 investigations, a significant increase from 63 investigations in 2009. Kosovo's judiciary, however, faced challenges at all levels and those limitations affected convictions and sentences. In 2010, authorities began prosecutions of 81 offenders in 28 new cases, in contrast to 25 trafficking offenders prosecuted in 2009. The government reported 11 convictions of sex trafficking offenders, in contrast to 22 convictions the prior year. No labor trafficking offenders were convicted this year. All trafficking offenders received jail terms this year; two received sentences of three years' imprisonment, five received sentences of two years, one received a sentence of more than one year, two received sentences of six months, and one received a sentence of three months. In a marked improvement over the prior year, all officially identified trafficking victims cooperated with investigations and gave statements to the police. Although victims were able to file civil suits against traffickers, no victims did so this year. The government continued to provide anti-trafficking training to law enforcement and border police, including 155 new police recruits. In December, the authorities trained 323 customs and border officials to identify potential victims of trafficking.

There were internal police investigations of four officers for complicity in trafficking in persons. Prosecution proceedings continued against four border police and one municipal official for involvement in trafficking. The government, however, reported no convictions or sentencing of government officials complicit in human trafficking.

Protection

The Kosovo government demonstrated mixed efforts on victim protection, providing a comprehensive range of services for victims but still facing challenges in victim identification. During the reporting period, the government drafted and adopted the Minimum Standards of Care for Victims of Trafficking, strengthening ties between the victim shelters, unifying standards for services, and establishing common reporting forms. The Kosovo government supported nine shelters that accommodated trafficking victims, including a specialized shelter for children and a high security trafficking-specific shelter. Through these shelters, the government provided care such as housing, medical care, clothing, counseling, and legal and educational assistance. The Kosovo police identified and assisted 39 victims of trafficking, including several children, and referred them for services in the shelters, an increase from the 27 victims it identified in 2009. The government reported that trafficking victims were permitted to leave the shelters at will. In total, the government of Kosovo provided \$216,234 for victim care this year. The Kosovo authorities developed programs for the long-term reintegration and rehabilitation of trafficking victims. For example, the government provided tax incentives for businesses that provided employment for victims of trafficking; two trafficking victims were

employed under the program. Nevertheless, international experts expressed concerns that there were insufficient care and rehabilitation options for child victims of trafficking who did not want to return to their families, members of which had often contributed to their initial trafficking.

In 2009, international experts reported problems with the government's victim identification procedures. This year, in conducting raids of over 300 bars and cafes, the government officially identified only 39 victims. The government justified the high number of raids as, in part, a prevention tool, claiming the large number of raids ensured that trafficking victims understood that law enforcement officials were available to help in cases of exploitation. In these raids, the government reported that police officers followed established standard operating procedures. Under these procedures, Kosovo officers enlisted the support of victims' advocates and social workers at the interview of any trafficking victim. NGOs reported that the implementation of the referral mechanism improved during the year. Nevertheless, according to one NGO, the government did little to identify children in begging as victims of trafficking, despite reports that they were highly vulnerable to exploitation. Instead, vulnerable children from outside of Kosovo were deported prior to formal victim identification and care. The Kosovo Police Anti-Trafficking Directorate and social workers from the Ministry of Labor and Social Welfare conducted a pilot project during the reporting period to assess whether there were victims of trafficking among the vulnerable population of child beggars. The project initially catalogued nearly one hundred child beggars in a database with photos and family details, but did not identify any victims of trafficking among the group of children formally assessed.

Prevention

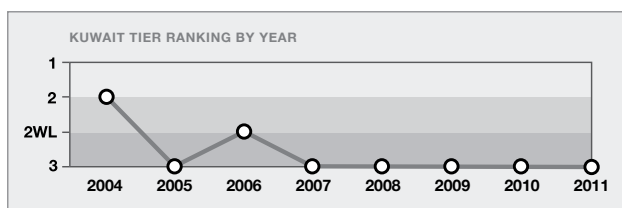
The Government of Kosovo demonstrated strong prevention efforts this year, including creative, broad-impact public awareness raising campaigns and strengthened national coordination activities. During September and October 2010, the Government of Kosovo funded and implemented a multi-faceted awareness raising campaign, including televised public debates on trafficking trends and challenges, anti-trafficking SMS messages sent to more than one million mobile phone subscribers, anti-trafficking television and radio broadcasts, a national billboard campaign, anti-trafficking artistic shows in schools, and anti-trafficking leaflets and posters distributed at all border points. From March to May 2010, the Ministry of Education, Science, and Technology conducted anti-trafficking trainings for 125 elementary and secondary school teachers on victim identification and preventing trafficking. 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 Government of Kosovo's National Anti-Trafficking Secretariat implemented a database during the reporting period to monitor information from government sources, NGOs, and international organizations on human trafficking. The system enabled the government to track both victims of trafficking through rehabilitation or repatriation and trafficking offenders

throughout the criminal process. The government produced and broadcast a television spot and a radio campaign aimed at reducing demand for commercial sex.

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, most of them in the domestic service, construction, and sanitation sectors. Although most of these migrants enter Kuwait voluntarily, upon arrival some are subjected to conditions of forced labor by their sponsors and labor agents, 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 Kuwait has 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 recruitment 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 government did not enact its draft comprehensive anti-trafficking law, though a subcommittee-approved bill has been on the parliament's agenda since November 2009 without being debated. Kuwait's victim protection measures remain weak, particularly due to its lack of proactive victim identification procedure and continued reliance on the sponsorship system, which causes victims of trafficking to be punished for immigration violations rather than protected. However, government officials participated in training on trafficking issues. The government also did not make significant progress in fulfilling other commitments made since 2007, such as enacting the draft domestic workers' bill to provide domestic workers with the same rights as other workers or establishing a large-capacity permanent shelter for victims of trafficking. The government similarly made only minimal efforts to prevent trafficking in persons during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a fifth 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; establish procedures to proactively identify victims of human trafficking, especially among the female domestic worker population; 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; and continue to expand on existing anti-trafficking training to law enforcement and judicial officials.

Prosecution

The Government of Kuwait made few discernible efforts to significantly improve its law enforcement efforts against trafficking during the reporting period. The government still has not enacted a comprehensive anti-trafficking bill that has been on the parliament agenda since November 2009. Despite the continued absence of a comprehensive anti-trafficking law, other provisions of the Kuwaiti Criminal Code could be used to punish trafficking offenses. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. 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. Nonetheless, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers during the reporting period for either forced labor or forced prostitution. Media sources report that one man was sentenced to death for kidnapping, raping, and selling a girl for sex against her will in December 2010. In February, a media source highlighted the arrest of the owner of an apartment where eight runaway domestic workers were forced into prostitution. The case has been referred to the attorney general, but the disposition was not final at the end of the reporting period. Although withholding workers' passports is prohibited under Kuwaiti law, this practice reportedly remains common as a means of obtaining foreign workers' forced labor, yet the Government of Kuwait has demonstrated no genuine efforts to enforce this prohibition. The government remains reluctant to prosecute Kuwaiti citizens for trafficking offenses despite allegations that trafficking in Kuwait largely 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. Kuwait also made minimal efforts to address government complicity in trafficking offenses; during the reporting period, media sources report that four government officials were arrested for an unknown period of time for illegally importing workers and one Kuwaiti police officer was arrested for raping a runaway domestic worker in a detention center. The Ministry of Interior and IOM trained ministry officials, police officers, and judges on trafficking in persons during the reporting period. Kuwait should significantly increase its efforts to prosecute and criminally punish trafficking offenses, including forced labor and forced prostitution.

Protection

During the year, Kuwait made inadequate efforts to protect victims of trafficking. The government continued to lack formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution. Kuwait's sponsorship law effectively dissuades workers from reporting abuse by their sponsors to government authorities; workers who abscond from their sponsors face criminal and financial penalties of up to six months' imprisonment, over \$2,000 in fines, and deportation for leaving without their employers' permission, even if they ran away due to abuse by the sponsor. NGO sources describe this as a "race to the police station" since victims may be punished for absconding if their employers report them missing before the victims have an opportunity to report abuses to the police. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and obtaining adequate legal redress for their exploitation.

In January 2011, the Ministry of Interior revised its rules to refer non-domestic worker labor cases to the Ministry of Social Affairs and Labor for investigation prior to deportation. However, domestic workers are excluded from this reform and remained in detention facilities pending resolution of their investigations. Women arrested for prostitution offenses also were not screened for evidence of trafficking, and faced prosecution and deportation regardless of whether they were sex trafficking victims. The Ministry of Social Affairs and Labor continued to operate a short-term shelter with a maximum capacity of 40 intended to provide medical, psychological, and legal services; the government, however, did not report the actual number of trafficking victims assisted at this shelter during the reporting period and NGO sources report that this shelter remained underutilized. Some sources report that the shelter turns away cases that are not "simple" and does not accept trafficking victims whose employers have filed cases against them, some of which are false allegations of theft. The shelter does not allow victims to leave freely, so they are essentially detained within the shelter until their case is resolved. In September, shelter staff received training on shelter management and victim assistance. In 2007, the government announced it would open a 700-person shelter for both men and women, but this shelter has yet

to be established. There continued to be no shelter or other protection services afforded for male victims of trafficking, and it is unclear whether victims of forced prostitution can access the government's temporary shelter. Some sending countries have expressed a preference for handling these cases through their embassies and the Government of Kuwait provided source-country embassies with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies. Government authorities, however, did not encourage victims to participate in the investigation or prosecution of their traffickers or offer legal alternatives to victims' removal to countries in which they may face hardship or retribution. The Ministry of Interior and Ministry of Justice continued to offer training in trafficking issues for government employees, including IOM-sponsored training courses on protecting trafficking victims to increase police officer's awareness of and sensitivity toward trafficking issues and for judges, prosecutors, and legal consultants in ways to protect expatriate workers' contractual rights more effectively.

Prevention

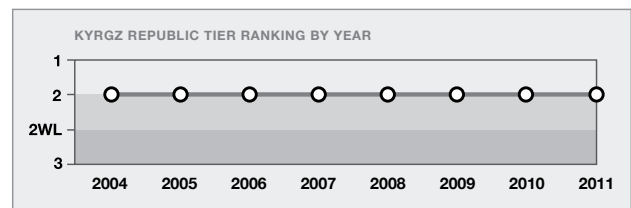
The Government of Kuwait made minimal progress in preventing trafficking in persons this year. Although transparency in the government's anti-trafficking efforts was lacking, with no public reporting on these efforts apparent, the government consulted closely with the two officially recognized human rights organizations in drafting anti-trafficking legislation. While the government increased the minimum wage for workers in the private sector to \$210 per month in April 2010, this new provision excludes Kuwait's half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor implementation of this rule. During the reporting period, the Ministry of the Interior took steps to shut down fraudulent labor recruiting agencies and terminated licenses for recruiting companies that did not meet more stringent regulations set in the February 2010 Private Sector Labor Law. Domestic workers also remain excluded from a new decree establishing maximum allowable work hours per week. As in past years, the Ministry of *Awqaf* 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, transit and, to a lesser extent, a destination country for men, women, and children subjected to conditions of 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 the Czech Republic, Turkey, Kazakhstan, and Russia, specifically in the agricultural, forestry, construction, and textile industries. Women from the Kyrgyz Republic are subjected to forced prostitution in the United Arab Emirates (UAE), Kazakhstan, China, South Korea, Turkey, 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. A recent 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, despite widespread civil unrest during much of the reporting period. The government continued to provide in-kind assistance to two NGO-run trafficking shelters which helped significantly more victims than in previous years. The Kyrgyz government also monitored migration and foreign employment data to better understand its trafficking problem. The government also increased the number of trafficking prosecutions, although fewer convicted offenders received time in prison. However, despite continued reports of corruption, the government did not investigate or prosecute any officials suspected of being complicit in human trafficking offenses, nor did they convict or criminally punish any complicit government officials.



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 to improve the collection of trafficking law enforcement data; continue trafficking sensitivity and awareness training for police, prosecutors, and judges; work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked; create a new multi-year anti-trafficking action plan; and strengthen oversight and enforcement of labor recruiting companies.

Prosecution

The Kyrgyz government demonstrated uneven progress in its anti-trafficking law enforcement efforts during the reporting period. However, the government's ability to prosecute trafficking offenders and report on prosecution data was hampered by political unrest. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes both sex and labor trafficking and prescribes penalties of three to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. Due in part to the burning of the prosecutor general's office during the civil unrest in 2010, significant concerns existed regarding the ability of the government to accurately report

statistics. In 2010, the government reported conducting 11 trafficking investigations – including nine for forced labor and two for sex trafficking – compared with the same number of labor and sex trafficking investigations in 2009. The government prosecuted eight suspected trafficking offenders and convicted three in 2010, compared with four prosecutions and three convictions in 2009. Only one convicted trafficking offender was sentenced to time in prison in 2010, a decrease from all three convicted trafficking offenders sentenced to time in prison in 2009; that one offender was sentenced to 10 years' imprisonment and the confiscation of property. Members of the judiciary, law enforcement, and other government officials received trafficking-specific training provided by IOM and NGOs. 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 its limited efforts to assist victims, although it was hampered by the civil unrest, during the reporting period. Together with NGOs, the government identified at least 266 victims of trafficking, including two foreign victims in 2010, an increase compared with 113 victims and no foreign victims, identified in 2009. Of the 266 victims identified, IOM and NGOs report that government officials referred 15 victims of trafficking to them for assistance, and consular officials at Kyrgyz embassies in destination countries referred five victims to IOM for assistance with safe repatriation in 2010 compared with 21 victims referred by government officials and 18 victims referred by consular officials in 2009. Although the government did not provide financial assistance to any NGO or organization that provided victim assistance in 2010, the government provided in-kind assistance to anti-trafficking NGOs, including facilities for two NGO-run shelters for victims of trafficking. These shelters assisted 60 victims of trafficking, a notable increase from only 22 victims of trafficking assisted by shelters with facilities provided by the government in 2009; victims were able to freely leave the shelters. Victims who are citizens of Commonwealth of Independent States (CIS) did not need special permission to stay in the country. Victims of trafficking who were citizens of non-CIS countries were permitted to remain in the country pending investigation and prosecution of their trafficking cases, contingent on a prosecutor or investigator making such a request to immigration authorities. The government encouraged victims to participate in trafficking investigations and prosecutions; no victims assisted law enforcement during the reporting period. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked during the reporting period.

Prevention

The Kyrgyz government demonstrated limited progress in trafficking prevention efforts, despite the political turmoil

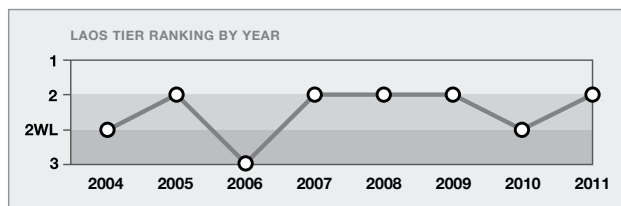
during much of the reporting period. The border guards provided travelers leaving the country with fliers and other trafficking awareness materials prepared by IOM. The government continued to provide in-kind assistance to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The Ministry of Education provided anti-trafficking awareness training to students as part of a program to educate students about potential dangers when working abroad. The Kyrgyz government had a national anti-trafficking action plan for 2008-2011. The government also worked to improve efficiency and collaboration with anti-trafficking NGOs. The Kyrgyz government monitored migration and foreign employment data to estimate the scope of human trafficking within its borders and inform its anti-trafficking activities. In the previous reporting period, the government began digitizing passport records, which would make Kyrgyz nationals traveling abroad less vulnerable to trafficking. Although they continued this effort, the government had not yet expanded this program to include 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 and girls subjected to sex trafficking, and men, women, and children in conditions of forced labor in factory work, domestic labor, agriculture, and the fishing industry. Lao men, women, and children are found in conditions of forced labor in Thailand, Malaysia, and China. Many Laotian migrants, particularly women, pay broker fees to obtain jobs in Thailand, normally ranging from \$70 to \$200, but are subsequently subjected to conditions of sexual servitude and forced labor in Thailand's commercial sex trade or in domestic service, garment factories, or agricultural industries subsequent to their arrival. Lao men are subjected to conditions of forced labor in the Thai fishing and construction industry. Many Lao nationals formally identified as victims trafficked in Thailand choose to take the risk of attempting migration to Thailand again after being repatriated to Laos. A small number of Lao women and girls reportedly are subjected to conditions of trafficking in China, where some are forced to marry Chinese men. Ethnic minority populations are particularly vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society. Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in Thailand. Some Vietnamese women are subjected to forced prostitution in Laos. Although there are fewer reported instances, trafficking within Laos also remains a problem, affecting young women and girls forced into prostitution. Lao men and boys are victims of forced labor in the country on agricultural plantations, including rubber plantations. Laos may be increasingly a destination for sex tourists from Asia.

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 reporting period, the government reported investigating

20 trafficking cases and convicting 33 trafficking offenders, a dramatic increase from zero convictions during the previous reporting period. However, the government has never administratively or criminally punished any public official for complicity in trafficking in persons. The government also began efforts to identify and assist trafficking victims who were deported by Thai authorities for immigration violations. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance.



Recommendations for Laos: Increase efforts to investigate and prosecute both sex and labor trafficking offenders, including through cooperation with Thai authorities on cross-border trafficking cases; make efforts to address internal trafficking, including by identifying and assisting Lao citizens trafficked within the country and prosecuting their traffickers; increase efforts to combat trafficking complicity of public officials, including through the criminal prosecution of officials involved in trafficking crimes; regulate labor recruitment agencies tasked with processing work permits and contracts to prevent the trafficking of migrant workers; create and implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly victims returning from Thailand; improve coordination between Thai authorities and the central government regarding victim assistance and between the Vientiane transit center and local communities regarding victims' return and reintegration; make greater efforts to conduct family assessments to determine whether it is in the best interest of victims to return to their families; consider opening a transit center in Savannakhet for victims repatriated from Thailand; increase resources to support victims in reintegration after returning to their home communities; expedite the processing of NGO memoranda of understanding (MOUs) to implement anti-trafficking projects; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and increase collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

The Lao government made progress in its anti-trafficking law enforcement efforts during the year. Laos 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, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities reported investigating 20 trafficking cases involving 47 alleged offenders, and convicting 33 trafficking offenders in 2010, compared with zero convictions during the previous

year. However, court proceedings lacked due process and transparency, the Lao judicial sector remained weak and inefficient, and prison conditions raised serious human rights concerns. The general public's reluctance to use the court system hampers the government's ability to effectively pursue trafficking cases; most Lao prefer to rely on village mediation to resolve conflicts. In at least seven of the 33 convictions, sentences ranged from six years' to over 16 years' imprisonment. International organizations and NGOs were not able to verify data provided by the government. The government did not report prosecuting any cases of internal trafficking. Impunity of corrupt government officials remained a problem throughout the Lao justice system. Corruption is endemic in Laos, and observers of trafficking in Laos believe that some public officials – particularly at local levels – are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. Nevertheless, the government has never reported any officials investigated, prosecuted, or punished for involvement in trafficking in persons. The government continued to partner with international organizations and NGOs on law enforcement capacity building.

Protection

The Government of Laos made increased efforts to identify and assist trafficking victims during the reporting period. While the government did not create or implement formal victim identification procedures to proactively identify victims of trafficking among vulnerable groups, such as migrants returning from Thailand and girls and women detained for involvement in prostitution, authorities reported efforts to identify trafficking victims among the tens of thousands of Lao citizens deported by Thai authorities during the year. Victims were provided with medical care and some were referred to shelters. The government was unable to provide the number of victims identified among deported migrants, but reported that in some groups of deportees, 50 to 100 sex and labor trafficking victims were identified and referred to the police for investigations. The government continued to rely almost completely on NGOs and international organizations to provide victim services. Lao authorities did not report identifying any foreign victims of trafficking during the year. In 2010, Thai authorities identified and repatriated approximately 145 Lao victims under an official repatriation mechanism, almost all of whom were underage girls. The Lao Embassy in Bangkok assisted in coordinating repatriation of Lao nationals who were identified as trafficking victims in Thailand. The Lao Ministry of Labor and Social Welfare (MLSW), with support from an international organization, continued to operate a small transit center in Vientiane for victims identified and repatriated by Thai authorities; the victims remained in the shelter for one week while authorities conducted medical check-ups and family tracing. However, while most repatriated victims were from southern Laos, all victims were required to be processed through the Vientiane transit center in central Laos. Female victims who were interested in receiving greater assistance were referred to one of three NGO shelters or a Lao Women's Union (LWU) shelter that assists victims of domestic violence or trafficking that provided longer term care and vocational training.

There were no such shelters available for male victims of trafficking. The transit center also received victims referred from local law enforcement officials, but authorities did not report how many domestic or foreign victims were referred to the transit center or shelters. The LWU operates counseling centers in six provinces to provide information about trafficking prevention and, with the assistance of international NGOs and foreign donors, helped to run a shelter in Vientiane to assist victims and help reintegrate them into society. Women and children who are identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking, but the law does not protect men from prosecution. The government reported encouraging victims to cooperate with prosecutions, but did not provide witness protection to victims. While the government depended on NGOs to provide resources for many trafficking initiatives, inefficiency within the government in the signing of NGO MOUs has caused lengthy delays in implementing anti-trafficking efforts in Laos. The Law on Development and Protection of Women includes protection provisions for victims of trafficking, but these provisions do not apply to men. Victim protection guidelines were drafted with support from the UN and NGOs, but are awaiting government approval. Victim access to legal redress is hampered by a lack of resources on the part of victims and the legal community. Trafficking victims are allowed to file civil suits against their traffickers, though this has never been done in practice. Victims are not made aware of legal resources available, even if local officials in their areas received training on human trafficking. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

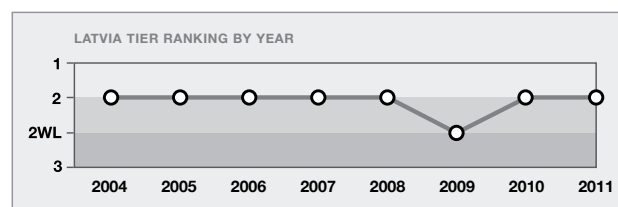
The Lao government continued limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The MLSW continued work with UNICEF and NGOs on public awareness efforts on the risks of child trafficking. Government-controlled media continued to report on human trafficking in newspapers. Authorities continued to publicize warnings about child sex tourism during the year. In September 2010, the Lao Youth Union hosted a seminar on human trafficking prevention. During the year, the Ministerial Committee on Trafficking continued to meet on a quarterly basis. The National Assembly approved a National Plan of Action on human trafficking in 2007 that has yet to be approved by the Prime Minister's Office. In April 2010, the government signed an MOU on victim repatriation with the Government of Vietnam. Authorities did not employ screening procedures to identify trafficking victims among persons found in prostitution during raids of nightclubs used as fronts for commercial sex. The government did not make efforts during the year to reduce the demand for commercial sex.

LATVIA (Tier 2)

Latvia is 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, Greece, Cyprus, the Netherlands, and Germany. Latvian men and

women have been subjected to conditions of forced labor in the United Kingdom and there were anecdotal reports that Latvian men may have been subjected to conditions of forced labor in Sweden. 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. During the reporting period, the government established an intra-governmental coordination mechanism and began to develop policies to combat labor trafficking. The government also sustained funding for victim assistance despite government-wide budget cuts and developed improved procedures to identify victims of trafficking. The government demonstrated progress in prosecuting and convicting trafficking offenders, though the majority of convicted trafficking offenders continued to avoid punishment that included jail time. Moreover, none of the investigations opened in the last year involved suspected labor trafficking. In the coming year, the government should improve its response to labor trafficking, use its intra-governmental mechanism to further strengthen and clarify victim identification procedures, and empower all anti-trafficking actors to share information with each other and the public.



Recommendations for Latvia: Increase efforts to identify victims, particularly victims of labor trafficking and domestic victims; refer all potential victims of trafficking for victim certification in order to qualify for government-funded victim assistance; improve identification of victims of labor trafficking, including possibly through the development of regulations governing identification procedures and identification criteria; increase investigations and prosecutions of suspected domestic and labor trafficking offenses; impose criminal penalties on convicted trafficking offenders commensurate with the gravity of the crime committed; consider enhancing internal and external monitoring and reporting functions to ensure that all victims identified by government actors, including victims identified abroad by Latvian officials, are given access to government-funded assistance, and that national anti-trafficking policy development considers and enhances monitoring and reporting functions; 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; continue efforts to systematically monitor trafficking trends; and increase efforts to raise awareness about both sex and labor trafficking.

Prosecution

The Latvian government demonstrated improvement in its law enforcement efforts to combat trafficking in persons, despite the fact that it did not initiate new prosecutions of labor trafficking offenses in 2010. Latvia prohibits all forms of trafficking through Sections 154-1 and 165-1 of its Criminal Law, which prescribe penalties ranging from a fine up 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 – a non-trafficking law prohibiting the transfer of individuals for the purpose of sexual exploitation of persons – to investigate, prosecute, and achieve convictions in most trafficking cases during the reporting period. Use of this statute allowed prosecutors more flexibility to pursue cases in which the element of force, fraud, or coercion was more difficult to establish. Both the police and the prosecutors' offices have specialized anti-trafficking units. In general, the government's investigation and prosecution of criminal trafficking cases increased in 2010. The government reported investigating 38 suspected offenders in 33 criminal cases, in contrast to 34 cases investigated in 2009. None of the new investigations in 2010 involved suspected labor trafficking, despite continuing international reports that Latvian citizens were potentially subjected to forced labor abroad and reports that there were potential victims of trafficking in the domestic grey market economy. Latvian authorities in 2010, however, continued the prosecution of two major cases started in previous years; these cases involved alleged labor trafficking. Latvian authorities prosecuted 39 suspected trafficking offenders in 2010, a 50 percent increase from 26 offenders prosecuted in 2009. In 2010, 21 trafficking offenders received final convictions from the Courts of First Instance, an increase from the 15 offenders who received final convictions in 2009. These figures do not include appealed convictions. Nevertheless, sentencing rates for final convictions remained low. Only five of the 21 convicted trafficking offenders were sentenced to time in prison. Of those five offenders, one received a sentence of less than one year; three offenders were sentenced to terms of one to five years and one was sentenced to a term of five to 10 years in prison. This is roughly the same sentencing rate that Latvia displayed in 2009, when four out of 15 convicted trafficking offenders received time in prison.

This year, more convicted trafficking offenders filed appeals with the Supreme Court than in previous years. In 2010, the Supreme Court reviewed cases against a total of 10 offenders. Most of these offenders were convicted by a Court of First Instance in 2010. Two of these offenders had received conditional sentences with three years' probation from the Court of First Instance; three had been sentenced to prison terms of two to five years; five offenders had been sentenced to terms of 10 years or more.

The Latvian state police developed new regulations to improve trafficking investigations during the reporting period. Since September 2010, the regional police departments were obliged to provide monthly reports to the state police's anti-trafficking unit on any crimes potentially involving trafficking in persons, pimping, and other prostitution laws to enable specialists to screen the

criminal cases for potential trafficking violations. The government participated in a wide range of anti-trafficking training activities in 2010. The Ministry of Foreign Affairs provided three separate trainings for its consular officials and representatives of foreign missions in November and May on identification of trafficking victims. The government of Latvia collaborated with law enforcement officials in several countries, including Germany, Greece, Italy, and the United Kingdom, on anti-trafficking investigations.

Protection

The government sustained its victim protection efforts. The Ministry of Welfare provided approximately \$70,000 to a designated NGO to provide comprehensive services for victims of trafficking, in contrast to approximately \$78,000 provided in 2009. Each trafficking victim could receive up to six months of rehabilitative care, including psychological care, medical aid, legal representation, and housing, if necessary. The government certified nine new victims for the state-funded victim assistance program in 2010, in contrast to 10 new victims certified in 2009. Seven of the victims certified in 2009 continued receiving state-funded services in 2010. Local NGOs identified and assisted a further five victims of trafficking, none of whom participated in the state-funded program. The NGOs attributed the lack of participation in the government program to distrust of the police or concerns about confidentiality. Government officials also reported that many trafficking victims declined cooperation with criminal trafficking proceedings, in part because many individuals did not wish to identify themselves as trafficking victims. All victims certified were female, despite reports that Latvian men were subject to potential labor trafficking. This year, the government did not identify either foreign or domestic victims within Latvia. The government implemented a panel system of certifying victims of trafficking, including psychologist and NGO participation. Nevertheless, the Latvian government faced challenges in providing state-funded assistance, including for repatriation, to potential victims identified outside of Latvia. The Government of Latvia had no formal government-wide system to report suspected victims identified by Latvian government actors, both domestically and abroad, to ensure continuity of their care. The Government of Latvia adopted flexible efforts to protect victims during trial, by enabling some substitutes for testimony in cases of trauma, although implementation of these procedures remained somewhat inconsistent. There were no reports that identified victims were penalized for unlawful acts committed as a direct result of their being trafficked during the reporting period.

Prevention

The Latvian government demonstrated clear improvement in its prevention efforts in 2010, particularly by enhancing intra-governmental cooperation and leadership on trafficking in persons. In March 2010, the government launched a new working group on trafficking in persons, headed by the national anti-trafficking coordinator at the Ministry of Interior. The working group designated an official to improve the Latvian government's labor

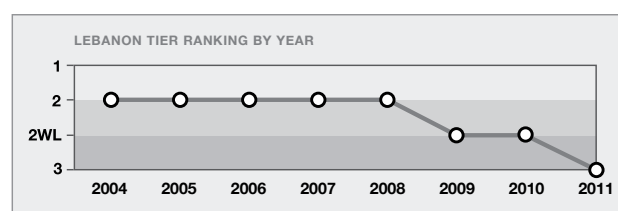
trafficking response, to develop victim identification criteria for labor trafficking, and to enhance intra-governmental communication on labor trafficking. NGOs reported, however, that the government's system of coordination needed to be formalized and publicized so that it was clear to all actors which agencies were responsible for anti-trafficking activities and victim identification. The Government of Latvia began participation in an EU project on human trafficking risk assessments for women in prostitution, analyzing risk factors for potential victims of trafficking. In January 2011, it began a separate project involving the use of innovative software to access extensive information about victims in criminal cases. In March 2011, the Latvian government released a public report on the implementation of its national action plan, describing its anti-trafficking activities and publishing its data on prosecution and victim protection. In 2010, the Ministry of Education provided trafficking awareness training to 215 school teachers. The Government of Latvia also supported a campaign to raise awareness about the vulnerabilities to human trafficking inherent in brokered marriages abroad, which put women at risk for forced prostitution and other forms of exploitation. The 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. Despite these prevention efforts, there were anecdotal reports that there was low public awareness or minimal public disapproval of trafficking, particularly following the economic crisis.

LEBANON (Tier 3)

Lebanon is a source and destination country for women and children who are subjected to forced labor and sex trafficking. The country may also be a transit point for Eastern European women and children destined for sex trafficking in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, Bangladesh, Nepal, and Madagascar who travel to Lebanon voluntarily with the assistance of recruitment agencies to work in domestic service often find themselves in conditions of forced labor, including through the use of such practices as withholding of passports, nonpayment of wages, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employer's house without permission 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 threaten workers with the loss of this legal status in order to keep them in forced labor and, in some cases, have kept foreign domestic workers confined in houses for years. The government's *artiste* visa program, which in 2010 facilitated the entry of 5,595 women from Eastern Europe, Morocco, Tunisia, and Algeria on three-month visas to work as dancers in the adult entertainment industry, serves to sustain 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 the sex trade 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 subjected to situations of forced labor, particularly street begging, within the country, as well as commercial sexual exploitation facilitated by male pimps, husbands, and "boyfriends," at times through early marriage. Small numbers of Lebanese girls may be taken to other Arab countries for forced prostitution.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last three consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Lebanon is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government neither made combating human trafficking a national priority during the reporting period nor allocated resources to protecting victims. It also made no concerted efforts to educate the Lebanese public regarding the issue and failed to show substantial progress in identifying foreign victims of trafficking – particularly victims of domestic servitude and commercial sexual exploitation. It failed to bring specific charges of forced labor or forced prostitution in cases involving abuses against migrant workers and did not provide stringent punishments that would deter such crimes. The government did, however, draft legislation providing increased protection to migrant domestic workers, transmit a draft anti-trafficking law to parliament for review, establish an office and hotline to receive workers' complaints, and improve through training the SG's recognition of trafficking indicators, investigation of abuse allegations, and referral of victims to assistance. The Lebanese government collapsed in January 2011; the current "caretaker" government cannot pass or enact new legislation.



Recommendations for Lebanon: Enact draft anti-trafficking amendments to the criminal code, the Labor Law amendment extending legal protections to foreign workers, and the draft law providing increased labor protections to domestic workers; investigate and prosecute trafficking offenses using existing laws – particularly laws prohibiting forced labor, forced prostitution, and the confiscation of domestic workers' passports – and convict and punish trafficking offenders; provide services to migrant workers and Lebanese nationals who are victims of forced labor and forced prostitution, such as shelter, access to legal aid and interpretation, and counseling; 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 her employer's house during her time off and retain her passport.

Prosecution

While the government took steps to improve labor rights and protections for domestic workers during the reporting period, it failed to investigate or prosecute trafficking offenses committed against migrant workers, or convict and sentence trafficking offenders. Although Lebanon lacks a comprehensive anti-trafficking statute, its current criminal code prohibits all forms of human trafficking. The prescribed penalties of a minimum of one year's imprisonment for forced prostitution (Article 524) or a maximum of two years' imprisonment for inducing children into prostitution (Article 73) are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. Penalties of temporary hard labor for deprivation of freedom (Article 569) and one year's imprisonment for forced labor or involuntary servitude (Article 649) are not sufficiently stringent. In the few occasions when Lebanese courts addressed trafficking offenses, they usually used Article 554 (Personal Injuries). In July 2010, the cabinet approved draft amendments to Lebanon's criminal code prohibiting human trafficking and sent them to Parliament for review by the relevant committees. These amendments would categorize human trafficking as a felony and prescribe penalties of five to seven years' imprisonment, with higher punishments available for aggravating circumstances. They would also permit victims to remain in Lebanon during the investigation and prosecution of their cases. A labor law amendment that would extend legal protections to foreign workers has been awaiting submission to the cabinet by the Ministry of Labor for more than two years; this amendment does not cover foreign domestic workers, who constitute the majority of foreign migrant workers in Lebanon. To remedy this, the Minister of Labor convened several meetings of the National Steering Committee on the Rights of Migrant Workers to draft a law extending labor protections to both Lebanese and foreign domestic workers; at a February 2011 press conference, the caretaker labor minister acknowledged the existence of human trafficking in Lebanon and indicated that the draft law was awaiting presentation to the new cabinet, once appointed.

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 against an employer under Article 649. Pursuit of such cases was hampered by bureaucratic indifference and inefficiency, difficulty proving cases of alleged abuse, victims' lack of adequate legal representation and knowledge of their rights, court backlogs, immediate deportation of *artistes* who complain of abuse, and cultural biases, particularly against foreign domestic workers. Lack of sufficient anti-trafficking training also hindered prosecutors' and judges' recognition of potential cases. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system,

many foreign victims opted for quick administrative settlements followed by mandatory deportation rather than long, complicated criminal prosecutions. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving even their wages due. The Ministries of Labor and Justice and the SG provided information on their anti-trafficking efforts, but they did not automate most recordkeeping, so data was incomplete and may be inaccurate. During the year, some civil and criminal courts heard cases brought by domestic workers, primarily concerning the nonpayment of wages and physical abuse, which are indicative of trafficking offenses, though it is not clear if the underlying abuse rose to the level of trafficking. The government reported that it prosecuted two cases involving potential trafficking offenses in 2010 and overturned an earlier conviction. However, the courts failed to consider whether forced labor offenses were perpetrated against the victims. Pursuant to Article 554, the Penal Judge of Jbeil convicted an employer of physically abusing a Sri Lankan domestic worker in June 2010. The employer was sentenced to one month's imprisonment, barred from entering any employment contract with a domestic worker for five years, and required to pay legal costs and damages of \$6,666. Pursuant to Article 624 Section 1 of the Obligations and Contracts Law, a Filipina domestic worker brought charges of unpaid wages against her employer in January 2010. Although in March 2010 the Labor Court in Beirut ordered the employer to repay the \$1,200 in back-wages sought by the worker, it failed to address the physical abuse alleged by the victim and required the victim to share court fees with the employer. As reported previously, an employer was sentenced in December 2009 to 15 days' imprisonment and \$7,200 in damages for regularly beating her Filipina domestic worker. In October 2010, the appeal court overturned the sentence of imprisonment and reduced damages to \$666 without providing its reasoning for overturning the conviction. The government did not provide specialized training for its officials to recognize, investigate, or prosecute cases of trafficking; all issue-specific training received by SG and Internal Security Forces (ISF) staff in 2010 was provided by NGOs.

Protection

The government neither made sufficient efforts to ensure that trafficking victims received access to protective services nor allocated resources to provide for their care during the reporting period. Its continued lack of systematic guidelines for proactively identifying trafficking victims among high risk populations led to the deportation of most runaway domestic workers and *artistes* without determining if they were trafficking victims. Illegal workers were generally not prosecuted or fined, but they were typically arrested and detained for between one and 10 months before being deported without being screened for indicators of trafficking. The SG operated a prison-style detention center in Beirut for up to 500 migrant workers in violation of their visa status or illegally present and awaiting disposition of their cases. In April 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. The procedures became effective in June 2010, but they lack specific guidance for identifying victims of trafficking among administrative detainees. Some SG guards, however, began to refer more systematically and objectively women suspected of being trafficking victims directly to an NGO for screening and care upon their arrival at the detention center; the determination of victim status was made by the NGO. In 2010, the SG and ISF referred only seven victims of trafficking to the NGO, which provided a variety of services to 136 victims of both labor and sex trafficking in 2010, including shelter for 102 victims at its safe house. The government did not provide victims with services and relied on this NGO and shelters operated by source country embassies to do so. In some cases, ISF staff interviewed trafficking victims at this safe house, rather than taking them to the police station. During the year, embassy shelters provided care to over 750 out-of-status domestic workers, some of whom may have been trafficking victims.

The government continued some policies and practices that rendered migrant women vulnerable to trafficking. For example, authorities required that women recruited under its *artiste* visa program be confined in hotels for most of the day and summarily deported them if they complained of mistreatment; cases involving the exploitation of *artistes* were rarely referred to the NGO for assistance. 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

Lebanon made limited efforts to prevent trafficking over the last year. The National Steering Committee for Trafficking in Persons, which advises the government on draft laws and decrees, met 12 times during the year to discuss the draft law on domestic workers, as well as the unified employment contract for migrant workers. This standard contract, 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 most cannot read. The government made no effort during the reporting period to enforce its law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon. The standard SG procedure of surrendering arriving domestic workers' passports to their sponsors upon arrival limits those workers' freedom of movement and makes them vulnerable to situations of human trafficking. In March 2010, the Higher Council for Childhood (HCC), part of the Ministry of Social Affairs, hosted, in partnership with an international and a local NGO, a training program for 30 ISF officers on child trafficking; HCC staff presented a session on human rights during this event. Training provided by NGOs reportedly led to SG officers' increased recognition that nonpayment of wages and physical abuse of domestic workers are indicators of human trafficking. The SG raided the house of and issued an arrest warrant for a domestic worker's employer after he failed three times to appear to face allegations of nonpayment of wages. In another case, a recruitment agent was arrested and jailed on charges of physically abusing a migrant domestic

worker; his case is pending in court. During the year, SG participated in the resolution of 55 cases involving domestic workers through administrative arrangements and granted 14 foreign trafficking victims release papers from their abusive employers, enabling them legally to seek alternate employment.

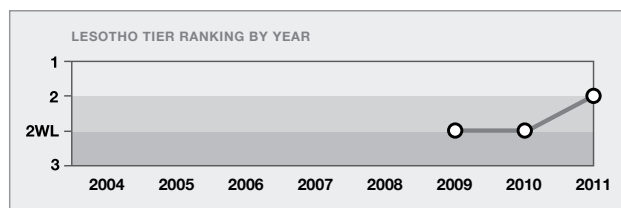
In April 2010, the Labor Minister established an office and hotline to receive labor complaints from foreign workers. Between April and January 2011, the hotline operated between the hours of 8 am and 2 pm and the two contracted staff members could not speak the languages most commonly spoken by migrant workers. The hotline reportedly received few trafficking-related complaints, presumably due to the targeted population's limited awareness of its existence, and it lacked an established protocol for following up on information received. Since the collapse of the government, the hotline cannot operate because its staff is considered to be employed by the minister, who is now in caretaker status. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult or child labor, and the 501 licensed employment agencies received little state supervision by the ministry. The SG continued implementation of 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. Lebanese authorities provided no services, however, to Moldovan victims of sex trafficking. 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 in 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 in remote villages may subsequently encounter situations of domestic servitude or commercial sexual exploitation. 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. There is evidence that Basotho residents in South Africa return to Lesotho as labor recruiters for farms in South Africa. Basotho 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. Most traffickers operate in informal

associations and acquire victims from their families or neighbors. Chinese and, reportedly, Nigerian organized crime rings, however, acquire some Basotho victims while transporting foreign victims through Lesotho to Johannesburg.

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 enacted comprehensive anti-trafficking legislation that prohibits and punishes all forms of trafficking and requires protection measures for victims of trafficking. It also convicted and punished at least one trafficking offender. The government's anti-trafficking efforts, however, continue to lack inter-ministerial coordination, as well as a mechanism to ensure formal identification and protection of victims. By enacting an anti-trafficking statute and continuing to draft a national action plan, the government has demonstrated political will to combat trafficking in persons, build capacity to undertake stronger anti-trafficking law enforcement efforts, and improve victim protection measures in the coming year.



Recommendations for Lesotho: Complete implementing regulations for the 2011 anti-trafficking act; finalize and implement the national anti-trafficking action plan; investigate and prosecute trafficking offenses under the 2011 act; provide care to victims of trafficking via government centers or in partnerships 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, particularly at border points; forge a partnership with South African police to investigate reports of Basotho 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 increased its capacity to conduct law enforcement efforts by enacting anti-trafficking legislation and investigating suspected trafficking cases. In December 2010, the Parliament passed the Anti-Trafficking in Persons Act, which comprehensively prohibits and punishes all forms of trafficking in persons. Becoming effective in January 2011, the act prescribes penalties of 25 years' imprisonment or a fine of \$142,857 under Section 5(1) for the trafficking of adults and life imprisonment or a fine of \$285,714 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 traffickers. However, the government has yet to draft implementing regulations necessary to enforce the legislation. In the absence of anti-trafficking legislation prior to passing the act, the government reported its investigation in 2010 of 84 cases nationwide under the Sexual Offenses Act; however, due to the government's continued lack of a law enforcement data collection mechanism, specific case details were unavailable for the majority of these prosecutions at the close of the reporting period. In Maseru District, the government convicted at least one trafficking offender under the Sexual Offenses Act, sentencing him to 15 years' imprisonment for raping his domestic worker, whom he had also assaulted with a pick axe and failed to pay during her eight months' employment. Seven of these cases led to joint investigations between the Child and Gender Protection Unit (CGPU) of the Lesotho Mounted Police Service (LMPS) and the South African Police Service (SAPS), which remain ongoing. During the reporting period, the LMPS and SAPS began meeting periodically to discuss cross-border crimes, including human trafficking. 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 2010, the LMPS provided training on trafficking definitions and basic victim identification to some of its officers.

Protection

Through its passage of the 2011 anti-trafficking act, the government increased its capacity to protect victims of trafficking over the last year by requiring the establishment of care centers throughout the country and granting new rights to trafficking victims. The act requires such centers to offer accommodation, health care, counseling, and rehabilitation services, as well as temporary basic material support for the care of child victims and reintegration of adult victims into their families. Still without such centers, the government partnered with NGO-run care centers to provide victims with assistance; of the seven victims NGOs provided services to during the reporting period, the CGPU referred four. In March 2011, the Department of Social Welfare trained 21 officials from each of four districts on trafficking definitions and basic victim identification. Medical services were provided to victims free of charge at government hospitals and clinics. In August 2010, the government opened a one-stop drop-in center in Maseru, for the protection of victims of gender-based violence, including specialized services for both male and female victims of trafficking; the centers' staff are primarily privately funded, though include some government employees. Due to financial constraints, the center is unable to provide accommodation, life skills, and other services. No visitors to the center were identified as trafficking victims during the reporting period. In 2010, the government allocated \$171,428 to the Department of Gender for administrative costs, outreach, and sensitization campaigns to combat gender-based violence, including trafficking in persons.

Law enforcement officers did not proactively identify victims among other vulnerable populations, such as women and children in prostitution. While the act requires police to begin investigation of trafficking cases within 24 hours and refer victims to a place of safety, the current lack of a victim referral system is a significant gap in Lesotho's anti-trafficking efforts. The 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. It is unknown whether victims assisted in investigations or prosecutions during the year. There is no evidence that victims were prosecuted for acts committed as a result of being trafficked.

Prevention

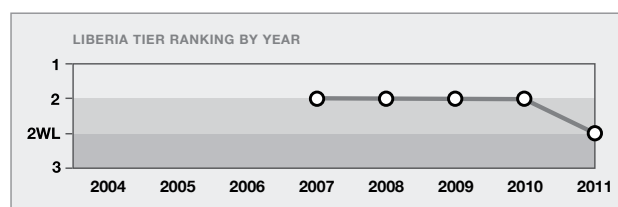
The Government of Lesotho continued strong efforts to prevent trafficking. The Multi-Sectoral Committee on Trafficking drafted the anti-trafficking act and a national plan of action; the committee has not, however, formally met since June 2010 and the plan has not been finalized. In June 2010, the government released a Rapid Assessment of Trafficking in Persons in Lesotho, the first formal assessment of trafficking in Lesotho, conducted by a consultant with support from UNDP, the Ministry of Home Affairs, and NGOs. Authorities also conducted several high-visibility information campaigns. In June 2010, the Ministry of Home Affairs sponsored a workshop to sensitize 70 parliamentarians on trafficking in persons. In December, the ministry issued a public service announcement warning people to be wary of offers of job and educational opportunities, recommending that such offers be verified with the Ministry of Foreign Affairs. In December, the ministry also screened a film on human trafficking at the main cinema in Maseru, reaching a total of 150 people. Three weekly radio programs focus on trafficking in persons; the head of the CGPU participates in these programs. The Ministry of Home Affairs, in partnership with the Government of South Africa, ran sensitization campaigns on gender-based violence, including a portion on trafficking in persons, which targeted border regions where trafficking is more prevalent. 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, principally for young women and children subjected to forced labor and sex trafficking. Most trafficking victims originate from within the country's borders and are subjected to domestic servitude, forced begging to support religious instructors, forced labor in street vending, on rubber plantations, and alluvial diamond sites, or sex trafficking. 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 wealthier relatives are vulnerable to forced labor or to a lesser extent, commercial sexual exploitation. Victims of cross-border 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. A small number of men, women, and children from Liberia are trafficked to Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria.

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. Despite these modest efforts, however, the government has not shown evidence of increasing efforts to prosecute and punish trafficking offenders and protect trafficking victims; therefore, Liberia is placed on Tier 2 Watch List. The Liberian government has never convicted a trafficking offender using its 2005 anti-trafficking law; it reported conducting two investigations of trafficking cases during the year, but did not initiate any prosecutions or convict any traffickers. The government did not provide training to law enforcement officials or magistrates, and many members of the government conflate kidnapping and smuggling offenses with human trafficking crimes. The Anti-Human Trafficking Taskforce held a workshop in November 2010 to establish a formal system for referring victims to legal services and protective care, and the draft is being circulated among the relevant government ministries for final adoption. The government did not allocate funds to the taskforce, which suspended its regular meetings between May 2010 and January 2011. The government undertook limited prevention measures.



Recommendations for Liberia: Increase efforts to investigate and prosecute trafficking offenses and punish trafficking offenders; train law enforcement officials and magistrates to use the anti-trafficking law and to distinguish trafficking crimes from cases of human smuggling or kidnapping; allocate government resources or secure donor funding to support the operations of the Anti-Human Trafficking Taskforce, and ensure that this body meets on a regular basis; complete efforts to develop a formal referral system to connect victims to legal services and protective care; investigate possible collusion of government personnel in human trafficking; and increase efforts to educate the public about the dangers of human trafficking.

Prosecution

The Government of Liberia did not increase its minimal law enforcement efforts to combat trafficking during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons specifically prohibits all forms of transnational as well as internal trafficking. This 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 trafficking of children is

sufficiently stringent, but the penalty for the trafficking of adults is not, and the prescribed penalties for sex trafficking are not commensurate with the prescribed penalty for rape. If a child is or at least two women are being transported for the purpose of prostitution, or if such transport results in injury to the victim, the maximum sentence for these aggravating circumstances is 20 years' imprisonment. The Women and Children Protection Section of the Liberian National Police reported it investigated two cases of trafficking during the year; however, it did not prosecute, convict, or sentence any trafficking offenders this year and has yet to convict a trafficker under the Act to Ban Trafficking in Persons. Four suspected trafficking offenders, arrested in 2009, were acquitted on charges of extortion, and five cases from the same year remained pending at the close of the reporting period. All new Liberian national police officers received training to report suspected trafficking cases to the Women and Children Protection Section, and 293 of these officers received this training during the reporting period. The government provided specialized training on the provision of services to victims and the investigation of trafficking offenses to the anti-trafficking units of the Women and Children Protection Section and the Bureau of Immigration and Naturalization. There were no allegations of law enforcement complicity in trafficking cases during the reporting period and as such, no law enforcement officials were investigated, prosecuted, or convicted for involvement in human trafficking, though allegations of law enforcement and judicial officials' complicity in trafficking existed in previous years.

Protection

During the past year, the government did not provide protective services to victims though it coordinated with NGOs and international organizations to provide care to two victims, one of whom had been repatriated from Sierra Leone. No specialized services existed for trafficking victims in Liberia. Although the majority of trafficking cases occur within the country, no victims of internal trafficking were identified during the year, indicating that law enforcement officials did not adequately screen vulnerable populations, such as children in street vending or individuals in prostitution, to identify and assist trafficking victims. In November 2010, the government's Anti-Human Trafficking Taskforce conducted a workshop to develop a referral committee and to establish a formal process for referring victims to legal services and protective care. Documents produced from this workshop are still in draft form and have not been made public. During the reporting year, the government repatriated one boy from Sierra Leone and reunited him with his mother, and allowed one Nigerian woman who had been forced into prostitution to remain in Liberia. Her application for residency is currently being processed. 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 occurred. The government claimed to encourage victims to assist with the investigation and prosecution of traffickers; however, no prosecutions were initiated during the year.

Prevention

The Liberian government took modest efforts to prevent trafficking in persons throughout the reporting period. The Ministry of Labor ran a weekly radio show, which reached limited regions of the country and sometimes featured anti-trafficking actors from the community, in order to raise awareness issues related to labor trafficking. The Anti-Human Trafficking Task Force, the government's coordinating body to fight trafficking, met in May 2010 and January 2011, but suspended meetings in the interim due to a lack of government funding and internal issues. Since July, the government has registered approximately 62,000 children as part of a pilot birth registration and certification program in three counties, in an effort to reestablish many of the records that were lost in the country's civil war. In 2010, the government took modest efforts to reduce the demand for commercial sex with the president's delivery of an anti-prostitution message on the radio.

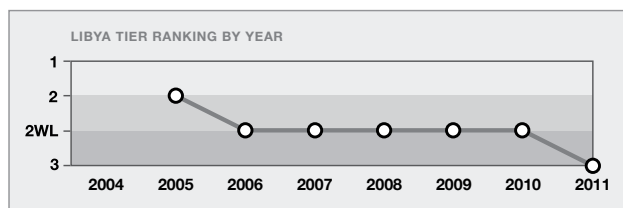
LIBYA (Tier 3)

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. Although precise figures are unavailable, there were an estimated 1.5 to 2 million foreigners in Libya at the end of 2010. Increasingly, an unknown number of migrant workers in the construction sector – particularly Filipinos, Nepalis, Indians, Bangladeshis, and sub-Saharan Africans – faced fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. Since February 2011, Libya has experienced internal unrest, stranding many foreign workers in the country under harsh and unsafe conditions which, in some cases, resulted in death. Some of those workers may be trafficking victims. Trafficking victims are likely to be particularly vulnerable to being trapped in Libya as a result of the confiscation of their travel and identification documents. As of March 2011, international relief organizations were unable to operate in some parts of Libya, exacerbating relief efforts. Some migrant workers were robbed by pro-regime Libyan soldiers, and a Red Crescent official said that soldiers have blocked about 30,000 migrant workers from fleeing into Tunisia and forced many to return to work in Tripoli. A media report asserted that some sub-Saharan African migrants were forced to fight with pro-government groups.

The number of migrants, including trafficking victims, who were smuggled to or through Malta and Italy were considerably smaller than in previous years due to Libyan and Italian joint naval patrols; however, migrants complained of very poor treatment and no efforts to identify trafficking victims among them. Migration to Europe has increased considerably since the onset of the civil disturbance. In many cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor. As in previous years, there were isolated reports that

women from sub-Saharan Africa were forced into prostitution in Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and Libya is placed on Tier 2 Watch List for a sixth consecutive year. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Libya is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. In the first 11 months of the reporting period, the Libyan government failed to demonstrate significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities also punishing trafficking victims for unlawful acts that were committed as a result of their being trafficked. Following the outbreak of civil unrest in February 2011, accurate information regarding the situation in Libya has become very limited.



Recommendations for Libya: Pass and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; 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 deportation or punishment for their unlawful presence in Libya; and undertake an information campaign to raise public awareness of the problem of human trafficking.

Prosecution

The Government of Libya demonstrated negligible 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 criminalize trafficking in persons, although some of the definitions, as drafted, appear overly broad. The draft amendments were reportedly submitted to the General People's Congress for review and approval. 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. A 2009 Human Rights Watch (HRW) publication included interviews indicating that some police were complicit in human trafficking activities.

Protection

The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. In the first 11 months of the reporting period, the government continued to refer vulnerable migrants on an *ad hoc* basis to international organizations or relief workers; some of these were likely trafficking victims. During parts of the reporting period, the government continued to provide office space in some detention centers where relief workers provided medical and psychological care for an unknown number of detainees, which likely included trafficking victims. The government forced some employers to fund costs of repatriation of some foreign migrant workers who were abused; some of the workers may have been trafficking victims.

International organizations reported that conditions in detention centers worsened significantly since the launch of the Libyan-Italian joint naval patrols in May 2009 and, along with rights groups, expressed concern that the joint patrols return all interdicted migrants to the country without screening for victims of trafficking. The government did not actively 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, and thus trafficking victims were often subject to deportation or punishment for their unlawful presence in Libya as result of being trafficked. A 2009 HRW report quoted an observer as saying that migrants can be detained "from a few weeks to 20 years." The same report noted that Libyan authorities regularly beat groups of undocumented African migrants who were returned to Libya by Italian law enforcement officials after the migrants' failed attempt to sail from Libya to Italy, and recent Amnesty International research indicates that Libya subjects detained undocumented migrants to torture. The government also did not provide foreign victims of trafficking with legal alternatives to their removal to countries where they faced hardship or retribution.

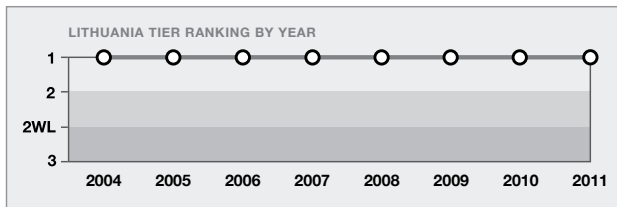
Prevention

The Government of Libya made minimal 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 anti-trafficking public information campaigns. However, the government-funded World Islamic Call Society undertook some information campaigns to raise public awareness of the problem of human trafficking. The government provided translation services and meeting venues to support some IOM anti-trafficking programs. The government did not display transparency in its anti-trafficking efforts as it did not publicly report on its policies or activities to combat human trafficking. Libya did not take actions to reduce demand for commercial sex acts or to prevent child sex tourism committed abroad by Libyan nationals.

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 subjected to forced theft in foreign countries. Forty percent of identified Lithuanian trafficking victims are women and girls who are sex trafficking victims exploited within Lithuania. Lithuanian women are also the victims of sex trafficking in the United Kingdom (UK), Germany, Spain, the Netherlands, Greece, Italy, France, and the Czech Republic. 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. The government ensured that all trafficking offenders convicted this year were sentenced to prison terms commensurate with the gravity of crime committed. In prevention activities, the government reinstituted its national working group and adopted innovative new software to enhance its ability to investigate human trafficking offenses. However, the Lithuanian government struggled to investigate and prosecute labor trafficking offenses. The number of victims identified by the government decreased by approximately 50 percent. The government's funding of victim assistance programs increased modestly over the previous year, though it remained inadequate.



Recommendations for Lithuania: Improve efforts to investigate and prosecute suspected trafficking offenses, including forced labor offenses; increase funding or provide in-kind support to NGOs that provide victim protection services; continue to proactively identify victims of trafficking and refer them to NGO service providers; and increase public awareness efforts targeted at potential adult victims of trafficking.

Prosecution

The Government of Lithuania demonstrated mixed anti-trafficking law enforcement efforts during the reporting period. Lithuania prohibits human trafficking through Articles 147 and 157 of its criminal code, which prescribe penalties ranging from a fine up to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. This year, the government amended sections of its criminal law covering trafficking to harmonize them with international law. Prosecution of human trafficking cases remained a challenge for the Lithuanian government, as there were reports that law enforcement officers and investigators, especially in rural areas, lacked experience in

investigating trafficking cases and identifying trafficking victims. Prosecutions were also hampered by victims' reluctance to seek help or participate in the criminal process.

Lithuanian authorities initiated seven sex trafficking investigations in 2010, compared with 11 investigations initiated in 2009. Two labor trafficking investigations pending from 2008 were closed due to insufficient evidence; no new labor trafficking investigations were initiated. Authorities prosecuted 20 offenders in 2010, an increase from the 14 offenders prosecuted in 2009. Nine trafficking offenders were convicted in 2010, in contrast to 14 trafficking offenders convicted in 2009. However, the Government of Lithuania improved its sentencing practices in trafficking cases; in 2010, all convicted trafficking offenders received time in prison for their offenses, with sentences ranging from seven to 11 years in prison. In 2009, 12 of the 14 convicted traffickers were issued sentences ranging from two to nine years' imprisonment, while two traffickers served no time in prison. During the reporting period, the Lithuanian government collaborated with several governments on international investigations of trafficking, including the UK, Germany, Spain, the Czech Republic, Latvia, Belgium, Belarus, and the Netherlands. In 2010, an Albanian citizen who was suspected of human trafficking in Lithuania was extradited to Lithuania to face prosecution. The government did not report the investigation, prosecution, conviction, or sentencing of any public official complicit in human trafficking.

Protection

The Lithuanian government demonstrated mixed efforts to assist victims of human trafficking during the reporting period. The government allocated \$35,000 to NGOs for trafficking victim assistance in 2010, an increase from 2009, in which it allocated no funding to victim assistance; nevertheless, this represented a decrease from \$150,000 provided in 2008. The financial support for victim assistance is the lowest in the Baltic region. The Lithuanian government identified 22 trafficking victims during the reporting period, including three child victims. All trafficking victims were referred to NGOs for care. The rate of identification was significantly lower than in 2009, when government officials identified and referred 57 trafficking victims for assistance. During the reporting period, NGOs reported assisting approximately 150 victims of trafficking. Female trafficking victims were housed and cared for in mostly mixed-use facilities throughout the country. These victims were not detained involuntarily in these shelters. NGOs reported that there were no shelters available for men or boys, although the Men's Crisis Center was available to provide various victim services, except shelter, for abused men, including any trafficking victims. Although the government employed formal procedures to guide officials in identifying trafficking victims among vulnerable populations – such as women in prostitution, street children, and undocumented migrants – NGOs reported that these procedures were generally ineffective. NGOs suggested that the absence of a single government agency delegated to identify victims of trafficking contributed to problems in victim identification. Although the "Law on the legal status of aliens," Article 49(1),

allowed the government to grant foreign trafficking victims a six month temporary residency permit if they agreed to participate in criminal proceedings, no trafficking victims took advantage of the residency provisions. Nevertheless, the Lithuanian government and NGOs reported that victims were encouraged to participate in the investigation and prosecution of traffickers; 22 victims assisted in investigations in 2010. There were reports that victim protection requested by NGOs was not provided by police forces. However, 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.

Prevention

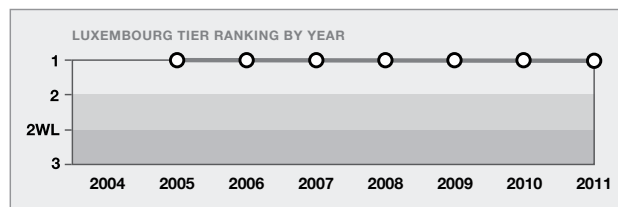
The Lithuanian government demonstrated some new prevention efforts during the reporting period. In April 2010, the government reconvened its multi-agency working group on trafficking in persons, bringing together relevant government actors on human trafficking. The government did not include NGOs in the working group. The Government of Lithuania had a national program to combat trafficking in the years 2009-2012, but NGOs reported that the national plan was not effectively implemented in 2009 and 2010. The government publicly reported on its national anti-trafficking activities through the national coordinator at the Ministry of Interior. In 2010, the Lithuanian government implemented a project to enhance its data collection and analysis capabilities. The project links the Lithuanian police force's data with that of INTERPOL and Europol, enabling the government to better conduct systematic analysis of trafficking within and from Lithuania. Lithuanian law enforcement officers continued their outreach to schools to educate children on trafficking.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for women from Africa (primarily Nigeria) as well as Kazakhstan, Bulgaria, Russia, Ukraine, Brazil, France, and Belgium who are subjected to forced prostitution. Authorities report that forced labor among foreign migrants is likely also a hidden problem. According to local experts, unaccompanied children who are asylum seekers or refugees and without legal status are particularly vulnerable to sexual exploitation. Adult victims of sex trafficking in Luxembourg are sometimes recruited by agents in their home countries for work in Luxembourg's cabarets, and subsequently forced into prostitution. According to a 2010 media report, 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 a 2010 ECPAT report, exploitation of children in Luxembourg primarily involves prostitution through illegal escort services, and in hotels, parked cars, private houses, and in illegal private clubs in the country.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. During the year, the government prosecuted and convicted four trafficking offenders and referred identified trafficking victims for basic services. The government, however,

failed to fully implement a March 2009 law to formalize specialized and comprehensive assistance for trafficking victims and it did not implement proactive identification and referral procedures, a standing deficiency in Luxembourg.



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 the subordinate legislation for the March 2009 protection law to codify and improve assistance to victims to move towards a more victim-centered approach; formalize the role of NGOs and others in the identification process and continue to fund them to provide comprehensive assistance to all trafficking victims, including victims of forced labor, as well as child and male victims; and re-launch an awareness campaign similar to the 2008 campaign by the Ministry of Equal Opportunity to educate authorities and the general public about trafficking.

Prosecution

The Luxembourg government sustained its anti-trafficking law enforcement efforts in 2010. 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 article, courts can sentence offenders below the prescribed minimum sentence of three years' imprisonment. The government prosecuted and convicted four trafficking offenders in 2010, compared with six from the previous year. Sentences imposed on these traffickers were prison terms of nine months, 15 months, three years, and four years; two Albanian men received the latter three and four year sentences. Between April 2010 and February 2011, the government convicted and sentenced a Belgian trafficking offender to nine months' imprisonment after finding him guilty of subjecting five victims of Belgian and French origin to forced prostitution in a massage parlor. Also, a Luxembourg court sentenced a French trafficking offender to 15 months' imprisonment for the forced prostitution of 14 Brazilian women. The government reported four ongoing international anti-trafficking investigations in 2011. There were no reports of the government investigating, prosecuting, convicting, or sentencing public officials for trafficking complicity in 2010.

Protection

The Government of Luxembourg demonstrated sustained efforts to identify and protect trafficking victims and made some tangible improvements in 2010. Although the government adopted a law to codify victim identification and referral procedures and comprehensive assistance for trafficking victims in March 2009, it has yet to pass subordinate legislation to begin implementing a formalized referral process. The government did not adopt formal procedures for government personnel to use in the proactive identification of victims; this remained a problem. Although law enforcement officials reported strict controls over the prostitution sector in the country, the vice-squad responsible for these controls assisted police in identifying 21 victims of sex trafficking in 2010, the same number it identified in 2009.

The government reported three out of 21 identified victims took advantage of a government-offered reflection period – during which they could decide whether to cooperate with authorities – and three were granted temporary residency permits. One victim was imprisoned for drug trafficking. According to a recent NGO report, police were the only authorities permitted to carry out formal victim identification. Also, the police relied primarily on self-identification by the victims rather than their own proactive measures. The government continued to fund two NGOs providing services for women in distress, including adult female trafficking victims. However, during the reporting period, NGOs could not benefit from the assistance system established by the March 2009 protection law to provide specialized care for potential and identified trafficking victims, which first requires parliamentary approval of the government's implementing regulation of the 2009 law. According to a 2010 ECPAT report, Luxembourg did not have a concrete set of measures in place to deal with trafficked children in Luxembourg. There were no specialized services or shelters available specifically for child victims. The government reported, however, that it identified a planned response to provide child victims with appropriate care. Authorities have yet to identify a child victim of trafficking in Luxembourg.

The government reportedly encouraged victims to participate in the investigation and prosecution of trafficking offenders; however, no victims assisted in the prosecution of their traffickers in 2010, the same as in 2009. The government has 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 all women in prostitution who were detained for being in the country illegally were checked for trafficking indicators. In January 2010, the government signed an agreement with IOM to ensure the responsible repatriation of victims; three victims were reported to be repatriated under this agreement.

Prevention

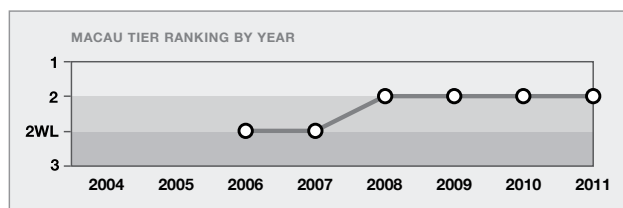
The government made limited progress in its anti-trafficking prevention efforts in 2010. According to a local expert, authorities in Luxembourg have only recently begun acknowledging the problem of human trafficking within the country, and the general public is not aware of its existence as an issue of importance. The government has

not adopted a national action plan on trafficking, and it did not transparently report on its anti-trafficking efforts during the year. The government did not develop or implement a nation-wide campaign to raise general awareness about trafficking, or to reduce demand for forced labor, though it included trafficking in a national gender equality plan which aimed to implement a human trafficking monitoring system. ECPAT continued to implement a campaign to raise awareness about child sex tourism and child prostitution that targeted potential abusers as well as to raise general awareness about these issues. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

MACAU (Tier 2)

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. Victims originate primarily from the Chinese mainland, with many of them from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. In the past there have also been victims from Mongolia, Vietnam, Russia, and Southeast Asia. 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. Chinese, Russian, and Thai criminal syndicates are believed to sometimes be involved in recruiting women for Macau's commercial sex industry. 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; all factors that make it particularly difficult for them to seek help. Macau also has been a source territory for some women and girls who are subjected to sex trafficking elsewhere in Asia. In addition, new immigration regulations, which bar migrant workers who have been fired or quit early from obtaining another work permit for six months and impose fines on workers who overstay cancelled work permits, as well as the lack of a minimum wage for foreign workers in domestic service, could create vulnerabilities for migrant labor in Macau to forced labor. In light of these consequences for leaving employers, male and female migrant workers may feel pressure to work for undesirable employers to avoid deportation or fines of approximately \$25 per day.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Macau's government sustained law enforcement efforts against human trafficking and efforts to protect trafficking victims during the year. It also continued to train law enforcement and other officials in identifying and investigating trafficking in persons offenses. Nonetheless, Macau continues to lack sufficient judicial resources to investigate and prosecute a significant number of trafficking cases; as a result, many trafficking cases, including instances of forced labor, may go undetected or fail to be punished.



Recommendations for Macau: Significantly increase efforts to vigorously investigate and prosecute trafficking offenders; make efforts to assess whether forced labor is occurring in Macau, particularly of migrant workers; continue to use proactive victim identification procedures to increase the number of trafficking victims identified by authorities, such as among women arrested for prostitution offenses and migrant workers; continue efforts to investigate and prosecute official complicity in trafficking; make greater efforts to combat international organized crime syndicates involved in human trafficking in Macau; expand incentives for victims to assist authorities in the prosecution of their traffickers, such as the ability to work in Macau; take steps to reduce the vulnerability of migrant workers to forced labor by reexamining immigration laws that increase this vulnerability; and support a visible anti-trafficking awareness campaign directed at reducing the demand for commercial sex acts.

Prosecution

Macau sustained its law enforcement efforts against trafficking during the reporting period. 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 and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, authorities initiated 15 investigations against sex trafficking, which is an increase from the six investigations reported last year. The government prosecuted two trafficking cases during this reporting period under its 2008 anti-trafficking law, resulting in the conviction and sentencing of one offender to three years' imprisonment for sex trafficking and the acquittal of two suspected traffickers. Ten investigations initiated during the reporting period remained ongoing and three cases were "archived" or put on hold while investigators sought to compile further evidence. The government continued to train entry-level police officers on basic anti-trafficking awareness and provided specialized training to police officers, immigration officials, and others on anti-trafficking investigation skills. It acknowledged, however, that its judiciary is ill-equipped to address trafficking adequately, with only 11 prosecutors available to handle all criminal cases in Macau. Many cases investigated in 2010 were closed due to lack of evidence or witnesses who were unwilling to cooperate with government authorities. Despite its modest progress in law enforcement against sex trafficking, the government did not report any law enforcement efforts against forced labor offenses. A former police officer was dismissed from duty and is awaiting trial for allegedly blackmailing two women in prostitution in 2007 for "protection" fees. Nonetheless, the government did not report broader efforts to investigate whether government complicity in trafficking offenses is occurring.

There were no cases of joint investigations between Macau authorities and foreign governments during the reporting period; however, Macau authorities cooperated with mainland Chinese counterparts to conduct raids and repatriate victims during the reporting period.

Protection

Macau authorities made moderate progress in their efforts to protect trafficking victims during the reporting period. The government reported using a formal system to identify victims of trafficking among those arrested for prostitution and immigration violations; in 2010, the government identified 17 victims using this system. A total of 29 victims of sex trafficking, all from mainland China of whom nine were children under the age of 18, were identified during the reporting period. The government continued to lack a dedicated shelter to assist victims of trafficking, though it funded shelters run by the Women's General Association of Macau (one of which is dedicated to assisting trafficking victims) and designated 21 beds for female trafficking victims in an existing shelter for abused women operated by the Social Welfare Bureau. At these shelters, trafficking victims received medical, psychological, and legal assistance, as well as a stipend. During the reporting period, the government assisted 10 victims in the government-funded shelters, provided seven victims with police protection, and referred one victim to an NGO shelter for care; 11 victims chose to return home without government assistance. Child trafficking victims were placed in an NGO-operated shelter for children. The government reportedly encourages all victims to participate voluntarily in investigations against their traffickers, and all 29 identified victims in 2010 initially assisted law enforcement authorities; nonetheless, foreign victims were not permitted to work during the investigation and prosecution. In September 2010, the government worked with an international NGO to train government officials on identifying and assisting child sex trafficking victims. The government also sustained an existing partnership with a local NGO in order to identify interpreters to assist in interviewing foreign trafficking victims. Although female victims of forced labor had access to the government's multi-purpose shelter, the government did not report providing protection to victims of forced labor – either male or female. Foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution, though the government did not report any such situations.

Prevention

Macau continued to make efforts to prevent sex trafficking during the reporting period, but made fewer efforts to prevent forced labor. Starting in March 2010, the Legal Affairs Bureau began conducting seminars in secondary schools to enhance student awareness of trafficking. The Social Welfare Bureau, in conjunction with the Macau Women's General Association, continued to raise public awareness of trafficking through informational posters on buses and taxis. The Health Bureau distributed pamphlets at local clinics aimed at informing potential trafficking victims of their rights and resources, and the Public Security Police placed advertisements promoting the government's

anti-trafficking hotline. In addition, the Immigration Department broadcast commercials aimed at helping foreign workers in domestic service avoid conditions of forced labor. Macau's "Law for the employment of non-resident workers" took effect in April 2010 and bars migrant workers who have been fired or quit early from obtaining another work permit for six months; the threat of deportation or fines for staying in Macau beyond a cancelled work permit may create vulnerabilities for foreign workers. The government also did not take measures during the year to reduce the demand for commercial sex acts, such as conducting awareness campaigns targeting clients of Macau's prostitution industry.

MACEDONIA (Tier 1)

Macedonia is a source, destination, and transit country for men, women, and children for 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 can originate in Albania, Bulgaria, Serbia, and Kosovo. Macedonian victims and victims transiting through Macedonia are subjected to forced prostitution or forced labor in South Central and Western Europe. Children, including ethnic Roma, are subjected to forced begging in streets and public markets. Macedonian men are vulnerable to forced labor within the region. All trafficking victims identified by the government in 2010 were domestic citizens. According to the 2010 National Rapporteur's Anti-Trafficking and Smuggling Report, the current profile of trafficking defendants includes primarily owners of bars, night clubs, and small hotels as well as taxi drivers, club bouncers, and dancing recruiters.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government made significant strides in its law enforcement efforts to combat trafficking by convicting an increased number of trafficking offenders and prosecuting and convicting an official for trafficking complicity in 2010. The government identified an increased number of trafficking victims and opened a shelter for domestic trafficking victims in February 2011. However, the Government of Macedonia has yet to achieve a comprehensive victim-centered approach to trafficking. Implementation of proactive identification procedures among local-level police and other front-line responders remained an ongoing concern. Accurate identification of trafficking cases and conflation of human trafficking with other criminal activities continued to be problems, raising the risk that unidentified trafficking victims could face continued exploitation or deportation, and not benefit from assistance.



Recommendations for Macedonia: Ensure that shelter and reintegration services available to Macedonian and foreign victims are comprehensive; ensure that NGOs are funded and active partners in the provision of victim services and reintegration; provide more incentives for foreign trafficked children and adults to stay in Macedonia long enough to assist in bringing their traffickers to justice; develop specialized assistance for men and very young children who are trafficked; strengthen law enforcement partnerships with NGOs and others in civil society to help develop the trust of potential victims; demonstrate appreciable progress in the identification of foreign and domestic trafficking victims by ensuring proactive screening of unregistered workers in catering facilities, bars, nightclubs, construction and agricultural sectors for indications of forced labor and forced prostitution; continue the anti-trafficking unit's outreach outside of Skopje to increase identification of trafficked children and adults throughout the country; continue to build the anti-trafficking expertise of social workers; ensure law enforcement is properly trained on how to interact with child victims without exacerbating any emotional or psychological trauma; and continue to vigorously investigate, prosecute, convict and sentence traffickers, including any public officials complicit in trafficking, while ensuring the legal and human rights of victims.

Prosecution

The Government of Macedonia made significant progress in its anti-trafficking law enforcement efforts during the reporting period. The government prohibits sex and labor trafficking through Article 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. The government completed a total of three trafficking investigations in 2010, arresting 25 suspects in connection with these cases. In 2010, Macedonian courts convicted 21 sex trafficking offenders, a commendable increase from zero convictions in 2009. Nine of these offenders were convicted under the government's anti-trafficking law. Sentences ranged from four to 8.5 years in prison. Macedonian law prevents sentences from beginning until the appeal process is complete; authorities confirmed that of the 21 convicted, seven are currently in jail and four are under house arrest. The government vigorously prosecuted trafficking complicity of public officials by sentencing a police officer to 8.5 years in prison for facilitating the sex trafficking of two children, setting a notable example in the region for addressing official complicity.

Protection

The Government of Macedonia improved its capacity to protect domestic trafficking victims by opening and funding a shelter for domestic victims in February 2011. The government reported identifying 12 trafficking victims in 2010, an increase from seven the previous year; though still a decrease from 15 identified victims in 2008. The government employed proactive identification techniques via its Standard Operating Procedures (SOP), but regional experts noted continued gaps in their implementation in practice, partly

due to frequent changes in the positions of public servants and police who deal with trafficking cases and victims. Local experts noted ongoing problems with victim identification, especially among local police who fail to identify trafficking victims when investigating and detecting other crimes like prostitution or sexual abuse, risking the possible punishment of victims in Macedonia for crimes committed as a direct result of being trafficked or victims not receiving the care and rehabilitation they are entitled to under anti-trafficking laws. However, the government took steps to establish sub-National Commissions to improve SOP implementation on a local level.

The government continued to fully fund a National Referral Mechanism office responsible for referral and protection of victims; one NGO report noted its effective coordination and cooperation on identified trafficking cases. The government continued its good practice of assigning a guardian to each identified child trafficking victim to help ensure a continuum of care and establish trust. The government, though, did not provide sustainable funding for this service.

The government continued to operate a reception center for foreign migrants and trafficking victims; migrants and trafficking victims were physically separated from each other and potential foreign trafficking victims received the same care and counseling as Macedonian victims. Potential foreign trafficking victims were not allowed to leave the shelter, though they were offered temporary residency permits to cooperate in the prosecution of their traffickers, which, if accepted, would allow them unrestricted movement as well as welfare and employment benefits and a transfer to the new domestic shelter. Authorities referred 15 presumed foreign victims from Albania, Bulgaria, and Serbia to its reception center in 2010, and provided them with care and assistance during their stay. However, the majority of victims did not stay in the reception center longer than 10 days, preferring to return to their home countries. Since the 2007 creation of a temporary residency permit for foreign trafficking victims, not one permit has been issued, indicating a weakness in the current implementation and regulations regarding the use of temporary residency permits.

The government had more success in convincing domestic victims to assist in bringing their traffickers to justice: 10 trafficking victims from Macedonia assisted law enforcement investigations in 2010. Macedonian authorities offered legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship through both a two-month reflection period and a six-month residency permit; however, as stated above, no potential foreign victims have chosen to accept a residency permit in Macedonia.

Prevention

The Government of Macedonia sustained its anti-trafficking prevention efforts during the reporting period. The National Commission continued implementation of its 2009-2012 national action plan on human trafficking with an overall budget of \$550,000; the plan contains detailed funding directives for each responsible ministry.

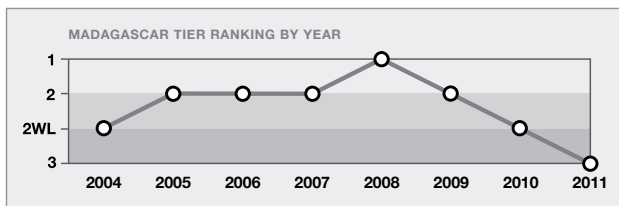
It continued to conduct public awareness campaigns on trafficking in conjunction with NGOs, including in high schools in the city of Bitola, which was identified as particularly high risk for trafficking. The government also funded an NGO in the city of Struga to target vulnerable students from the villages in south western Macedonia near the Albanian border. The National Commission continued broadcasting IOM's "Buy Responsibly" campaign over state television as part of a campaign to target client demand for products produced by forced labor. In December 2010, the government's National Rapporteur published Macedonia's second annual report on trafficking and human smuggling. The report contained more comprehensive recommendations than the previous year's report, but lacked the rigorous self-critical analysis that could serve as a leading example in the region.

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 have increased, particularly due to a lack of economic development and a decline in the rule of law during the current political crisis, which began in March 2009. An estimated 7,000 Malagasy women are currently employed as domestic workers in Lebanon, with a smaller number in Kuwait. Many of these women are single mothers, come from rural areas, and are illiterate or poorly educated, making them more vulnerable to deception and abuse at the hands of recruitment agencies and employers. Numerous trafficking victims returning to Madagascar from Lebanon 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. At least 11 deaths were reported among this population in 2010. Of the 777 Malagasy returnees since 2009, 85 percent ended their contracts early because of mistreatment.

Children, mostly from rural areas, are subjected to domestic servitude, commercial sexual exploitation, and forced labor in mining, fishing, and agriculture within the country. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the enslavement of children. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, Diego Suarez, and Majunga, as well as the capital city of Antananarivo. Some children are recruited for work in the capital using fraudulent offers of employment as waitresses and maids before being coerced into prostitution on the coast. The main nationalities of child sex tourists seen in Madagascar are French, German, and Swiss. In Antananarivo and Nosy Be, child sex tourists hire local taxi drivers to procure children in prostitution or virgins. Parents sell young women into marriages, some of which are short-term and involve foreigners, and often for significant sums of money, and leave the women vulnerable to sex trafficking or domestic servitude. The main clients of prostituted children in Madagascar, however, are Malagasy men. There are reports that boys are also in prostitution in Madagascar, though it is hidden as it is culturally taboo.

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 of the *de facto* government, despite the growing size of the problem both internally and transnationally. The authorities' anti-trafficking efforts were negligible during the year; they failed to prosecute or convict trafficking offenders, identify and refer repatriated victims to necessary services, and prevent the increased trafficking of Malagasy citizens. Lack of awareness on the coverage and application of the anti-trafficking law, and the continued arrest and punishment of potential underage children in prostitution by local law enforcement, contributes to the dismal state of anti-trafficking law enforcement efforts in Madagascar. Efforts to repatriate victims from Lebanon, though necessary, have often been poorly managed, and reveal a minimal and wholly reactive approach to addressing the problem.



Recommendations for Madagascar: Issue a presidential decree codifying and mandating use of the anti-trafficking law at the provincial level; utilize the anti-trafficking law to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; consider amending the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; make efforts to foster a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a Malagasy consulate or embassy 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; provide anti-trafficking training to law enforcement, labor, and social welfare officials; and make efforts to improve the level of coordination between government ministries on trafficking issues.

Prosecution

The Malagasy *de facto* government's anti-trafficking law enforcement efforts diminished over the year, as it reported no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking, though it only prescribes punishments for sex trafficking; penalties 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 inadequate penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes inadequate

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 yet to use its anti-trafficking law to punish traffickers. The authorities did not investigate or prosecute cases of forced labor during the reporting period; however, there were two prosecutions of child sex tourists, though no accused offenders are currently in jail.

Anecdotal evidence indicates that public officials' complicity in human trafficking remains a significant problem. Corrupt police permit organized child prostitution rings to operate, particularly in Nosy Be. Local police learn of cases of child sex tourism and commercial sexual exploitation of children when underage victims file complaints, seeking police intervention to demand payment from clients. However, the work of law enforcement was misdirected in these instances, as police assisted victims in retrieving payment, and often victims withdrew their complaints out of fear that they may later be prosecuted. Generally, local police 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 on the anti-trafficking law. In addition, local police cite parents as an obstacle; they encourage their children to engage in prostitution and, in turn, discourage law enforcement action due to the dire economic situation within their families. The regime reported no efforts to investigate, prosecute, convict, or sentence public officials complicit in human trafficking during the reporting period.

Protection

The *de facto* Malagasy government made weak efforts to ensure that victims were provided access to necessary services and it did not operate specific victim assistance programs. The minister of Population and Social Affairs, working in Madagascar, coordinated the repatriation of victims from Lebanon, though her work was of a personal nature and did not involve her technical staff or official responsibilities. During 2010, there were 606 Malagasy repatriated from Lebanon; by March 2011, an additional 194 had been repatriated. The regime lacks 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, or referred victims to government hospitals. During the reporting period, the *de facto* government provided medical and psychiatric care at no cost to 109 repatriated victims at public hospitals under the Ministry of Health. However, such care provisions are not systematic; some hospitals did not provide free care or care at a reduced charge to victims, while others worked with NGOs, on a case-by-case basis, to ensure costs remained low for victims. The authorities ended the practice of immediately detaining trafficking victims returned from Lebanon in a psychiatric institution, as it was too costly; however, the need remains to allow trafficking victims systematic access to care. Services and facilities are insufficient and usually non-existent in areas beyond Antananarivo. However, the Ministry of Health's local-level Child Rights Protection Networks, supported by UNICEF, brought together *de facto* government institutions,

law enforcement, and NGOs to partially fill this role, by coordinating child protection activities, identifying and reporting abuse cases, and assisting some trafficking victims in accessing social and legal services. UNICEF trained a team of facilitators made up of technical staff from the Ministries of Population, Justice, and Public Function; in December 2010, UNICEF organized a series of trainings for 25 to 30 participants in each of four regions on exploitation of children led by the team of facilitators for local authorities, police, *Fokontany* staff, and local NGO representatives, as a means to build the capacity of networks. Due to both a lack of understanding of trafficking and related laws, as well as a lack of recognition of the crime committed, the *de facto* government may arrest and punish internal trafficking victims for unlawful acts committed as a direct result of being trafficked. The *de facto* government did not show evidence that it encouraged victims to assist in the investigation and prosecution of their exploiters, and did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

The Malagasy honorary consul and the *chargé d'affaires* of the Malagasy embassy in Paris, working in Lebanon, began identifying workers to be repatriated to Madagascar, establishing a termination date with their employers, and negotiating with the Lebanese government regarding those in detention due to their illegal status. Officials from the Ministries of Population, Civil Service, Justice, and Foreign Affairs, and the Air and Border Police met in Antananarivo in March 2011 to coordinate efforts in preparation for this repatriation; however, the process for identifying and registering those to be repatriated, led by the honorary consul, was flawed, leaving the most vulnerable victims with their employers. In March 2011, 85 potential victims were repatriated from Lebanon; upon their return, these victims received medical care at public hospitals and psychological support from social workers at a local NGO. Over 600 Malagasy await repatriation from Lebanon and of these 140 vulnerable victims are in need of emergency repatriation, as determined by NGOs. The authorities have no known plans to address the needs of these 600 workers. These repatriations, though mismanaged and inadequate at times, have been the only bilateral actions taken to address the needs of victims in Lebanon. For a second year, the *de facto* government did not initiate bilateral engagement with the Government of Lebanon regarding 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. There are reports that the honorary consul stood by as a Malagasy domestic worker was physically abused by her employer in his presence.

Prevention

The *de facto* government has made little effort 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 workers to Lebanon. However, unofficial networks now reportedly send Malagasy through Mauritius,

South Africa, Kuwait, Egypt, France, or the Seychelles to circumvent this ban; at least 300 Malagasy arrived in Lebanon via Mauritius since the ban began. Malagasy officials also reportedly assisted unlicensed recruitment agencies in obtaining fraudulent travel or identification documents, including for underage aspirants, and the Ministry of Civil Service and Labor provided permits for some workers to travel to Lebanon. The ministry reportedly has close ties with labor recruitment agencies, hindering its oversight role in monitoring the agencies' practices. However, the Ministries of Foreign Affairs, Public Service, Population, and Social Affairs created an inter-ministerial committee in December 2009 to address the situation in Lebanon and establish a safe migration program, with support from UNICEF, including a new contract template, pre-departure preparation for women, and the establishment of rules and regulations for recruitment agencies.

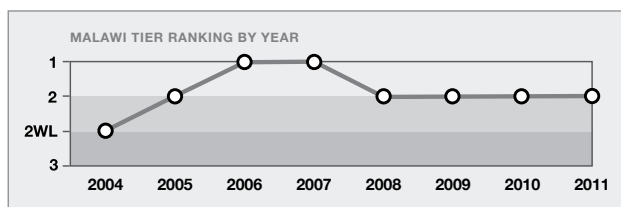
Local NGOs and local law enforcement have identified child sex tourists, though there have not been any successful prosecutions in these cases. According to NGO reports, the regime brought one child sex tourist from Luxembourg to trial in Tamatave, though the accused was not convicted; there are reports that all witnesses have either been threatened or paid off. In March 2010, the National Gendarmerie in Nosy Be arrested a hotel receptionist and an alleged Seychellois sex tourist for the trafficking of a 17-year-old girl. Although there was a trial, the suspected offenders have been released for unknown reasons.

MALAWI (Tier 2)

Malawi is primarily a source country for men, women, and children subjected to forced labor and sex trafficking. 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 parts of Europe. To a lesser extent, Malawi is a transit point for foreign victims and a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe. Within the country, children are subjected to domestic servitude and other forms of forced labor, including in cattle herding, agricultural labor, and menial work in small businesses. At local bars and rest houses, owners coerce girls and women, who work at the establishments, to have sex with customers in exchange for room and board. Forced labor is often found on tobacco plantations. Labor traffickers are often individuals who have moved to urban areas and subsequently recruit children from their home villages with offers of good jobs, and later withhold pay and subject children to sexual and physical abuse. Brothel owners or other facilitators lure girls from rural areas with promises of nice clothing and lodging. Upon arrival, the girls are charged high fees for these items and coerced into prostitution in order to pay off these debts. South African and Tanzanian long-distance truck drivers and mini-bus operators transport victims across porous borders by avoiding immigration checkpoints. Some local businesswomen who travel regularly to neighboring countries to buy clothing for import have been identified as

traffickers. Reports of European tourists paying for sex with teenage boys and girls continue.

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. The government maintained its efforts to ensure forced labor victims' access to protective services and it prosecuted and convicted labor trafficking offenders; however, adults in forced prostitution or forced labor and children exploited in domestic service and prostitution still did not receive adequate attention and the government prosecuted no such offenses during the reporting period. While one trafficking offender received a short prison sentence, most convictions resulted in sentences of fines or out-of-court settlements with compensation to victims, both of which failed to provide an adequate deterrent. The government continued to depend heavily on international organizations and multi-national NGOs for funding most anti-trafficking programs and took no action to prevent trafficking during the reporting period.



Recommendations for Malawi: Pass and enact comprehensive anti-trafficking legislation; expand training programs for judges, prosecutors, and police on how to identify, investigate, and prosecute trafficking offenses using existing laws; continue to manually compile basic trafficking law enforcement data until it is possible to improve data collection capabilities on cases investigated and prosecuted, as well as victims assisted; expand the existing focus on protecting victims of child labor trafficking to include children exploited in domestic servitude and prostitution; develop a formal system to identify trafficking victims among vulnerable populations, including women and children in prostitution, and to refer them to available government and NGO services; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Malawi increased its anti-trafficking law enforcement efforts during the last year by enacting legislation that specifically prohibits child trafficking. 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, though the country lacks specific anti-trafficking laws. 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. In June 2010, the national assembly passed the Child Care, Protection and Justice Bill, which was immediately signed into law by the president; this is the

first legislation to define child trafficking in Malawi, imposing a penalty of life imprisonment for convicted traffickers. During the reporting period, the Malawi Law Commission completed draft comprehensive anti-trafficking legislation, which specifically prohibits all forms of human trafficking; this legislation is expected to be introduced to the parliament in 2011. In December 2010, the government amended penal code Section 147 to specifically prohibit sex trafficking. The government did not make available comprehensive anti-trafficking law enforcement statistics, though some individual districts provided data on their actions, totaling 18 prosecutions, 11 of which have concluded with convictions, and the remaining seven prosecutions remain pending. Districts also reported the arrest of alleged trafficking offenders, including that of one Malawian and two Mozambican nationals, in Phalombe District, for the alleged labor trafficking of five boys, from 12 to 15 years old. Although the government prosecuted and convicted offenders using existing legislation, only one of nine convicted offenders served jail time and sentences varied widely across district courts. Additionally, labor inspectors and child protection officers were trained to seek remuneration for workers in labor dispute cases – including forced labor – rather than to refer to law enforcement for prosecution; the government's continued failure to seek criminal prosecution of forced labor offenses, with significant prison sentences, hinders an effective response to Malawi's trafficking problem. Police, child protection, social welfare, and other officials received training in how to recognize, investigate, and prosecute instances of trafficking either directly from the government or in partnership with NGOs during the year. For example, in March 2011, the government trained 20 officers from the Ministry of Local Government and Rural Development, the Ministry of Gender, Children and Community Development, and several NGOs in a trainer-of-trainers program on child protection and human trafficking. The government continued to train police recruits at the Malawi Police Training School in identifying and combating human trafficking, as part of their standard training curriculum; at least 525 recruits were trained during the reporting period through this program. The Ministry of Labor continued to train labor inspectors in child protection. Requests for law enforcement cooperation with neighboring governments continued to be made on an *ad hoc*, informal basis. The government did not prosecute or convict officials for trafficking-related complicity during the reporting period; the Anti-Corruption Bureau's investigation, begun in 2007, into two complaints of trafficking-related corruption remained ongoing at the end of the reporting period.

Protection

The government maintained its efforts to ensure victims' access to appropriate services during the reporting period. The government has not yet established systematic procedures for proactively identifying victims of trafficking among vulnerable populations, especially women and girls in prostitution. The government funded one rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence; it is unknown how many trafficking victims the center assisted during the reporting period. Over 100 police stations throughout the country housed

victim support units to respond to gender-based violence, including trafficking crimes; these units continued to provide limited counseling and, in some places, temporary shelter to victims. Government-run hospitals provided trafficking victims with limited access to medical and psychological services. The government, at the district level, also referred victims to various NGO-run shelters, which catered largely to vulnerable children and youth, with some providing specialized care for women, though not for men. These shelters offer rehabilitation and skills training. The government supported NGOs by assigning labor inspectors, child protection officers, district social welfare officers, and police to assist in their anti-trafficking projects; national and district budgets allocated resources for these government officials, though they were not itemized for anti-trafficking efforts specifically. There were no aggregate data available for the number of victims identified, referred, or assisted by the government and NGOs during the reporting period; from the two districts that reported protection data, 253 male trafficking victims and 52 female victims were identified. In Kasungu District, police and labor officers referred 38 child labor trafficking victims to care facilities before they were reunited with their families. In Mchinji District, an NGO transit center cared for 266 child trafficking victims; the District Social Welfare Office partnered with the center to assist in the reintegration of 254 victims into schools. The government continued to provide child trafficking victims with school supplies and funding to assist in their reintegration, and provided training to trafficking victims' families on income-generating activities to reduce the likelihood of victims' re-trafficking. The government did not provide foreign victims with temporary residency or legal alternatives to their removal to countries where they would face hardship or retribution; in some cases the Immigration Department suspended deportation for short periods. The government provided limited assistance to repatriated Malawian trafficking victims; during the reporting period four Malawian nationals were repatriated from Zambia and the Social Welfare Office provided transportation to Zambia. Overall, the government encouraged victims' participation in the investigation and prosecution of trafficking crimes and did not penalize identified victims for unlawful acts committed as a direct result of being trafficked; however, trafficking victims may have been detained for a short period during the initial investigation of their cases.

Prevention

The government made minimal efforts to prevent human trafficking and did not coordinate anti-trafficking public awareness campaigns during the reporting period. It did not complete a national plan of action, the drafting of which started during the previous reporting period. Three inter-agency groups have responsibility – and possible overlapping jurisdiction – for trafficking issues: the Inter-Ministerial Task Force on Human Trafficking, led by the Ministry of Gender, Child Development and Community Development; the National Steering Committee on Orphans and Vulnerable Children; and the National Steering Committee on Child Labor. These committees did not organize any awareness campaigns or training activities, though they reportedly met during the year. In November 2010, in partnership with IOM and INTERPOL,

the government hosted an anti-trafficking training session for senior police officers from other African nations, with a focus on building communication strategies between law enforcement entities in each country. The government did not make efforts to reduce the demand for commercial sex acts during the year. Military officers and enlisted soldiers received training on human rights, child protection, and sexual exploitation from a foreign donor before their deployment abroad as part of peacekeeping missions.

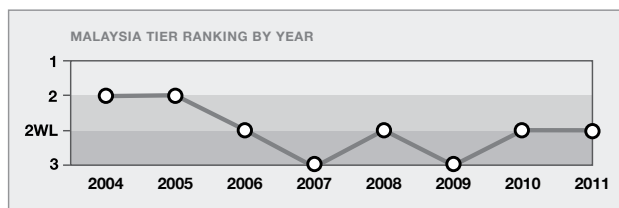
MALAYSIA (Tier 2 Watch List)

Malaysia is a destination, and to a lesser extent, a source and transit country for men, women, and children who are subjected to conditions of forced labor, and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the two million documented and 1.9 million 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 business people, large organized crime syndicates are also behind trafficking. A significant number of young foreign women are recruited for work in Malaysian restaurants and hotels, some of whom migrate through the use of "Guest Relations Officer" visas, but subsequently are coerced into Malaysia's commercial sex trade. Many Malaysian labor outsourcing companies recruit excess workers from Bangladesh, Vietnam, and other countries, who are then often held in warehouses or other locations and handed over to unscrupulous employers, who subject them to conditions of forced labor. Many migrant workers in plantations, construction sites, textile factories, and employed as domestic workers throughout Malaysia are subject to practices indicative of trafficking such as restrictions on movement, deceit and fraud in wages, passport confiscation, or debt bondage at the hands of agents or employers. Passport confiscation is widespread, and there were reports that employers also opened joint bank accounts as a form of control on workers. Some employees reported that their employers exercised control over them by threatening to take the workers' passports to immigration authorities where the employer would allege that the worker had breached the terms of their labor contract, which could result in the revocation of the worker's visa and their subsequent deportation. Some Malaysian employers reportedly did not pay their foreign domestic workers three to six months' wages in order to recoup recruitment agency fees and other debt-bonds charged to employers. 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 did not continue to do so.

Refugees, particularly from Burma, were especially vulnerable to trafficking, and Malaysians from rural communities and indigenous groups were also vulnerable.

The People's Volunteer Corps (RELA) continued to conduct raids targeting illegal migrant communities and detained refugees, asylum seekers, and trafficking victims along with allegedly illegal migrants, though this practice has reportedly decreased compared to previous years. Although they did sign an Letter of Intent (LOI) to amend their Memorandum of Understanding (MOU), the Indonesian and Malaysian governments have not amended or replaced a 2006 MOU covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees. The government reports that there are approximately 300,000 female domestic servants employed in the country, many of which may be trafficking victims. According to NGOs, the number of domestic servants legally employed in Malaysia has fallen from 300,000 to 230,000 during the past year. These NGOs estimate that for every domestic servant legally employed in Malaysia there is one working in the country illegally. Ninety percent of these domestic servants are from Indonesia. A small number of Malaysian citizens were reportedly 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; however, it is making significant efforts to do so. Because the assessment that the government had made significant efforts is based in part on its commitments to undertake actions over the coming year – notably, far more effective and even implementation of Malaysia's anti-trafficking law and improved victim protection efforts – Malaysia is placed on Tier 2 Watch List for a second consecutive year. While the government increased the number of convictions obtained under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act during the year and continued public awareness efforts on trafficking, it did not effectively investigate and prosecute labor trafficking cases, and failed to address problems of government complicity in trafficking and lack of effective victim care and counseling by authorities. There remain many serious concerns regarding trafficking in Malaysia, including the detention of trafficking victims in government facilities.



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 prosecute and convict public officials who profit from or are involved in trafficking, or who exploit victims; develop and implement procedures to identify labor trafficking victims among vulnerable groups such as migrant workers and refer them to available protection services; improve victim protection in government facilities by providing victims

legal assistance, and providing effective counseling and care to the victims of trafficking; develop and implement mechanisms to allow adult foreign trafficking victims to travel, work, and reside outside of government shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; ensure that victims of trafficking are not threatened or punished for crimes committed as a result of being trafficked; make greater efforts to educate migrant workers on their rights, legal recourses available, and how to seek remedies against traffickers or employers who fail to meet their legal obligations; re-negotiate MOUs with source countries to incorporate victim protection and remove authorizations for employers to confiscate passports or travel documents; continue to train 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; make efforts to reduce the demand for both sex and labor trafficking; and expand the anti-trafficking awareness campaign to encompass both labor and sex trafficking.

Prosecution

The Government of Malaysia made some progress in law enforcement efforts against sex trafficking during the reporting period, but did not make significant efforts to prosecute and convict labor trafficking offenders. 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 of other serious offenses, such as rape. In November 2010, the government enacted new amendments to this that broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labour or services of a person through coercion. The application and public presentation of the amendments to the trafficking law, however, threatens to further conflate human trafficking and human smuggling. During the reporting period, the government convicted 11 sex trafficking offenders and three individuals involved in labor trafficking, sentencing them to three to eight years' imprisonment; this was compared to seven trafficking offenders convicted during the previous reporting period. Two of the three individuals convicted of labor trafficking offenses were drivers who were involved in the transporting of Burmese refugees from a government immigration detention center to the border with Thailand where they were handed over to trafficking syndicates. While the network involved in the trafficking of Burmese to Thailand was believed to be substantial, the government has yet to conclude the prosecution of the only other individual arrested in July 2009 – a Malaysian immigration official – for the trafficking of Burmese refugees to Thailand, cited in the previous reported period as a pending case. The case still remains pending. Authorities report initiating 174 charges against 51 individuals under the anti-trafficking law, though a small number of these cases were for non-trafficking-related crimes such as illegal baby adoptions. The government reports that 141 trafficking cases remained pending in Malaysian courts. 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. The acquittal rate of alleged trafficking offenders was 68 percent during the year, a rate attributed by observers to the lack of adequate victim-witness protection and poor judicial training on human trafficking. During the year, NGOs referred several cases of alleged labor trafficking to the government, but authorities did not report any related arrests or investigations. NGOs reported that the police often failed or refused to investigate complaints of confiscation of passports and travel documents or withholding of wages – especially with regards to domestic workers – as possible trafficking offenses. The government did not report any criminal prosecutions of employers who subjected workers to conditions of forced labor or labor recruiters who used deceptive practices and debt bondage to compel migrant workers into involuntary servitude. The January 2010 case of forced labor identified on Thai fishing boats off the coast of Sarawak, in which the government arrested five Thai alleged trafficking offenders, resulted in the acquittal of one alleged trafficker; the government has filed an appeal in this case.

Observers reported that corruption continued to play a role in the trafficking of foreign migrant workers, particularly with regard to officials' authorizing excess recruitment by Malaysian "outsourcing" companies, which recruit laborers abroad. Reports also indicated that collusion between police and trafficking offenders sometimes led to offenders escaping arrest and punishment. Nevertheless, there were no officials convicted of trafficking-related complicity during the reporting period. Authorities did not take criminal action against RELA volunteers who used the threat of immigration detention to extort money from migrant workers despite continued but decreased reports of this practice.

Protection

The government made only limited progress in protecting victims of trafficking during the reporting period, and victim protection efforts remained inadequate. Victims identified by Malaysian authorities are adjudicated under a "protective order" that triggers their forcible detention in "shelters," where some are even isolated, unable to work or earn income, and have little or no access to legal or psychological assistance provided by the government or NGOs. The government reported that it provided some victims with courses in arts, aerobics, and English language skills. Nevertheless, government "shelters" still denied victims basic freedoms, and these facilities did not employ medical officers or trained psychologists. The government reported employing two counselors who visit the "shelters" on a weekly basis but their level of expertise and training was unclear. The government invited IOM to conduct an assessment of its victim care at the "shelters," which occurred during the year. The government treated victims of trafficking as illegal aliens and turned them over to immigration authorities for deportation after they provided evidence to prosecutors, usually after a 90-day stay at a trafficking in persons "shelter." Victims were at times locked in their rooms, handcuffed to and from court appearances, and reported being subjected to body patdowns and searches prior to entering the facilities. Victims were typically uninformed about the legal processes to which they were subjected, and the government did not make efforts

to inform the victims of why or for how long they were being detained. As reported during the previous reporting period, the government's policy of detaining trafficking victims against their will continued to provide a disincentive for victims and their advocates to bringing cases to the government's attention or cooperating with authorities; the government did not make any efforts to address this serious deficiency in its anti-trafficking response.

The Ministry of Women, Family, and Community Development continued to operate three "shelters" for women and children victims of trafficking, which resemble detention centers. These "shelters" detained suspected and confirmed foreign trafficking victims for 90 days (but often much longer) until they were deported to their home countries, per Malaysian law. The Ministry of Home Affairs ran a similar "shelter" for male victims of trafficking, which also detained suspected and confirmed trafficking victims. During the reporting period, there was at least one victim in government custody who attempted suicide while in a government "shelter." The government announced that the Women's Ministry would assume responsibility for the female, children, and male "shelters" as of March 31, 2011.

In 2010, 206 foreign women, 172 foreign men, and five foreign children were certified as trafficking victims and detained in government facilities. The government reported seven Malaysian victims identified by authorities, but did not share information on these cases. While the government reports that it encourages victims to assist in the prosecution of their traffickers, it did not make available any alternatives to repatriation for victims who may face harm or retribution upon return to their home country, nor did it provide any incentives for victim cooperation in the prosecution of their traffickers, such as work permits or extended stay visas. Victims were deported once prosecutors were satisfied with their testimonies. There were reports that one group of male victims of trafficking was held in government facilities for as long as 11 months. Poor investigation procedures did not take into account the best interests of victims, as under the current system, victims could be asked to recount their trafficking experience on up to seven different occasions to different officials. During trial proceedings, authorities did not make adequate efforts to separate victims from their traffickers or recruitment agents, which may have resulted in threats or pressure exerted on victims and their families if they cooperated with police and prosecutors. Several NGOs who provided comprehensive services to trafficking victims reported that they no longer refer cases to the police, as it is clear that doing so was detrimental to the welfare of the victims. Additionally, the referral of victims to authorities led to the transfer of custody to government facilities, where NGOs were reportedly barred from additional contact with the victims.

NGO trafficking shelters provide services that government "shelters" did not, and the government did not provide financial assistance to NGOs providing such services. Furthermore, the government required all identified victims to be confined in government "shelters." 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

victims continued to be detained and deported, similar to the government's treatment of illegal immigration offenders. The Attorney General's Chambers reportedly created standard operating procedures for the identification and processing of suspected trafficking victims, but did not share these procedures outside of the government. The government did not develop or implement formal procedures to proactively identify victims of labor trafficking. Some unidentified victims were routinely processed as illegal migrants and held in prisons or immigration detention centers prior to deportation. RELA continued to serve as security at immigration detention facilities and as volunteers in indiscriminate raids to identify illegal migrants, some of whom were reportedly trafficking victims. Several foreign embassies reported that they were sometimes not informed by Malaysian authorities of the presence of their nationals in trafficking "shelters," and at times, authorities would deny these diplomatic missions access to their citizens once their presence was known.

Prevention

The Malaysian government continued some efforts to prevent human trafficking during the reporting period. Authorities increased cooperation with NGOs to discuss ways to improve their anti-trafficking responses. For example, in January 2011, the state of Selangor created its own state level anti-trafficking council staffed with many leaders from the NGO community. The inclusion of several NGOs on the National Council for Anti-Trafficking in Persons (MAPO), has significantly improved the dialog between the government and NGO community on trafficking issues. The November 2010, amendments to the anti-trafficking law included the Labor Department within the Ministry of Human Resources as an enforcement agency. The Ministry of Human Resources reported that it now requires that foreign domestic workers and their employers attend a compulsory half-day seminar on workers' rights and receive a pamphlet on those rights prior to starting employment. The Ministry also reported that a portion of a domestic worker's salary must be placed into a bank account in the employee's name in order to provide a record of payment and help resolve the thousands of labor disputes based on allegations of unpaid wages. The Home Ministry reported investigating the 277 outsourcing companies that recruit foreign workers into Malaysia and placed 42 on a watchlist for engaging in suspicious activities, such as use of falsified documents or listing false employers. The government continued an anti-trafficking public awareness campaign in print media, on the radio, and on television. The Women's Ministry continued to produce pamphlets about indicators of trafficking, which were distributed at border checkpoints and Malaysia's Human Rights Commission (SUHAKAM) distributed similar pamphlets. During the year, the government again failed to amend or replace a 2006 MOU with the Indonesian government covering the employment of Indonesian domestic workers in Malaysia—which authorizes Malaysian employers to confiscate and hold the passports of domestic employees and does not mandate basic employment standards—although the countries did sign an LOI. The government continued in practice to allow for the confiscation of passports by employers of migrant workers, and did not prosecute any

employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. While authorities continued some anti-trafficking training for officials with responsibilities to combat trafficking, including trainings conducted through cooperation with a foreign donor, international organizations, and NGOs, the lack of understanding of human trafficking by many Malaysian front-line officers, such as police and immigration, continues to hinder the identification and proper investigation of trafficking cases and identification and assistance to trafficking victims. The government provided a group of 125 women's organizations with \$64,500 in funding to promote capacity building and awareness programs related to human trafficking. 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)

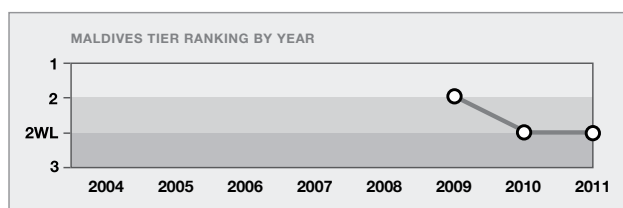
The Maldives is primarily a destination country for migrant workers from Bangladesh and, to a lesser extent, India, some of whom are subjected to forced labor. Some women and girls also are subjected to sex trafficking. An unknown number of the 80,000 to 110,000 foreign workers currently working in the Maldives – primarily in the construction and service sectors – face conditions indicative of forced labor: fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. Thirty thousand of these workers do not have legal status in the country, though both legal and illegal workers were vulnerable to conditions of forced labor. Diplomatic sources estimate that half of the 35,000 Bangladeshi workers in the Maldives went there illegally and that a number of these workers are victims of trafficking. Migrant workers pay \$1,000 to \$4,000 in recruitment fees in order to migrate to the Maldives; such high recruitment costs increase workers' vulnerability to forced labor, as concluded in an ILO report. In addition to Bangladeshis and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in the Maldives.

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 the prostitution of local girls is also a problem in the Maldives. 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.

Trafficking offenders in the Maldives usually fall into three groups: families that subject domestic servants to

forced labor; employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and upon payment of high fees for purposes of forced labor; and employers who subject the migrants to conditions of forced labor upon arrival. Recruitment agents in source countries generally collude with employers and agents in the Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

The Government of the Maldives does not comply with the minimum standards for the elimination of trafficking in persons; however, it is making significant efforts to do so, including ratifying a counter-trafficking action plan. Despite these efforts, the government has not demonstrated increased efforts to address human trafficking over the previous reporting period; therefore, the Maldives is placed on Tier 2 Watch List for a second consecutive year. The government lacks systematic procedures for identifying victims of trafficking among vulnerable populations, and during the reporting period it did not investigate or prosecute trafficking-related offenses or take concrete actions to protect trafficking victims and prevent trafficking in the Maldives. Counter-trafficking efforts are impeded by a lack of understanding of the issue; a lack of legal structure; and a lack of a legal definition of trafficking.



Recommendations for the Maldives: Enact legislation prohibiting and punishing all forms of trafficking in persons; 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; 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 the Maldives undertook minimal anti-human trafficking law enforcement efforts during the year. Although the Maldives does not have laws prohibiting human trafficking offenses, its constitution prohibits forced labor and slavery. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years' imprisonment. Under Article 14 of the Act, however, if a person is legally married to a minor under Islamic Sharia, none of the offences specified

in the legislation, including child prostitution, would be considered a crime. The government is currently drafting an anti-trafficking law, though there are indications that it may not adequately differentiate between migrant smuggling and human trafficking. The government did not investigate or prosecute any labor trafficking cases, but is reportedly investigating two child prostitution cases.

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, and did not identify any specific cases of trafficking. The Maldives 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. Since 2010, the government reportedly deported three trafficking victims to their countries, and gave them permission to return to the Maldives in the future. 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 Maldives may not have ensured that expatriates 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.

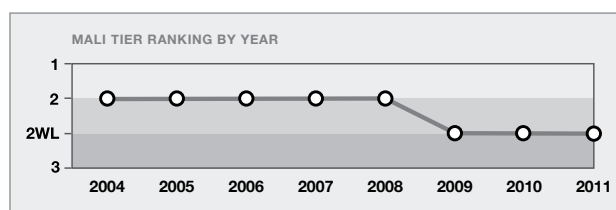
Prevention

The Maldives made some progress in preventing human trafficking over the last year. The government did not conduct any anti-trafficking or educational campaigns, nor did it take any measures to reduce demand for forced labor within the country. In late 2010, the Department of Immigration and Emigration (DIE) was designated as a focal point for trafficking, and a Steering Committee was created to work on strengthening counter-trafficking coordination among relevant agencies. The committee developed a Human Trafficking Plan, which was ratified by the cabinet in February. The plan addresses key protection and prevention issues, but does not include a needed law enforcement component. The Human Rights Commission of the Maldives drafted a comprehensive rapid assessment of human trafficking in 2010, but the draft has not been finalized. The Labor Relations Authority (LRA) reported that 16 employment agencies and private companies were blacklisted for labor violations; some of these violations may reflect activities that have contributed to human trafficking. It is unclear if the blacklist was enforced. The LRA inspections found that there were many cases in which migrant workers were unpaid for months; it is unclear whether there was any investigation for human trafficking resulting from these inspections. Birth registration in the Maldives is 73 percent; the government did not take any specific measures to establish the identity of local populations. The Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2 Watch List)

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 gold mines, as well as subjected to sex trafficking. Malian boys are found in conditions of forced labor in agricultural settings, gold mines, and the informal commercial sector, as well as forced begging both within Mali and 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. Boys from Mali, Guinea, Burkina Faso, Niger, and other countries are forced into begging and exploited for labor by religious instructors within Mali and across borders. Women and girls from other West African countries are subjected to prostitution in Mali. In December 2010, an INTERPOL operation rescued three Malian children being held in situations of forced labor in Gabon. 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. 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 Tamachek community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships, and this involuntary servitude reportedly has extended to their children.

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. The government acknowledged that human trafficking is a problem in Mali, but it did not demonstrate significant efforts to prosecute and convict trafficking offenders. Although the government identified at least 198 trafficking victims during the year – 152 of whom were Malian children in prostitution – it prosecuted only three trafficking cases and convicted two trafficking offenders. Despite its ministerial approval in June 2010, a bill outlawing all forms of trafficking, including slavery, did not reach a vote in the National Assembly. Efforts to collect data on human trafficking prosecutions improved during the year, and in February 2011, the government took steps to streamline its anti-trafficking efforts when the prime minister signed a decree creating the National Coordinating Committee for the Fight Against Trafficking and Related Activities. The government prosecuted three trafficking offenses during the reporting period. The government has not prosecuted a case of traditional slavery since 1969, and it has not taken action on at least three pending cases of traditional slavery, which have been stalled in courts for more than two years. Therefore, Mali is placed on Tier 2 Watch List for a third consecutive year. Mali was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan.



Recommendations for Mali: Make efforts to distinguish between human trafficking and the separate crimes of abduction and child selling; improve efforts to investigate and prosecute trafficking offenses, including cases of traditional slavery and forced prostitution, and convict and punish trafficking offenders using existing laws; investigate and, as appropriate, prosecute alleged trafficking offenses involving women and girls smuggled into and through the country for forced or child prostitution; enact legislation that prohibits and punishes nonconsensual commercial sexual exploitation of adults and the forced labor of any person and adequately defines slavery as a form of exploitation; train law enforcement 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 trafficking and traditional hereditary slavery.

Prosecution

The Government of Mali demonstrated limited law enforcement efforts to combat trafficking during the last year. Mali does not prohibit all forms of trafficking, though Article 244 of the criminal code prohibits all forms of child trafficking. Convicted child trafficking offenders 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 a penalty of six months' to three years' imprisonment, and pimping, which carries a penalty of one to three years' imprisonment. These penalties are neither sufficiently stringent nor commensurate with other serious crimes, such as rape. Under Malian law, it is possible for victims of some trafficking crimes to file a civil suit in addition to pursuing criminal charges. Malian law may not adequately criminalize other forms of trafficking. Slavery is outlawed, 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 argue that this 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 law, which, if enacted, would outlaw all forms of trafficking, though it would not provide a definition of slavery. The National Assembly commenced debate on the bill in November 2010 but adjourned without voting on the legislation.

Consideration of the bill is expected to resume in the April 2011 session of the National Assembly.

The government convicted two trafficking offenders during the reporting period. In one case, the trafficker was sentenced to two years' imprisonment for forcing a victim into domestic service; in the other, the convicted offender was prescribed an insufficient sentence of 20 days' imprisonment for prostituting children. One trafficking prosecution, for forced agricultural labor, resulted in an acquittal in March 2010. The government of Mali recognizes two pending cases of traditional slavery, both of which remain stalled in courts for a third year; the status of one additional case filed in the same year is unknown. In June 2010, as a result of efforts to improve data collection and reporting, the government released data on four trafficking convictions involving forced agricultural labor, which it obtained under Article 244 of the Criminal Code in 2008 and 2009. The government did not provide information about the status of three prosecutions pending from 2008. Malian officials often chose to mediate informal out-of-court settlements instead of pursuing criminal investigations of trafficking offenders.

In March 2011, through a partnership with an NGO, the government conducted a two-day training for magistrates on prosecuting trafficking cases. There was no evidence of government officials' involvement in human trafficking, though corruption is known to be pervasive throughout security forces and the judiciary, and evidence suggests that officials falsely denied knowledge of the existence of cases of trafficking. In 2010, a former slave was pressured by local authorities and the *gendarmerie* to withdraw a forced labor complaint from the courts.

Protection

The Government of Mali demonstrated limited efforts to protect trafficking victims in the last year. Authorities reported the use of an informal system for identifying trafficking victims among vulnerable populations, such as child laborers and women in prostitution, or for referring victims to NGOs that provide protective services. Due to its limited resources, the government did not operate any shelters for trafficking victims or provide direct aid to trafficking victims. The government referred an unknown number of victims to NGOs and international organizations for assistance, and sometimes provided in-kind support to these organizations in the form of rice, oil, and other foodstuffs, as well as a financial contribution of \$2,000 to an organization helping domestic workers who may have been at risk of becoming trafficking victims. Authorities reported that the Ministry for the Advancement of Women, Children, and the Family rescued and repatriated 13 trafficking victims to Niger, Burkina Faso, Guinea, The Gambia, Senegal, and Cameroon during the reporting period. The same ministry helped repatriate 33 Malians who were identified as victims of trafficking in Niger, Burkina Faso, The Gambia, Cote d'Ivoire, and Togo. The Morals Brigade of the police department identified 152 children in prostitution and coordinated with international organizations and the Ministry for the Advancement of Women, Children, and the Family to reunite the children with their families. In March 2011, Malian police rescued

a Nigerian woman forced into prostitution in Bamako, extradited two alleged traffickers to face prosecution in Nigeria, and repatriated the woman with the assistance of the Nigerian National Agency for the Prohibition of Trafficking in Persons. An NGO reported that community surveillance committees, organized by the government and international organization partners, identified 1,500 suspected trafficking victims traveling without proper identity documents last year, who were subsequently returned to their villages. The government did not report identifying or assisting any victims of traditional slavery. Despite persistent reports of a significant number of Nigerian women held in forced prostitution in western Mali, law enforcement officials did not take efforts to investigate these reports or to identify and rescue suspected victims within this population. The Government of Mali did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. There were no reports that identified victims were penalized for unlawful acts committed as a result of being trafficked.

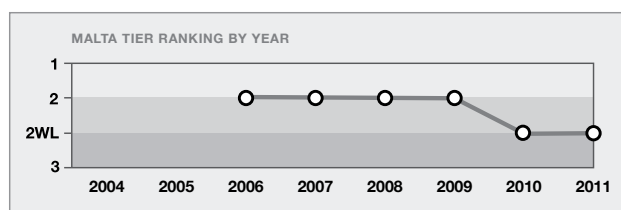
Prevention

The Government of Mali made efforts to prevent trafficking during the last year. In December, the Ministry of Malians Abroad and African Integration launched a national awareness campaign to educate Malians about the dangers of illegal migration to Europe, including the possibility of becoming a victim of human trafficking, though to date there have been no reports of Malians subjected to human trafficking within Europe. In December 2010 and February 2011, the National Assembly and Interparliamentary Union sponsored workshops for government officials and community members to raise awareness about violence against women, including forced prostitution and forced marriage. In February 2011, the prime minister signed a decree creating the National Coordinating Committee for the Fight Against Trafficking and Related Activities and assigning specific anti-trafficking prevention responsibilities to it. The committee, chaired by the Ministry of Justice, met for the first time in February 2011, and was tasked with creating a national plan of action, mobilizing resources to implement the plan, establishing a common data collection system, publishing regular reports, conducting awareness campaigns, and promoting anti-trafficking partnerships. In a measure to prevent transnational child trafficking, Malian police provided travel passes for children – *titres de voyage* – which indicate parental permission for a child to travel with a non-guardian and assisted community surveillance committees to identify suspected trafficking victims. The government continued its implementation of a biometric civil registration program, for which it spent approximately \$4 million, that has the potential to assist police and border officials in the identification of trafficking victims. The government took no visible measures to decrease the demand for commercial sex acts or forced labor. The Government of Mali did not provide anti-trafficking training to Malian troops deployed abroad on international peacekeeping missions.

MALTA (Tier 2 Watch List)

Malta is a source and destination country for European women and children subjected to sex trafficking. 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 2,000 irregular African migrants currently residing in Malta may be vulnerable to human trafficking in Malta's informal labor market. There were anecdotal 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. Despite these efforts, the government did not demonstrate overall increasing efforts to address human trafficking over the previous reporting period; therefore, Malta is placed on Tier 2 Watch List for a second consecutive year. The government demonstrated greater commitment to combat trafficking through national coordination by appointing the country's first anti-trafficking coordinator and anti-trafficking monitoring board. These measures, however, have not yet resulted in concrete improvements to victim identification procedures, victim care systems, effective investigations and prosecutions of trafficking offenders, or targeted prevention activities. Despite its efforts, the government did not identify any trafficking victims this year or begin investigations or prosecutions of any trafficking offenders. There were credible reports that victims of trafficking were punished for acts committed during the course of trafficking or deported without proper victim identification. In the only trafficking case resolved this year, the trafficking offender received a suspended sentence.



Recommendations for Malta: Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly migrants, women in prostitution, and foreign workers; develop formal procedures for the identification and care of victims of trafficking, including victims of forced labor and possible child victims; ensure that identified 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; ensure that convicted trafficking offenders, including any officials identified as complicit in trafficking, receive adequate punishment, including time in prison; continue to strengthen the national coordination structures to combat trafficking in persons, including by drafting a national action plan; attempt to establish 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; consider allowing for the more robust participation of the attorney general's office in the investigation of potential trafficking cases; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for victims.

Prosecution

The Government of Malta demonstrated minimal progress in its efforts to prosecute and punish trafficking in persons offenders 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 did not begin any trafficking investigations this year. The government convicted one sex trafficking offender during the reporting period, but the court failed to impose a sentence of jail time on the convicted offender; instead, it delivered a two-year suspended sentence and a fine. The prosecutor has appealed the length of the sentence awarded. The government did not investigate or initiate prosecutions of any suspected trafficking offenses and several trafficking cases remain unresolved. The government did not conduct any trafficking-specific training for police, prosecutors, or judges during the reporting period.

Protection

The Government of Malta's efforts to protect trafficking victims decreased during the reporting period. 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 among vulnerable groups, such as foreign workers, women in prostitution, and irregular migrants, impaired the government's ability to ensure that trafficking victims were recognized and treated in accordance with international law. Accordingly, the government did not identify any victims of trafficking in 2010, despite credible reports that victims of trafficking had presented themselves to police. There were anecdotal reports that a Nigerian irregular migrant had been deported in 2010 after informing the police that she was a victim of trafficking; the police did not investigate her claim. Potential victims of trafficking were punished for unlawful acts committed in the course of trafficking. In July 2010, a Somali woman who was a possible victim of trafficking received a six-month suspended prison sentence after being found guilty of making a false declaration to immigration officials and being in possession of false documentation. The government allocated no funds to international organizations or NGOs for anti-trafficking protection work. The government continued to designate anti-trafficking victim care responsibility and funds to Appogg, a Government of Malta social services agency with some private participation. Under the terms of a rarely observed memorandum of understanding, Appogg was empowered

to provide shelter, psychological care, and other services to any identified victims of trafficking. Although Appogg has a 16-bed mixed-use shelter for women, only one trafficking victim was referred to this shelter; no trafficking victims were cared for at temporary shelters operated by NGOs and religious institutions. The Government of Malta did not establish any partnerships with international NGOs or organizations in relevant source countries to ensure the safe and voluntary return of victims. No victims reportedly received the 60-day reflection period provided for under Maltese law. Victims who agreed to testify could, in theory, receive resettlement to other countries under a new identity; however, the Maltese government did not offer this option or any other legal alternatives for identified trafficking victims to avoid removal to countries in which they would face retribution or hardship.

Prevention

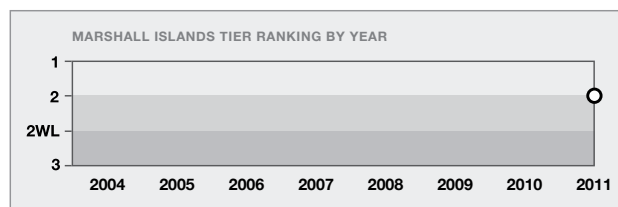
The government made some progress in advancing anti-trafficking prevention efforts during the reporting period by enhancing governmental anti-trafficking coordination. Senior government officials showed increased awareness of Malta's human trafficking problem. The government named a national coordinator to lead its efforts in combating trafficking and, in February 2011, appointed a Trafficking Monitoring Board to develop and implement a national trafficking action plan. The Monitoring Board will bring 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. This new structure should, when fully active, be able to set in place the necessary referral mechanism, victim identification protocols, and prosecution models to bring about change. However, the government's other prevention activities were minimal. The government continued to collaborate with an international cosmetics company in an agreement whereby the proceeds of products sold by the business would assist the government in developing an awareness campaign on child trafficking. Appogg, the social services agency, continued to run a social services hotline that could receive calls about human trafficking, but it was unclear whether they received any trafficking-related calls. The government did not report any specific measures to reduce the possible 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 have been recruited with the promise of legitimate work, and after having paid large sums of money in recruitment fees, were 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 proactively identify victims, 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, investigations, 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. The government acknowledged for the first time that human trafficking occurs in the Marshall Islands, and began prosecution of a forced prostitution case during the reporting period. However, there have been reports of attempted political interference in the investigation and prosecution, and this remains a serious concern that has not been appropriately addressed. The government did not take steps to proactively identify or protect victims of sex trafficking, investigate or prosecute foreign crewmen for the commercial sexual exploitation of trafficking victims within its territory, or educate the public about human trafficking. The government devotes few resources to addressing human trafficking.



Recommendations for the Marshall Islands: Draft and enact comprehensive anti-trafficking legislation; publicly recognize and condemn incidences of trafficking; increase efforts to investigate, prosecute, and punish trafficking offenders; take steps to criminally investigate and prosecute officials 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; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of the Marshall Islands made limited efforts to investigate and prosecute trafficking offenders during the reporting period. The Marshall Islands has no specific laws addressing trafficking in persons. Various laws such as the criminal code and the anti-prostitution law, which prescribe punishments of up to 10 years' imprisonment, can be used to prosecute some, but not all, forms of trafficking. The anti-prostitution law prescribes a \$10,000 fine or imprisonment of up to five years for the crime of promoting prostitution. The lack of a legal definition of sex or labor trafficking that identify the essential elements of a trafficking crime prevents law enforcement officers from rescuing victims or arresting trafficking offenders on most trafficking-related charges. The lack of explicit labor rights afforded to all workers in the Marshall Islands' labor code increases the vulnerability

to forced labor. Marshall Islands authorities investigated and the Attorney General's Office began efforts to prosecute one sex trafficking offender during the reporting period for the forced prostitution of two Chinese women, the first such prosecution of its kind in the country. The case has been rescheduled after having been delayed several times, and there were reports that senior officials attempted to interfere with the ongoing prosecution of the defendant, who reportedly has ties to senior government officials. The government failed to investigate or prosecute the reports of interference or trafficking-related complicity. The government provided no 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 a formal system of proactively identifying victims of trafficking among high-risk populations with whom they come in contact. They did not identify any victims during the reporting period. Two victims identified themselves to authorities, who extended their stay in the Marshall Islands for the duration of their trafficker's ongoing trial. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution. The government does not have any mechanisms in place to ensure that trafficking victims receive access to legal, medical, or psychological services, and has no reported plans to develop the capacity to do so. The Marshall Islands government did not make efforts to identify or reach out to international organizations or community groups to provide assistance to victims of trafficking.

Prevention

The government made no discernible efforts to prevent trafficking or raise public awareness of the dangers of trafficking. The government did not conduct any public awareness campaigns on trafficking. The government did not provide any training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period. The Marshall Islands is not a party to the 2000 UN TIP Protocol.

MAURITANIA (Tier 3)

Mauritania is a source and destination country for men, women, and children subjected to conditions of forced labor and sex trafficking. Women, men, 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, they are forced to work without pay as cattle herders and domestic servants. Boys from within

Mauritania and other West African countries – referred to as *talibes* – who are recruited to study at Koranic schools, are subsequently subjected to forced begging by some 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, and men from Middle Eastern countries used 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 and is not making significant efforts to do so. The government acknowledges that some forms of trafficking are a problem in the country, and during the year, it created a multi-stakeholder body to lead its efforts related to child trafficking, child smuggling, and child labor. Hereditary slavery was officially outlawed in 2007, but many officials do not recognize that the practice continues despite its prohibition, and instead apply the phrase "the consequences of slavery" to address the problem. There is no legal precedent to prove a case of slavery in court; civil society representatives believe the slavery law is nonoperational in practice. During the year, however, the government arrested – following significant pressure from civil society groups and a violent protest – an alleged slave-master and convicted her of the separate crime of child exploitation, signaling what some observers believe to be a new willingness, albeit tenuous, to punish trafficking offenders using other criminal statutes. The offender spent 12 days in prison before filing an appeal that led to her acquittal, while an anti-slavery activist spent one month in prison for his role in the events before receiving a presidential pardon. The government did not take proactive measures to identify trafficking victims or provide them with protective services, and it continued to jail individuals in prostitution and detain illegal migrants without screening either population for trafficking victims.



Recommendations for Mauritania: Increase efforts to investigate and prosecute trafficking offenses, including cases of traditional slavery, and convict and punish offenders using the 2003 Law Against Trafficking in Persons; 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 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 trafficking victims; increase efforts to coordinate with NGOs to arrange protective services for trafficking victims; formalize the structure of the multi-stakeholder group (TTTE) to coordinate anti-trafficking efforts related to children; 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; and increase efforts to raise public awareness about trafficking and traditional hereditary servitude.

Prosecution

The government demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. All forms of trafficking except hereditary slavery are prohibited through Mauritania's 2003 Law Against Trafficking in Persons, which prescribes penalties of five to 10 years' imprisonment; these penalties are sufficiently stringent and exceed those prescribed for rape. Slavery is prohibited by Law 2007-048, which was enacted in September 2007. This law defines slavery and prescribes a sufficiently stringent penalty of five to 10 years' imprisonment. The law's effectiveness, however, is impaired by its requirement that slaves file a legal complaint before a prosecution can be pursued, as well as 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 complaint.

The government provided no support for programs to assist victims to file complaints on slavery. In December 2010, the government initiated an investigation into an alleged case of slavery in which a woman in Nouakchott, an employee of a prominent government institution, was accused of enslaving two children as domestic servants. This arrest occurred after significant pressure from civil society groups and a violent protest, which led to the imprisonment of a prominent anti-slavery activist on charges of obstructing public order, assaulting law enforcement, and operating an unauthorized organization. The activist was pardoned after serving one month of a six month prison sentence. The government prosecuted the case of the alleged slave-master as a lesser crime of child exploitation, and in January 2011, it convicted and sentenced her to six months in prison. However, due to a technical error, the cause of which is not known, the necessary documentation to put her in jail — a *mandat de depot* — was not signed, and she was not sent directly to prison. The government succeeded in its initial appeal to have the *mandat de depot* signed and the offender spent 12 days in prison before being released. In March 2011, she was acquitted by the Court of Appeals of Nouakchott. NGOs report that this case represented the first time an alleged slave-master was prosecuted and convicted of exploitation in court. Additionally, the government convicted two women, the mothers of the two victims, who had received payment for their daughters' exploitation as domestic servants; each received a six-month suspended prison sentence. The government did not investigate or prosecute any additional cases during the reporting period, and NGOs report that slavery victims were often pressured to withdraw legal complaints. There is no evidence of government officials' complicity

in trafficking, though civil society representatives argue that judicial failure to pay due attention to slavery cases brought to their attention amounts to tacit complicity. No investigations were initiated or administrative sanctions applied to any government officials accused of complicity in trafficking. The government did not provide specialized training for law enforcement and immigration officials on identifying trafficking victims.

Protection

The Government of Mauritania demonstrated negligible efforts to protect victims of human trafficking, including traditional slavery. It continued to run two National Centers for the Protection and Social Integration of Children, which provided services to trafficking victims in previous years, but it is not known whether any received care from these shelters during the reporting period. Victim services, if any, were provided by NGOs, and the government did not play a role in coordinating these efforts. One NGO reported identifying 77 victims of traditional slavery and 277 other victims of trafficking during the year. The government did not employ a process of referring identified trafficking victims to institutions that provided short- or long-term care. The government also did not take steps to identify trafficking victims among vulnerable populations; illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou until their expulsion from the country, and women suspected of prostitution were often jailed without the government making any attempt to identify trafficking victims among either population. The government did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and there were no precedents of victims filing civil suits against trafficking offenders.

Prevention

The Government of Mauritania made limited efforts to raise awareness of trafficking during the last year. It took steps to coordinate anti-trafficking efforts by creating a multi-stakeholder group, TTTE, composed of representatives from government, NGOs, and international organizations, to lead the government's efforts related to child trafficking, child smuggling, and child labor. The group reportedly held informal meetings during the year and drafted a document to formalize its structure. In 2010, the government, in conjunction with civil society, conducted a campaign using television, radio, and print media to educate the public about human rights and the anti-slavery law. The government reauthorized \$3.4 million for the Program to Eradicate the Consequences of Slavery, but did not clearly define how these funds would be allocated, or whether any funds would support prosecution or victim protection efforts, as opposed to generalized anti-poverty programs. The government did not release the National Action Plan to Fight Trafficking in Persons that it began drafting with an international organization in the previous reporting period. The government made no efforts 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 within the country. Secondary school-age girls and, to a lesser extent, 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. Young girls are sometimes sold by a family member into prostitution or forced into the sex trade in exchange for food and shelter. Taxi drivers are known to 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 drug-addicted women are forced into prostitution by their boyfriends, who serve as their pimps. In 2010, two Mauritian trafficking victims were identified in Europe: a man in forced labor in the United Kingdom and a woman in domestic servitude in Belgium. Approximately 300 Malagasy women reportedly transited Mauritius during the first half of 2010 *en route* to employment as domestic workers in Lebanon, where some were subsequently subjected to conditions of forced labor. Mauritius' manufacturing and construction sectors employ approximately 30,000 foreign migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar. To date, there have been no confirmed reports of migrant workers subjected to conditions of forced labor within Mauritius.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its strong efforts to identify, investigate, and prosecute incidences of trafficking during the reporting period. The Mauritius Police Force maintained its offerings of anti-trafficking training programs for police officers and continued its awareness campaign in schools and villages. The government's efforts to coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims.



Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including those involving adult women exploited in pimp-controlled 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; increase protective services available to victims of child commercial sexual exploitation, particularly in regard to safe shelter and educational opportunities; provide increased funding and support to all branches of the Minors Brigade in the investigation of human trafficking

cases; to improve the timeliness in deciding whether to prosecute trafficking cases, provide anti-trafficking training to personnel of the Office of the Director of Public Prosecutions; 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 demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating and prosecuting cases of human trafficking throughout the year. The Combating of Trafficking in Persons Act of 2008 prohibits all forms of trafficking for 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.

From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve. The government did not report any successful prosecutions during the year. In early 2011, however, the Intermediary Court conducted two pre-trial hearings regarding the January 2008 case of a man and woman charged with inducing their 12-year-old niece into prostitution. In August 2010, police arrested a Mauritian man on charges of human trafficking for allegedly pimping a 15-year-old girl to a male client; the investigation remained ongoing at the end of the reporting period. In 2010, police concluded the investigation into a 2009 case of a male massage parlor owner suspected of pimping a 16-year-old girl and referred it to the Director of Public Prosecution (DPP) for action. A 2007 case of a grandmother who allegedly forced her granddaughter into prostitution, referred by the Minors Brigade to the DPP for action during the previous reporting period, remained under consideration by the DPP's office and had not been referred for trial. On Rodrigues Island, police referred seven alleged sex trafficking offenders to the DPP for prosecution in 2010. The Minors Brigade utilized a database for tracking criminal trafficking cases, as well as awareness campaigns carried out in the community; its work remains handicapped, however, by a lack of adequate funding and equipment. In 2010, the Minors Brigade provided basic anti-trafficking training to 359 police recruits as part of their entry-level police training curriculum.

Protection

The government sustained its protection of child trafficking victims during the reporting period, providing funding to NGOs running shelters for victims of abuse on a reimbursable basis – \$6 per day for the protection of each child, including victims of trafficking. CDU officials regularly referred abused and exploited children to these organizations for shelter and other assistance. The Minors

Brigade systematically refers all cases of identified children in prostitution to the CDU for victim assistance; in 2010, the brigade referred one such child, a boy, for protective services. The CDU did not, however, refer all cases of child prostitution identified by its officers to the Minors Brigade for possible investigation, as some victims or their relatives did not wish to press charges; however, the victims still received medical and psychological assistance provided by CDU. The government-funded, NGO-run drop-in center for sexually abused children, which provided counseling to five girls engaged in prostitution in 2010, advertised its services through a toll-free number and community outreach; its social worker continued to promote the services in schools and local communities. Nonetheless, due to the drop-in center's lack of shelter facilities and the often crowded conditions at NGO shelters, comprehensive protective services were not always readily available to all victims identified within the country.

Although the MOGE acquired land to build a residential center for victims of child prostitution in late 2008, fulfilling a requirement of the anti-trafficking statute, construction of the facility has not yet begun, as the MOGE awaits financial disbursement from the Ministry of Finance. As an interim measure, the MOGE completed the official paperwork to rent a house for use as a shelter until the construction is complete; this temporary shelter is scheduled to open in July 2011. The ministry operated a 24-hour hotline for reporting cases of sexual abuse; the hotline received three calls regarding cases of child prostitution in 2010. The Mauritian 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 work in conjunction with this officer to obtain a statement from the child victim. Medical treatment and psychological support were readily available at public clinics and NGO centers in Mauritius. The government encouraged victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that identified victims were not inappropriately incarcerated, 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. The Police Family Protection Unit and the Minors Brigade continued its widespread awareness campaign on child abuse and child rights at schools and community centers that included a session 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 28,643 persons in 2010, including parents, primary school children, high school students, and civil society members. Members of police units also discussed these topics on 19 radio programs during the year. Law enforcement and child welfare officials conducted surveillance at bus stops, night clubs, 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 in February 2011 began requiring that children under the age of 18 obtain a travel document from their local police station when traveling between the two islands, and vice versa. 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. Communication and coordination among the relevant government ministries, however, was insufficient and hindered effective partnerships. Inspections conducted by the Ministry of Labor's 30 labor officers and nine trainee officers in 2010 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 a Chinese interpreter to facilitate communication between the ministry and Chinese workers. In 2010, the government drafted Occupational Safety and Health (Employees' Lodging Accommodation) Regulations to set a minimum standard for lodging and other living conditions provided to migrant workers; the regulations entered into force in January 2011.

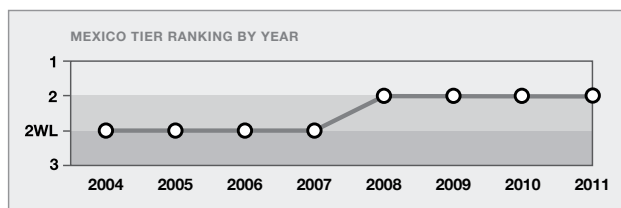
MEXICO (Tier 2)

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, and undocumented migrants. Mexican women, girls, and boys from poor rural areas are subjected to sexual servitude within the United States and Mexico, lured by fraudulent employment opportunities or deceptive offers of romantic relationships, including marriage. Mexican trafficking victims also are subjected to conditions of forced labor in agriculture, domestic service, construction, and street begging, in both the United States and Mexico. During 2010, the majority of trafficking victims identified within Mexico were from Chiapas, Veracruz, Puebla, Oaxaca, and Tlaxcala. The municipality of Tenancingo in Tlaxcala state was identified as a major source for Mexican sex trafficking victims exploited within Mexico and in the United States. In some parts of the country, public fear of criminal organizations impedes the ability of the government and civil society to effectively combat trafficking.

According to official and civil society sources, the vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico *en route* to the United States and, to a lesser extent, Canada and Western Europe. However, trafficking victims from South America, the Caribbean, Eastern Europe, Asia, and Africa also are found in Mexico, and some transit the country *en route* to the United States. Unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, fall victim

to human traffickers, particularly near the Guatemalan border. Mexican men and boys from southern Mexico are found in conditions of forced labor in northern Mexico, and Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and in northern border cities like Tijuana and Ciudad Juarez. Most child sex tourists are from the United States, Canada, and Western Europe, although some are Mexican citizens. In addition to Mexican drug cartels, organized crime networks from around the world are reportedly involved in human trafficking in Mexico.

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 increased anti-trafficking law enforcement efforts, achieved the first conviction and sentence for forced labor in the country, and adopted new protocols for the treatment of foreign victims. The Mexican Congress passed a national anti-trafficking action plan and designated \$4.2 million in funding to implement the plan. 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. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some local law enforcement officials tolerate and are sometimes complicit in trafficking, impeding implementation of anti-trafficking statutes.



Recommendations for Mexico: Increase federal and state efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; aggressively implement the National Program to Prevent and Combat Trafficking in Persons; pass the legislative reform to the 2007 Law to Prevent and Sanction Trafficking in Persons currently under review in the Mexican Congress to strengthen the anti-trafficking legal framework; continue to increase funding for victim services and shelters and ensure that victims of all forms of trafficking receive adequate protection; ensure effective protection for witnesses and victims testifying against traffickers; increase collaboration with NGOs to provide victim care; enhance formal procedures to identify trafficking victims among vulnerable populations, such as women in prostitution and irregular migrants; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and officials to more effectively respond to human trafficking cases through increased funding and staff dedicated to state-level efforts; and increase

training on human trafficking and victim identification and treatment for law enforcement officers, immigration officials, judicial officials, social workers and other government employees.

Prosecution

The Government of Mexico's overall law enforcement response to human trafficking increased during the reporting period, though efforts remain strongest at the federal level and in the capital, where four convictions and sentences were obtained during the year. In 2007, the government enacted federal legislation to prohibit all forms of human trafficking, prescribing penalties of six to 12 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. Under aggravated circumstances, such as when the victim is a child or lacks mental capacity, penalties increase to nine to 18 years' imprisonment; when the convicted offender is a public official, penalties increase by half. 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. A draft law currently under consideration by the Mexican Congress would address this issue, establish more robust victim protections through increased funding, and institute more concrete government responsibilities.

In Mexico's federal system, state governments investigate and prosecute trafficking cases that occur wholly within the country, with four specific exceptions. Federal jurisdiction is invoked in cases that involve organized crime, transnational trafficking cases, trafficking crimes involving government officials, and trafficking 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. Nine states have additionally passed specific state trafficking laws, which strengthen penal codes and institute state regulations for trafficking prevention, and other states also are reviewing draft laws. The inconsistency between state penal codes and laws on human trafficking could cause confusion among law enforcement and problems among inter-state prosecutions. Prosecutorial efforts remained weak at the state level outside of Mexico City. As many judges are not familiar with human trafficking laws, some cases of human trafficking continued to be prosecuted under other laws, such as rape or pimping statutes, under which penalties are sometimes lower, and judges sometimes reduce charges during the course of trials.

The federal police maintained a small unit in the capital 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.

Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors have jurisdiction, to the detriment of both the criminal case and the victim. However, authorities reported launching a small FEVIMTRA and SIEDO unit in March 2011 to investigate cases jointly. Resources and staff for these dedicated units remained limited. Some state-level attorney general's offices also have victims' or women's services units that focus on prosecuting human trafficking cases.

During the reporting period, FEVIMTRA investigated 76 trafficking cases, initiated 47 prosecutions, and achieved the first conviction and sentence for forced labor in Mexico. The trafficker received nine years' imprisonment and has appealed his sentence. Despite several prosecutions underway, SIEDO did not report any convictions or sentences for trafficking crimes during the reporting period. In March 2011, a federal judge sentenced a prominent Cancun businessman who forced numerous children into prostitution to 13 years' imprisonment under child pornography and rape statutes in a case dating to 2003. In 2010, Mexico City's Attorney General's Office initiated 47 new prosecutions and convicted four trafficking offenders, whose sentences ranged from four to 17 years' imprisonment. Numerous state attorney general offices also reported ongoing prosecutions for human trafficking, but none reported convictions or sentences during the year. During the previous reporting period, federal authorities achieved five convictions and Mexico City's Attorney General's Office achieved the first anti-trafficking sentence.

NGOs, members of the government, and other observers continued to report that 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, from traffickers; falsified victims' identity documents; discouraged trafficking victims from reporting their crimes; or failed to report child prostitution and other human trafficking activity in commercial sex sites. In December 2010, two former immigration officials who were arrested in August 2007 received sentences of 12 and eight years' imprisonment, respectively, for their role in operating a human trafficking and migrant smuggling ring. A high-level immigration official who was charged by SIEDO for alleged involvement in sex trafficking of Central American women was cleared by a federal judge in 2010. Prosecutors also investigated directors of a penitentiary in Mexico City for their alleged involvement in a network of forced prostitution of female inmates being operated out of a jail.

NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses and that many judges and police officers are not familiar with anti-trafficking laws. 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. During 2010, the National Institute for Migration (INM) trained officials on identifying and interviewing trafficking victims. The

Mexican federal government continued to partner with the U.S. government on cross-border trafficking investigations last year.

Protection

The Mexican government identified at least 259 trafficking victims during the reporting period, but maintained limited assistance to trafficking victims last year, with the majority of services available only to female sex trafficking victims. An international organization working with foreign trafficking victims in Mexico noted that over the past five years, 60 percent of the victims it identified, many of whom were men, had been subjected to forced labor. However, specialized services for male victims and victims of forced labor were generally lacking. Authorities continued to work in cooperation with NGOs, international organizations, and foreign governments to provide victim services, relying on them to operate or fund the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexican immigration agents continued to implement a system for identifying potential trafficking victims, particularly among unaccompanied children entering or exiting the country, and referring these victims to care providers, such as NGOs. The federal police identified six trafficking victims at checkpoints in high-risk areas, some labor inspectors along the southern border partnered with law enforcement officials to investigate possible cases and educate possible victims of forced labor, and the Mexico City Attorney General's Office rescued 112 victims of forced prostitution. Some NGOs, however, were critical of the government's ability to accurately identify trafficking victims, and most states lacked formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers and people in prostitution.

FEVIMTRA operated a high-security shelter in Mexico City dedicated to female victims of sex trafficking with a capacity for 70 individuals. This shelter coordinated medical, psychological, and legal services for victims. Mexico City's Attorney General's Office received funding to build a shelter for trafficking victims in the capital. Mexico's social welfare agency continued to operate general shelters for children who are victims of violence, which it reported was accessed by child trafficking victims, though statistics were not maintained on how many child victims were housed in these shelters during the reporting period. The government provided \$8.33 million to support a national network of 64 shelters and emergency attention centers for female victims of domestic violence, sexual violence, or human trafficking on an annual basis. This network provided emergency and long-term services. State and municipal governments also partially funded 27 of these facilities.

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 reluctant to house trafficking victims due to fear of retribution from organized crime. The majority of shelters that assisted trafficking victims did not restrict victims' movement during their stay. Some shelters, including FEVIMTRA's, accepted victims whose traffickers were suspected to be members of organized criminal groups. Due to the high security risk to their victims, these facilities limited victims' movements primarily to the shelter grounds. Some NGOs reported that these shelters faced challenges in balancing the high-security setting with the needs of trafficking victims, including the need of adult victims to leave the shelter.

The government did not provide specialized shelter services for male victims. Authorities reported providing some short-term housing for a few male victims during the year, as well as referring boys to social service shelters or NGOs and some men to homeless or migrant shelters. 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.

During the year, INM and FEVIMTRA began to interview potential foreign trafficking victims jointly. Despite former guidelines requiring foreign victims to participate in the prosecution of their traffickers to remain in the country, in 2010, INM issued a directive requiring immigration officials to offer foreign victims an unlimited "period of reflection" to decide whether they wish to participate in the prosecution of their trafficker. This directive also established that foreign victims can request to stay in the country without having to provide evidence against their traffickers. INM has since reported that 30 victims were approved for regularization in the county, and that no victims had been refused refuge under the new procedure. As of early 2011, the legal status of an additional 98 foreign victims was pending. This directive is only legally binding for INM employees, although officials are working to establish regulations obligating other government agencies to follow these directives, and these practices are incorporated into the draft reform on human trafficking. Despite these improved mechanisms, many foreign trafficking victims opted to return to their countries of origin after giving testimonies, in some cases due to a lack of adequate shelter. Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from trafficking offenders. While traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim testimony, during the year, federal prosecutors increased the number of trafficking cases pursued without the official complaint of a private citizen. 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. Mexican consulates abroad identified at least 25 cases of forced labor during the reporting period. The government provided

limited services to some repatriated Mexican trafficking victims upon request.

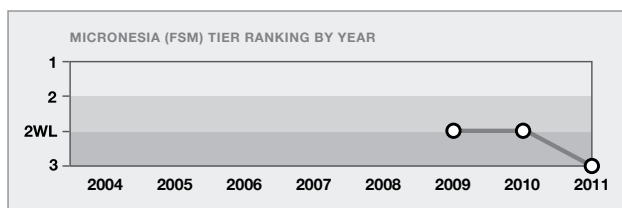
Prevention

Federal and state governments increased trafficking prevention efforts last year. An inter-agency commission on trafficking coordinated federal government efforts. During the reporting period, the commission drafted a national program to prevent and combat trafficking, which was approved by Congress, along with a \$4.2 million budget to implement the plan in 2011. Some members of civil society publicly criticized the plan for a perceived lack of effectiveness. The Government of Mexico did not publicly issue a comprehensive assessment of its anti-trafficking efforts, but did so privately, and the Attorney General publicly reported on efforts to combat trafficking in 2010. With funding from a foreign government, authorities also launched a beta version of a website to track trafficking cases and legislation in Mexico. 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, and the CNDH also established regional partnerships with NGO and government actors in 12 states. Authorities raised awareness of child sex tourism through media initiatives, and the government reported some prosecutions but no convictions of child sex tourists. Officials conducted awareness activities regarding child sexual exploitation. There were no reported efforts to reduce the demand for forced labor.

MICRONESIA, FEDERATED STATES OF (Tier 3)

The Federated States of Micronesia (FSM) is a source country for women subjected to sex trafficking. FSM women have been recruited to the United States and its territories with promises of well-paying jobs, and forced into prostitution upon arrival. Pohnpei State Police received reports that FSM women and children were prostituted to crew members on Asian fishing vessels in Micronesia or in its territorial waters. Local Micronesians reportedly facilitate trafficking by transporting girls to the boats for the purpose of prostitution. Foreign and Micronesian women and girls in prostitution and foreign men on fishing vessels in Micronesian waters are particularly vulnerable to trafficking. Little data on the scope of human trafficking in FSM is available, as the government has not conducted any inquiries, investigations, 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 and is not making significant efforts to do so. During the year, the government did not investigate or prosecute any trafficking cases, made no efforts to identify or assist victims of trafficking, and failed to make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year.



Recommendations for the Federated States of Micronesia: Publicly recognize and condemn incidences of trafficking; draft and enact a comprehensive anti-trafficking law applicable in all four states; make efforts to criminally investigate, prosecute, and punish trafficking offenders; adopt procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign workers in the FSM, including those on fishing boats and women in prostitution, as well as among FSM women migrating to the United States for work; train officials on human trafficking and how to identify and assist trafficking victims; conduct anti-trafficking public awareness campaigns; make efforts to notify foreign workers of their rights, protections, and ways they can report abuse; and, as required under the Compact of Free Association (Amended), establish a registration system for and monitor the practices of overseas employment recruiters; and investigate and prosecute recruiters who may be engaged in fraudulent recruitment that leads to trafficking.

Prosecution

The Government of the Federated States of Micronesia made no progress in its anti-trafficking law enforcement efforts. The government did not investigate, prosecute, or punish any trafficking offenders during the reporting period. The Federated States of Micronesia does not have a comprehensive federal anti-trafficking law. Section 701 of the federal criminal code ("Deprivation of Rights"), which prescribes penalties of up to 10 years' imprisonment, could be used to prosecute trafficking cases; however, the government has never used the law to prosecute a trafficking case. Additionally, each of the four states could prosecute some trafficking offenses under related laws, such as sexual assault, kidnapping, or criminal coercion, which provide penalties of five to 10 years' imprisonment, though no such efforts were reported during the year. While local law enforcement and the Transnational Crime Unit made limited investigations of night clubs in Pohnpei State suspected of engaging in prostitution, authorities did not report any investigations, prosecutions, or convictions for trafficking crimes. Law enforcement agencies operated under significant resource, personnel, and capacity constraints. The government made no official acknowledgement of sex or labor trafficking in the FSM. The government did not conduct or cooperate with any international organizations or NGOs to offer anti-trafficking training to government officials during the reporting period. There was no evidence of official complicity in trafficking crimes or government involvement in or tolerance of trafficking during the year.

Protection

The Government of the Federated States of Micronesia made no efforts to identify or protect trafficking victims during the reporting period. The government did not identify any trafficking victims during the reporting period, and the government has never identified a trafficking victim in the country. The government has not taken steps to develop or implement formal or informal procedures to guide officials in proactive identification of victims of trafficking among high-risk persons with whom they come in contact or to refer identified or suspected trafficking victims for appropriate services. The government reports that identified victims would have access to the very limited social services and legal assistance provided to any victims of crime. No NGOs provided services to any trafficking victims. The FSM has no laws specifically protecting trafficking victims or witnesses. Victims have the legal right to bring personal injury civil suits against traffickers; however, as no victims have ever been identified, no suits have ever been filed. The law does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government had no formal system to guide officials in proactive identification of victims of trafficking among high-risk persons with whom they come in contact.

Prevention

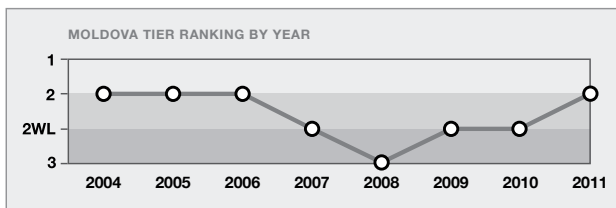
The Government of the Federated States of Micronesia did not make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year. The government did not conduct or support any anti-trafficking education campaigns. In October 2010, the government established a working group to assess the trafficking situation and make policy recommendations. However, the group only convened for one meeting during the year. The government did not conduct any campaigns aimed at reducing the demand for commercial sex acts. Micronesia is not a party to the 2000 UN TIP Protocol.

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, Bulgaria, the UAE, Kosovo, Israel, Indonesia, Malaysia, Lebanon, Italy, Greece, Ukraine, Czech Republic, and Romania. Men, women, and children are subjected to conditions of forced labor in Russia, Ukraine, Turkey, UAE, Israel, and Greece 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, and the Netherlands. Some 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. Victims from Azerbaijan are subjected to forced labor in Moldova. Men and women are subjected to forced labor within Moldova. Moldovan victims of trafficking have been subjected to re trafficking

after return to Moldova. 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, Turkey, and possibly Italy and Greece, traveling to Moldova for the purpose of 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, NGO representatives reported that the government's ability to identify and provide care for victims improved; it increased the participation of NGOs in the investigative process, including special provisions for child trafficking victims. The government expanded the National Referral System, 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. However, the government did not show sufficient progress in addressing complicity in trafficking by law enforcement and other government officials. Reports of widespread corruption in the police and judicial system persisted and no officials were prosecuted, convicted, or served time in prison for trafficking-related offenses. Furthermore, overall law enforcement efforts declined from the previous year and forced labor crimes were rarely investigated and prosecuted.



Recommendations for Moldova: Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal punishment of any guilty officials; ensure that convicted trafficking offenders serve time in prison; increase investigation, prosecution, and conviction of labor trafficking offenses; conduct awareness and prevention campaigns targeted at children living in orphanages – a population highly vulnerable to trafficking; 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; 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; continue efforts to improve data collection on trafficking cases through all stages of the penal process including investigations, prosecutions, convictions, and sentences prescribed for convicted trafficking offenders; continue to provide funding for victim assistance and protection,

paying particular attention to preventing any ongoing re-trafficking; continue efforts to identify and protect trafficking victims, including child and adult victims trafficked within Moldova; 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 minimal progress in its efforts to combat human trafficking during the reporting period. Of particular concern, it did not demonstrate significant efforts to prosecute, convict, or criminally punish government officials 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. The government reported 161 trafficking investigations in 2010, down from 206 reported in 2009. Authorities reported prosecuting 55 individuals for trafficking offenses and convicting 47 trafficking offenders during 2010. The government did not report prosecuting or convicting any labor trafficking offenders in 2010. During the year, data on 2009 prosecutions and convictions were clarified; 110 individuals were prosecuted and 68 individuals were convicted in 2009. Although the government continued its efforts to improve the collection of trafficking statistics, concerns remained regarding the accuracy of data reported. Sentencing for trafficking crimes represents a problem for Moldova as punishments often were not commensurate with the crime. In 2010, 31 convicted offenders were prescribed sentences ranging from one to 17 years' imprisonment. However, the remaining 16 convicted offenders received a suspended sentence or paid a fine and did not serve time in prison. The government's five dedicated anti-trafficking prosecutors investigated and prosecuted cases largely relating to sex trafficking. Although the government has recognized labor trafficking as an issue of growing concern, forced labor cases were rarely investigated. The government provided anti-trafficking training in the police academy curriculum that is mandatory for police officers and investigators; it also held four anti-trafficking workshops which trained more than 100 police officers. Government officials also received specialized anti-trafficking training in regions across Moldova from international and nongovernmental sources. Judicial misunderstanding of trafficking may have contributed to reduced sentences or overturned convictions. Judicial hindrance of trafficking cases can include changing the threshold for prosecutions and refusing to honor decisions by other judges. During 2010, law enforcement officials worked with counterparts in Georgia, Ukraine, Azerbaijan, Romania, Poland, and Lithuania to investigate transnational cases of human trafficking. Moldovan authorities uncovered a child sex tourism ring in 2010 operated by Moldovans, Greeks, and Italians.

Government complicity in human trafficking remained a significant concern and no government officials were prosecuted or convicted for trafficking-related complicity in 2010. Updates of cases involving police officers, a mayor,

a ministerial advisor, and employees of government-run institutions complicit in trafficking-related offenses illustrated weaknesses in the judiciary, including light sentences or fines given to convicted trafficking offenders. 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. Some defendants were not required to remain in custody during the trial or investigation and as a result fled the country or remained to harass victims. The police also harassed at least one journalist for reporting on trafficking in persons. One police officer reportedly was fired for trafficking-related activity; the criminal investigation is ongoing. In March 2011, the government re-opened a high-profile trafficking complicity case involving the former director of a government anti-trafficking agency; however, at the time of the report, he had not yet been arrested and was still receiving a pension from the anti-trafficking unit.

Protection

Moldova continued to improve its victim protection efforts during the reporting period. The government provided approximately \$48,000 in funding for a primary shelter operated jointly by the government and IOM for repatriated adult and child victims in 2010, compared with \$50,700 in 2009. In 2010, the center provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 104 trafficking victims. Victims are not detained in the shelter; they are permitted to freely enter and leave. 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. In total, 139 victims were identified by the government and assisted by IOM and government authorities. The majority of Moldovan labor trafficking victims were only identified after deportation to Moldova. The government encouraged all victims to assist law enforcement with trafficking investigations and prosecutions, and did not make assistance contingent upon their cooperation; however, some victims were questioned over the course of several days before being delivered to a shelter. 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; however, in rural areas some children were still subjected to an unnecessarily large number of interviews and extensive questionings. Although general mistrust of the police remained high, 169 victims cooperated with law enforcement in 2010, compared with 189 victims in 2009. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked. The government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship in the form of temporary residency permits, which can be extended as long as necessary.

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 in persons through visible high-level attention and media interaction on the issue. The government-operated National Referral System (NRS) expanded to five more regions, bringing the total to 28 out of 32 regions in the country. Operating on a local level, NRS commissions consist of NGO representatives, social workers, medical personnel, police, prosecutors, and local public administration officials. The commissions met on a regular basis, usually once a month, to deal with trafficking issues, including organizing public awareness events, discussing reintegration efforts for victims, as well as updating their information about any possible cases. IOM and NGOs working in the field praised this system's efforts to prevent trafficking and provide assistance to identified victims. Representatives from Belarus, Afghanistan, and Tajikistan traveled to Moldova in 2010 to learn how to implement a comparable system in their own countries. Additionally, efforts by border guards to identify potential victims were increasingly successful; in 2010, border guards reportedly identified 83 potential victims of trafficking. In 2010, members from the National Center for Combating Trafficking in Persons gave 22 interviews broadcast on radio and television, participated in five live television programs intended to increase trafficking awareness, and again conducted seminars on trafficking prevention in schools and universities. In September 2010, the government produced a national plan of action on human trafficking for 2010-2011 and in December 2010 produced a supplemental plan of action. The government did not conduct awareness activities that targeted potential consumers of prostitution or use other measures to reduce the demand for commercial sex acts.

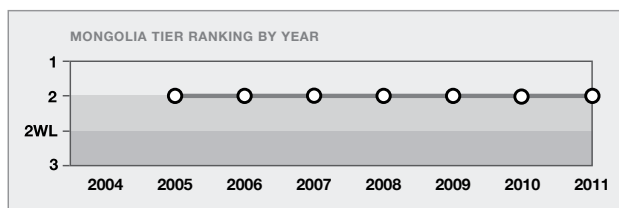
MONGOLIA (Tier 2)

Mongolia is a source country, and to a much lesser extent, a destination for men, women, and children who are subjected to sex trafficking and forced labor. Mongolian men, women, and children are found in these conditions in China, Macau, Malaysia, South Korea, and Hong Kong. Mongolian men and women are found in conditions of forced labor in Turkey, Kazakhstan, the Czech Republic, and Poland. One Mongolian victim was repatriated from Ireland during the reporting period. According to a leading anti-trafficking NGO in Mongolia, China was the primary source of repatriated Mongolian victims. Visa-free travel of Mongolians to Turkey has resulted in a significant increase in the number of both labor and sex trafficking cases involving Mongolian labor migrants in Turkey. There remain concerns about involuntary child labor in the informal construction, mining, and industrial sectors, where children are vulnerable to injury and face severe health hazards. The problem of Mongolian women subjected to conditions of involuntary servitude after engaging in brokered marriages – mainly to South Korean men – continues. There is mounting evidence of Chinese

laborers, usually in mining and construction work, being expelled from Mongolia for visa violations without being compensated for their work, an indicator of possible human trafficking. Approximately 525 North Koreans are employed in Mongolia as contract laborers, more than double the number reported last year, despite concerns that North Korean workers overseas do not appear to be free to leave their employment, have their freedom of movement and communication restricted, and receive only an unknown fraction of the money paid to the North Korean government for their work.

Many Mongolian victims originally sought employment through fraudulent newspaper or television advertisements, and traffickers continue to use technology like “TV Chat” to lure victims. Many victims are recruited by acquaintances, friends, and family, and victims often have their travel documents confiscated. 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. The government acknowledged a serious problem of the trafficking of Mongolian women and girls abroad and took tangible steps to address this, though it did not acknowledge or adequately address the problem of Mongolian women and children trafficked within the country, Mongolian men subjected to forced labor abroad, or North Korean, Chinese, and other foreign workers subjected to conditions of forced labor in Mongolia. The government’s lack of adequate guidance on the use of the amended anti-trafficking statute continues to cause courts to charge trafficking offenders under a lesser offense, resulting in shorter sentences for convicted offenders. Corruption among law enforcement personnel remains a key barrier to anti-trafficking progress.



Recommendations for Mongolia: Undertake legislative or policy reforms necessary to more effectively prosecute labor trafficking offenses – both those that occur within Mongolia and those that occur involving Mongolians abroad; improve coordination among government agencies involved in addressing human trafficking and expand coverage of the national action plan and associated coordination council to cover all forms of human trafficking; expand the new police anti-trafficking unit’s scope of responsibilities to cover all human trafficking investigations; improve protections for victims, including those who testify against their traffickers, possibly through legislative action; greatly increase efforts to investigate and prosecute government officials complicit in trafficking; create and implement formal victim identification procedures and train police and border officials to identify

trafficking victims and refer them to appropriate victim services; increase cooperation with NGOs providing victim assistance; cease the employment of North Korean contract laborers whose treatment by North Korean authorities prior to migration may constitute trafficking; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and make efforts to track law enforcement statistics on trafficking cases and trafficking victims identified and assisted by authorities.

Prosecution

The Mongolian government made significant, but uneven, efforts to enforce anti-trafficking laws during the reporting period. Mongolia prohibits all forms of human trafficking through Article 113 of its Criminal Code, which was amended in 2007 and prescribes penalties that are sufficiently stringent – up to 15 years’ imprisonment – and commensurate with those penalties prescribed for other serious offenses, such as rape. In spite of significant legal and technical assistance from foreign donors, Mongolia’s Supreme Court has interpreted the amended Article 113 in a way that has created ambiguities as to when prosecutors and judges should apply the law. In particular, the law is seldom used to prosecute cases of transnational labor trafficking and is never used for internal sex trafficking. Also of concern is the Supreme Court’s interpretation that Article 113 can be used only in cases in which persons did not consent to migration for commercial sex work. The Supreme Court’s interpretation continues to confuse judicial officials, causing trafficking offenders to be prosecuted under the lesser offense of “forced prostitution” (Article 124), which does not actually require the use of force or coercion. In July 2010, the government established an anti-trafficking police unit, consisting of four officers, within the Special Investigation Department of the Police. This unit’s coverage is limited to cases filed under Subsection 3 of Article 113 – those involving transnational sex trafficking – and it operated without adequate funding after its creation.

During the reporting period, the government investigated 13 cases filed under Article 113, three of which involved the forced labor of Mongolian nationals in the Czech Republic and Turkey. It prosecuted nine of these cases, resulting in the conviction of five trafficking offenders and the acquittal of four, all of whom were sex trafficking offenders, compared with nine convictions obtained during the previous reporting period. Police investigated 16 cases under Article 124 (forced prostitution) and the government prosecuted 11 of these, obtaining convictions of six offenders and the dismissal of charges against five suspected offenders. One case of alleged forced labor in Mongolia was investigated and referred to the prosecutor’s office, only to be dismissed. The special anti-trafficking unit of the State Investigation Department investigated and prosecuted eight sex trafficking cases under Article 113.3, resulting in two dismissals and convictions of six trafficking offenders, who were sentenced to between 10 and 15 years’ imprisonment. The Supreme Court’s narrow interpretation of Article 113 remains an impediment to the prosecution of labor trafficking cases that occur within Mongolia. Those convicted under Article 113 received sentences of six to 15 years’ imprisonment; in contrast, the

punishments given to five sex trafficking offenders who were convicted under Article 124 (forced prostitution) were considerably less severe: two were sentenced to one year's imprisonment and the remaining three have not yet been sentenced.

According to Mongolian law, criminal cases are only initiated upon a victim's complaint, and victims are required to assist in the prosecution of their traffickers. This requirement, along with the lack of mechanisms for protection of victims in Mongolia, including those who testify in court, causes many victims to refuse to report to police instances of trafficking out of fear of retribution from their traffickers, and restricts their ability to obtain restitution from courts. In partnership with local and international NGOs, the government provided anti-trafficking law enforcement and prevention training for judicial and law enforcement officials across the country. Using its own resources, the Mongolian government trained six police officers of Ulaanbaatar City on responding to reports of human trafficking, and also trained 50 staff of the General Agency for State Registration and Border Protection on prevention of trafficking. In October 2010, the government signed an agreement with Macau to share information and enhance law enforcement cooperation on human trafficking matters.

Corruption among law enforcement personnel remains a significant problem in Mongolia and a barrier to anti-trafficking progress. The government did not investigate or take disciplinary actions against law enforcement officers involved in this trafficking-related corruption.

Protection

During the reporting period, the government sustained modest efforts to protect victims of trafficking. Although government personnel did not employ formal and proactive victim identification procedures, they referred on an *ad hoc* basis 13 victims to an NGO shelter. The government provided \$14,400 in funding to this and several other NGOs during the year. The NGO reported assisting these victims, and identifying and assisting an additional 64 victims, most of whom were referred by friends and family members. During the year, the government reported cooperating with authorities in Turkey and China in the repatriation of Mongolian trafficking victims – five from Turkey and eight from China. The government did not provide specialized training to officials on victim identification. Victims were sometimes punished for unlawful acts committed as a direct result of their being trafficked, including children being arrested, detained, and prosecuted on prostitution charges. Officials sometimes did not refer trafficking victims to appropriate services. Foreign migrants who were not formally identified as trafficking victims were required to pay the fine for violation of their visa terms. Any foreigners formally identified as trafficking victims are not permitted to leave the country until conclusion of court proceedings, though no such cases were reported during the year.

During the year, the Mongolian consulate in Erlian, China – a key border crossing with Mongolia – opened a three-bed shelter with its own budget; the shelter reportedly

provided assistance to a number of Mongolian trafficking victims. The government did not run any other shelters for victims of trafficking, nor did it provide direct assistance to Mongolian trafficking victims repatriated from other countries or foreign victims of trafficking identified in Mongolia. Although the government encouraged victims to assist in the investigation and prosecution of trafficking offenders, Mongolian law continued to lack protection provisions for victims who served as prosecution witnesses, which put victims in danger. The Mongolian government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

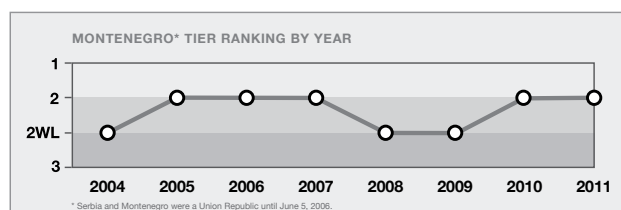
The Government of Mongolia continued modest trafficking prevention activities through partnerships with NGOs, international organizations, and foreign donors. Officials continued the distribution of NGO-sponsored passport and train ticket inserts on the dangers of trafficking and resources available for victims and expanded distribution of the pamphlet to all Mongolians traveling abroad. The government's National Plan of Action on Commercial Sexual Exploitation and Trafficking of Women and Children, first introduced in 2006, was updated to extend through 2012. The coordinating council mandated by the action plan met only annually and was generally ineffective; observers noted minimal coordination on anti-trafficking issues among agencies on a working level. In a new development, however, the government's National Security Council discussed human trafficking during a March 2011 meeting. The government sustained its production of public service announcements to raise public awareness about trafficking, in partnership and with funding from NGOs, and broadcast them on television channels. During the reporting period, the Mongolian government sustained partnerships with Kazakhstan and the OSCE to host an international workshop on trafficking. It did not however, make significant progress in registering the stateless ethnic Kazakh population in the western provinces of Mongolia. Also, the government did not take any measures during the reporting period to reduce the demand for commercial sex acts or address the problem of child sex tourism in the country. The government provided anti-trafficking training to Mongolian troops before their deployment on international peacekeeping missions.

MONTENEGRO (Tier 2)

Montenegro is a source, transit, and destination country for men, women, and children who are 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 subjected to sex trafficking in Montenegro. Roma children are coerced into street begging in the country; many of these children come from Albania, Kosovo, Serbia, and from within Montenegro. In prior years, there were reports that mainly foreign men and boys are subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are vulnerable to sex trafficking in other Balkan countries; at least one

Montenegrin girl was subjected to conditions of sex trafficking in Serbia during the reporting period. There were reports that some foreign women were forced to work in Montenegro.

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. Montenegro increased its law enforcement efforts and charged police officers for abuse of power in connection with a human trafficking case. Victim identification, however, remained weak; the government did not identify any trafficking victims this year. The government also deported large numbers of children caught begging without fully examining whether any were victims of trafficking.



Recommendations for Montenegro: Vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes in Montenegro, and convict and sentence trafficking offenders, including public officials complicit in trafficking; increase efforts to identify potential victims among vulnerable groups, such as 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; continue to ensure that the rights of trafficking victims are respected while victims are given care in shelters; improve protections for potential victim witnesses to empower more victims to testify against their traffickers; improve specific protections for child victims of trafficking, ensuring that the best interests of potential trafficking victims guide the care.

Prosecution

The Government of Montenegro continued to improve its law enforcement response to human trafficking in 2010, including by prosecuting three officers for complicity in human trafficking and engaging in robust trainings of officials. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment, or 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 and began the prosecutions of 22 trafficking suspects, an increase from 14 trafficking offenders investigated and prosecuted in 2009. In 2010, the government convicted 12 trafficking offenders, in contrast to 11 offenders convicted in 2009. These offenders were sentenced to between two and seven years in prison. Five of the offenders were convicted for sex trafficking and seven were convicted for labor trafficking. The Montenegrin authorities investigated and began the prosecutions of

three police officers who served as security guards in bars that facilitated human trafficking; the officers were charged with abuse of office in relation to human trafficking and facilitation of prostitution. The government conducted a wide variety of trainings this year. In July and September, Montenegrin authorities trained 48 labor inspectors and other officials on identifying labor trafficking. The police academy incorporated anti-trafficking training as a mandatory subject for all new trainees. In September 2010, the National Trafficking Coordinator's office held a regional training for judges and prosecutors. During the reporting period, the Montenegrin government extradited a trafficking suspect to Slovenia. The Montenegrin government collaborated with the governments of Serbia and Kosovo to investigate trafficking offenses.

Protection

The government displayed mixed protection efforts during the reporting period. The Coordinator fully funded an NGO shelter providing a range of services, including housing, medical, and psychological care to trafficking victims. The government provided \$152,000 to cover the operation of the trafficking shelter, an increase from \$109,200 funded in 2009. The government-funded shelter was a closed shelter; for their protection, victims may leave only if accompanied by chaperones. The government reported that one victim accepted the assistance program and stayed in the government shelter for several months. The government had continuing problems identifying victims of trafficking. The government did not proactively identify any trafficking victims this year, although an NGO identified one sex trafficking victim. Although the government conducted a large police operation aimed at suppressing child begging, in which it removed 192 children from the street, the government failed to identify any trafficking victims among them. The children collected in this operation were temporarily detained in a center for children and then deported, raising concerns about whether the potential victims were fully screened for trafficking indicators. Montenegro's Law of Foreigners allowed victims of trafficking to receive a temporary residence permit in Montenegro between three months and one year, though no victims received such a permit during the reporting period. In practice, victims of trafficking were not offered long-term legal alternatives to their removal to countries where they may face retribution or hardship. Under the government program, Montenegro encouraged victims to participate in prosecuting human trafficking cases by providing free legal aid to victims; NGOs report that, thus far, all victims have given statements to the police.

Prevention

The Government of Montenegro engaged in some prevention activities during the reporting period. The government declared October as anti-trafficking month and engaged in several awareness raising activities during that time, including sponsoring an anti-trafficking art contest for children, lectures in all primary and secondary schools in the country, and lectures and workshops on anti-trafficking at the Konik refugee camp. The government fully funded an NGO-run anti-trafficking hotline and aired an advertisement on commercial television for the hotline.

In February 2011, the Montenegrin government established a working group to monitor the implementation of the national strategy to combat trafficking in persons. The government had adopted a national action plan for 2010-2011; the National Coordinator established a group to develop a strategy for 2011-2016, soliciting advice from all stakeholders, including NGOs. The National Coordinator began increased monitoring and reporting; it published anti-trafficking law enforcement statistics on its website. The government provided anti-trafficking training to all Montenegrin troops prior to their deployment abroad on international peacekeeping missions.

MOROCCO (Tier 2)

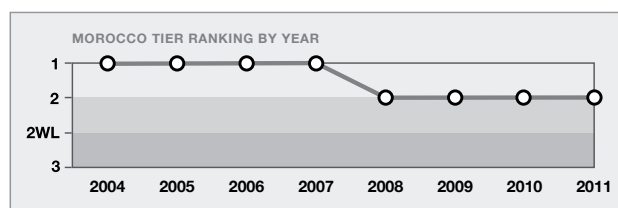
Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Children are trafficked within the country from rural areas to urban centers to work as maids, laborers, or beggars, or in prostitution. Moroccan girls as young as 6 or 7 years old from rural areas are recruited to work as child maids in cities, but often experience conditions of forced labor, such as nonpayment of wages, threats, and physical or sexual abuse, and restrictions on movement. 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 from sub-Saharan Africa, South Asia, and the Philippines 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. Most sub-Saharan African migrants reach Oujda, Morocco, generally via Algeria. Some migrant females are forced to become pregnant and beg in Oujda, as a pregnant woman or a woman with a baby is less likely to be deported; the traffickers are the "chairmen", or leaders, of *tranquillos*, which are abandoned dwellings where groups of the Sub-Saharan diaspora have taken residence, organized by tribe or nationality. Some of the female migrants in Oujda are subsequently forced into prostitution once they reach Europe. Sometimes, female migrants are transported to *tranquillos* in other cities, including Casablanca and then sold into prostitution networks. There is some domestic sex tourism in Morocco with sub-Saharan African victims in major cities. Trafficking and smuggling are organized in the country of departure, often with the assistance of family members, and some networks in Africa have linkages in Europe. Most female sex trafficking victims are Nigerian. Filipina women are increasingly working as maids in Morocco, with confiscated identity documents; this is one indication of domestic servitude.

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 significant efforts to do so. The government convicted one person who subjected a 12-year-old child domestic servant to forced labor, and continued offering protective services to Moroccan children who may have been trafficked. However, the government continued to lack overall progress in the following areas: convicting and adequately punishing trafficking offenders; proactively identifying trafficking victims among vulnerable groups; and ensuring that foreign trafficking victims are not subject to arrest and deportation. The government is not addressing the forced prostitution and forced labor of undocumented migrants in Morocco, and continues to conflate migrant smuggling with human trafficking.



Recommendations for Morocco: Draft and enact comprehensive anti-trafficking legislation that increases prescribed penalties for forced labor; significantly increase prosecutions and convictions of trafficking offenders, including convictions with more stringent penalties; 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; train judges 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; conduct public awareness campaigns, encompassing child sex tourism; and heed the recommendations of the IOM and UNHCR's 2010 report on human trafficking in Morocco.

Prosecution

The Government of Morocco made little progress in investigating trafficking offenses and punishing trafficking offenders during the reporting period. There is no comprehensive anti-trafficking law. Its Penal Code prohibits forced child labor through Article 467, and forced prostitution and child prostitution through Articles 497-499. 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.

In a well-publicized case, a 12-year-old child was found wandering the streets of Casablanca after escaping from a year of abuse and torture in domestic servitude, including bites, burns on her genitals, lacerations, and beatings. In August 2010, a court sentenced the perpetrator – a mother with two children – to one year of imprisonment and an approximate \$60 fine for aggravated assault and abuse of a child. Additionally, the Ministry of Justice reported that it convicted seven individuals for exploitation of children in begging and 80 individuals (including “clients”) for facilitating child prostitution in 2009 (the most recent year in which data was available); this is in comparison to the prosecution of 138 individuals for exploitation of a child for begging and 203 individuals for facilitating the prostitution of a child in 2008. It is unclear, however, how many, if any, of these prosecutions involved human trafficking offenses. The government did not report sentencing information. The government reported that it broke up 96 trafficking or smuggling “rings” in 2010, compared with 130 rings in 2009. However, the government made no distinction between migrant smuggling and trafficking, so it was unclear how many, if any, of these actions truly involved human trafficking. The Ministry of Social Development, Family, and Solidarity and the Ministry of Employment and Professional Training submitted two separate draft laws to the Secretary General of the government for consideration in early 2010 which address the issue of child domestic workers. The first bill would criminalize the employment of child domestic workers with high fines and prison sentences, criminalizing the family that employs the child, but also the family that sends the child, and any neighbors aware of the crime. The second bill would extend labor code coverage to all domestic workers, and would empower labor inspectors to enforce child labor laws in private residences. Neither bill has been introduced into Parliament.

The government provided a variety of trafficking training to law enforcement and judicial officials. For instance, judges and public prosecutors received trafficking-specific training during their initial training period. One government official noted that a reason for low levels of prosecutions is because judges are not well informed about human trafficking. There is no evidence of national government complicity in human trafficking, though some Moroccan policemen reportedly are directly involved in smuggling networks.

Protection

While the government continued to make some progress in protecting Moroccan child victims of trafficking found within the country, it made little efforts to protect Moroccan victims overseas and continued to treat foreign victims in Morocco poorly. Law enforcement personnel did not employ procedures to proactively identify trafficking victims among high-risk persons with whom they came in contact, nor did it have a referral process to transfer identified trafficking victims to protective services. Undocumented foreign trafficking victims were treated as

undocumented migrants, and therefore arrested, detained, and deported. These detained migrants, some of whom may have been trafficking victims, were usually left at the Algerian border, often without food or water, and were susceptible to being robbed, assaulted, and sexually abused by criminal gangs that operate in the area. There were no government-operated protective services for foreign trafficking victims, and civil society groups were prohibited from operating any such shelters because they would be considered to be harboring undocumented migrants. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. Morocco did not encourage victims to participate in investigations against their traffickers. Sub-Saharan African women who are forced into prostitution in Morocco were not likely to report crimes for fear of being treated as undocumented migrants and deported. The government disbursed approximately \$187,500 to 10 NGOs that worked against child labor in fiscal year 2010, compared to \$125,000 in fiscal year 2009. Some of these NGOs provided protective services to trafficking victims. 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 extent to which these entities helped trafficking victims, if at all, was not reported. The government did not provide medical and psychological care for undocumented migrants.

Prevention

The Moroccan government made few efforts to prevent human trafficking over the last year. The government did not undertake campaigns to raise awareness about human trafficking. An inter-ministerial group on trafficking met on a quarterly basis during the reporting period. Authorities made no discernible effort 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 birth certificates for all nationals, including children in isolated rural areas, and issued national identity cards for all citizens on their 18th birthday. The Moroccan government provided training on the issue of sex trafficking to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions. There has been no indication that the Moroccan government has implemented the legislative and policy recommendations enshrined in the IOM and UNHCR report on transnational human trafficking, which the government validated last year, as noted in the 2010 TIP Report. Morocco is not a party to the 2000 UN TIP Protocol.

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 laborers 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 forced domestic service and the sex trade. Young Mozambican men and boys are subjected to conditions of forced labor in South African farms and mines, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Women and girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude. In early 2010, police discovered a network trafficking 30 to 40 African, Asian, and Eastern European women and girls each month through Mozambique to South Africa; Chinese women trafficked as part of this ring arrived in Mozambique on container ships and were later sold for \$1,000. 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. The government prosecuted and convicted trafficking offenders for the first time under its 2008 anti-trafficking law. The government reported the arrests of 21 suspected trafficking offenders and 32 others on kidnapping and possible trafficking charges. The government increased prevention efforts, placing billboards in high-visibility locations, distributing 8,000 posters, and training local officials about legal remedies provided under the anti-trafficking law in the provinces of Sofala and Nampula. Despite these efforts, the government made minimal efforts to address official complicity in human trafficking and protect trafficking victims.



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; make greater efforts to prosecute, convict, and punish trafficking offenders, particularly those perpetrating forced labor and forced prostitution offenses; develop a formal system to proactively identify trafficking victims among vulnerable populations and a mechanism to refer victims to care; continue to build the capacity of the police anti-trafficking unit and victim support 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; develop a national action plan to coordinate government 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. Enacted in 2008, the Law on Preventing and Combating the Traffic in People prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, involuntary debt servitude, or the removal of body parts. Article 10 prescribes penalties of 16 to 20 years' imprisonment, penalties which are sufficiently stringent and exceed those for other serious crimes, such as rape. In 2010, the Provincial Court of Manica convicted six offenders in three separate cases under the anti-trafficking law for the attempted sale of three children into forced labor or commercial sexual exploitation. In one case, the court convicted and sentenced a trafficking offender to eight years' imprisonment for purchasing a child with the intent of subjecting the child to forced labor; the court also convicted the child's father and sentenced him to six years' imprisonment for selling his 7-year-old daughter in December 2009. In another case, the court sentenced three offenders to four, eight, and 12 years' imprisonment, respectively, for selling a foreign child into commercial sexual exploitation in May 2010. Another case involved the attempted labor trafficking of an elementary school-aged boy for which his trafficker was sentenced to two years' imprisonment.

The Criminal Investigative Police (PIC), a seven-member unit specialized in handling trafficking cases nationwide, reported the arrest of 21 alleged trafficking offenders and 32 others on kidnapping and possible trafficking charges; all of these cases have been sent to the Attorney General for trial. In 2010, the anti-trafficking brigade in Maputo, established in 2008 under the National Police, became operational, collaborating closely with the PIC in the arrest of suspected traffickers.

The government continued partnerships with NGOs to provide anti-trafficking seminars for new police officers throughout the country. Mozambique's Center for Judicial Training in Matola included a session on trafficking in all its provided trainings; during the reporting period the government provided 95 judges with such training. During the reporting period, there were reported cases of government officials facilitating trafficking and trafficking-related crimes. Traffickers commonly bribed law enforcement officials to allow their movement of trafficking victims internally and across national borders into South Africa and Swaziland, sometimes without passports. In February 2011, two policemen were arrested and investigated for allegedly accepting bribes and facilitating the movement of illegal migrants, some of whom were likely victims of human trafficking. The government did not report additional efforts to investigate, prosecute, convict, or sentence officials complicit in trafficking crimes.

Protection

The Mozambican government continued to show little progress in its efforts to protect victims. Implementing regulations for the non-criminal portions of the anti-trafficking law have not yet been issued, hindering the application of its protection and prevention provisions. Recognizing these gaps, the Minister of Justice in October 2010 tasked the Office for Technical Legal Reform to issue the necessary regulations. The government provided no funding to NGOs or international organizations assisting in 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. The government continued to lack formalized procedures for identifying potential victims of trafficking and referring them to organizations providing protective services. Women and Children's Victim Assistance Units (GAMCs), established by the National Police, continued to operate in police stations throughout the country and provided temporary shelter for and worked with regional social workers to counsel an unknown number of trafficking victims; during the reporting period, the National Police established 27 new units, with a total of 231 now in existence. Additionally, the Ministry of Interior, in collaboration with UNODC and the Southern African Regional Police Chiefs Organization, established a "train the trainer" program, placing 20 trainers across the country who will train GAMC staff on victim identification and referral to NGO services; this training has increased authorities' understanding of the scope of human trafficking, including the potential for men to be victims of trafficking. The Ministry for Women and Social Action (MMAS) provided reintegration assistance to three Mozambican trafficking victims who were repatriated from South Africa. The government encouraged victims to assist in the investigation and prosecution of traffickers. However, the government continued to deport foreign trafficking victims without screening them for possible victimization, and the lack of formal identification procedures impaired the government's ability to ensure that all trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. 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.

Prevention

The government demonstrated increased trafficking prevention efforts during the reporting period. There is no single national coordinating body and no national action plan to guide the government's anti-trafficking efforts. In May 2010, the GAMC, funded by IOM and the National Police, placed anti-trafficking billboards in high visibility locations such as Ressano Garcia and around Maputo's downtown bus terminal, both departure points for travelers bound for South Africa. In December 2010, in partnership with NGOs, the GAMC designed and published brochures warning against the dangers of trafficking for distribution in schools.

In January 2011, in Quelimane (Zambezia Province), the GAMC director launched a modest campaign to increase

public awareness by distributing 8,000 anti-trafficking posters to schools and community leaders, to direct presentations on trafficking. In November 2010, the Women's Caucus of the national legislature led a team of parliamentarians to the provinces of Sofala and Nampula to conduct training for local officials and to raise awareness about legal remedies provided under anti-trafficking, spousal protection, and family laws. Also in November, MMAS held its second annual National Conference on Women and Gender, which featured a session on trafficking. In July 2010, the Provincial Court of Zambezia convicted two offenders under the anti-trafficking law and sentenced them each to 20 years' imprisonment, a fine of \$13,200, and payment of court costs for the transport and kidnapping of a young boy whose eyes and genitals were later removed for use in a ritual practice in Malawi. Inspectors with the Ministry of Labor took little initiative to prevent or combat child labor and were unable to monitor child labor in outlying areas. Additionally, there were no mechanisms in place for making complaints regarding forced child labor. The Ministry of Tourism, in May 2010, co-hosted an international conference with an NGO on the dangers of child sex tourism; following this conference, several hotels and restaurants adopted a code of conduct on prevention of child sex tourism. The government did not take any significant measures to reduce the demand for commercial sex acts during the year.

NAMIBIA (Tier 2)

Namibia is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. Victims are lured by traffickers to urban centers and commercial farms with promises of legitimate work for adequate wages, but instead are forced to work long hours and carry out hazardous tasks; victims may also be beaten or raped by traffickers or third parties. Traffickers exploit Namibian children, as well as children from Angola, Zambia, and possibly Zimbabwe, through exploitative, and in some cases, forced labor in agriculture, cattle herding, domestic service, charcoal production, and in prostitution in Namibia. In some cases, Namibian parents unwittingly sell their children to traffickers. Other adults subject the children of their distant relatives to forced labor or sex trafficking. Small business owners and farmers may also commit trafficking crimes against women or children. Unconfirmed reports indicate that truck drivers recruit and transport Namibian women and children to South Africa, who may later be subjected to forced prostitution. Among Namibia's ethnic groups, San girls are particularly vulnerable to be trafficked for domestic servitude; during the reporting period, for example, a 22-year-old San girl – lured six years earlier with promises of education – was discovered in a situation of domestic servitude, suffering physical, sexual, and psychological abuse.

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. During the year, the government investigated cases of child and adult labor trafficking, and rescued child victims of labor trafficking. It prosecuted nine suspected traffickers though

Prosecution

The Government of Italy continued to proactively investigate and prosecute 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 2009, the government reported investigating 2,521 suspected trafficking offenders, resulting in the arrest of 286 people, compared with investigating 2,738 suspects, and arresting 365 people in 2008. Italian courts convicted 166 trafficking offenders in 2009, an increase from 138 convictions in 2008. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted under 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. In February 2011, investigators disrupted a criminal organization composed of three groups of Romanians and Italians suspected of trafficking in persons in Messina. Prosecutors requested the arrest of 40 individuals accused of recruiting, kidnapping, segregating, raping, and forcing Romanian victims into prostitution as well as threatening their relatives in Romania. The suspects reportedly also auctioned off the virginity of underage victims. Although the government continued to investigate acts of trafficking-related complicity involving police officers and other officials, it did not report any resulting prosecutions, convictions, or sentences. Specifically, the government did not report additional action in a case from December 2009 in which authorities arrested and charged two prison guards with exploitation of women in prostitution or a case from September 2007 involving an officer of the Italian consulate in Kyiv arrested for facilitating the trafficking of young girls for forced prostitution. In May 2010, officials arrested two police officers suspected of trafficking-related complicity in a night club in Pisa. In February 2011, judges set a trial date for Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan child; media reports indicate evidence of third party involvement in the case, indicating the girl was a victim of trafficking.

Protection

In 2010, the Government of Italy continued to provide comprehensive assistance to identified trafficking victims, primarily through the funding of NGOs by national, regional and local authorities. 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. While there are arrangements at the local level to help guide officials in identifying and referring trafficking victims, the government did not have formal procedures on the national level for all front-line responders in Italy. The

government did not provide information on the overall number of victims identified or the number who entered social protection programs during the year, though it reported that 527 victims obtained temporary residence visas in 2010, a decline from 810 victims who obtained such visas in 2009. The police reported identifying 640 victims of labor exploitation in 2010, compared to 410 identified in 2009. During the reporting period, government funding made available for social assistance programs for trafficking victims was approximately \$12.7 million. Eighty-three victims assisted law enforcement in the investigation of their traffickers. The Italian government does not have a formal reflection period during which trafficking victims can recuperate and decide whether to assist law enforcement, but rather informally grants one without it being limited to a finite number of days. A recent NGO report praised this informal reflection period, noting its "important results" when combined with comprehensive assistance provided to victims.

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. Further, in November 2010, the government approved a security package that provides for the return of foreign women in prostitution found on the street in violation of rules adopted by local authorities. Local and international experts continue to voice concerns that this commitment to expedited expulsion has prevented law enforcement authorities from adequately identifying potential victims of trafficking.

Prevention

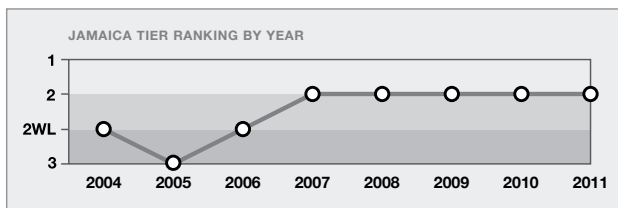
The Government of Italy demonstrated some efforts to prevent trafficking in 2010, but did not launch any new, comprehensive anti-trafficking campaigns to raise awareness or address demand for forced prostitution and forced labor during the reporting period. The Ministry for Equal Opportunity established a committee that included independent experts and NGOs to draft Italy's first national action plan on trafficking in 2010. Transparency in the government's anti-trafficking efforts was limited, however, as the government did not report publicly on its policies or various measures to address the problem. In September 2010, a federation of tour operators and trade unions presented its first report on child sex tourism: reportedly 78 percent of 130 tour operators informed their tourism clients about the need to respect children when traveling abroad; however, the report criticized Italian authorities for not enforcing child sex tourism laws. The Center of Excellence for Stability Police Units continued to organize training on human rights and trafficking for personnel who serve in international missions and the Italian armed forces regularly organize training to prevent the trafficking or sexual exploitation of women and children while troops are deployed abroad for any purpose.

JAMAICA (Tier 2)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. NGOs report that the most common form of

trafficking in Jamaica is sex trafficking, which allegedly occurs in night clubs, bars, and private homes. The populations most vulnerable to trafficking include women and children from poor and single-parent backgrounds. 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. NGOs have reported that child sex tourism is a problem in Jamaica's resort areas. In addition, massage parlors in 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 human trafficking indicators. Foreign victims have been identified in forced prostitution and domestic servitude in Jamaica. Jamaican children also may be subjected to forced domestic service and forced begging. An NGO working with street children reported that the forced labor of children in street vending is prevalent. There is evidence that foreign nationals are subjected to forced labor in Jamaica. Some Jamaican women, men, and girls have been subjected to forced labor or sex trafficking in Canada, the United States, the UK, countries throughout the Caribbean, and elsewhere.

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. The government made strides in investigating international sex and labor trafficking operations and initiated four new prosecutions. The government also made progress in identifying foreign victims. The government reported no convictions of trafficking offenders or any officials complicit in human trafficking during the reporting period, and there were few results regarding Jamaican citizen victims of sex trafficking or forced labor assisted in Jamaica.



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; enhance guidance and training to 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 18 in prostitution in night clubs, bars, and massage parlors) and their referral to adequate service providers; encourage partnerships between police and NGOs in Negril, Montego Bay, and other towns outside of Kingston, fostering more referrals of Jamaican victims and prosecution of cases; continue to develop victim protection services for children; 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 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 Jamaican Constabulary Force has a specialized anti-trafficking unit, which conducted 14 human trafficking raids and investigations. Officials initiated four new prosecutions of sex trafficking offenders during the reporting period. Six additional prosecutions from the previous reporting period remained ongoing. The government reported no convictions of trafficking offenders or any officials complicit in human trafficking. One alleged trafficking offender undergoing prosecution fled the country on bail. The government provided in-kind assistance to an OAS training event on human trafficking awareness; the national anti-trafficking task force identified the need for continued sensitization and education of government officials.

Protection

The government made some progress in the protection of trafficking victims during the reporting period. The government identified eight foreign victims of sex trafficking, including two children, and seven foreign forced labor victims during the year. The Office of the Children's Advocate released a report in 2010 that documented the government's identification of at least 16 child trafficking victims in 2009. Government officials reportedly employed formal procedures to proactively identify victims of trafficking and to refer them to organizations providing services. The government continued to work with NGOs on preparations to make operational a shelter equipped to protect Jamaican and foreign trafficking victims during the reporting period. The Government of Jamaica reportedly attempted to return child victims to their families or referred them to foster homes. It also directly operated facilities that could house child trafficking victims, though some of these facilities also served as juvenile detention centers. At least eight foreign victims received shelter provided by the government or by NGOs that receive some government funding as well as psychological care and medical services. Despite scarce resources, the government reportedly spent \$176,470 on victim protection and assistance in 2010, including the refurbishing and furnishing of the government-owned shelter. Four victims identified during the reporting period chose to assist in the prosecution of their offenders. The Jamaican government did not penalize victims for immigration violations or other unlawful acts committed as a direct result of being in forced prostitution or forced labor. During the year, the government developed formal guidance for immigration officials, advising them not to deport foreign victims.

Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. The government acknowledged Jamaica's trafficking problem, and the government's anti-trafficking task force sustained partnerships with NGOs in coordinating anti-trafficking activities and implementing the national anti-trafficking action plan. The Office of the Children's Advocate raised awareness about the prostitution of children and other forms of child trafficking and served as a monitoring mechanism regarding the government's efforts to address child trafficking. Immigration officials also conducted some anti-trafficking outreach targeted toward Jamaicans traveling overseas, and the national anti-trafficking task force made several presentations to the public in tandem with the launch of a book about people in prostitution in Jamaica. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking. The government charged a foreign visitor that was alleged to have engaged in child sex tourism in June 2009 with carnal abuse, which actually carries higher penalties than child sex tourism. The Office of the Director of Public Prosecutions indicated that the accused would face trial in May 2011.

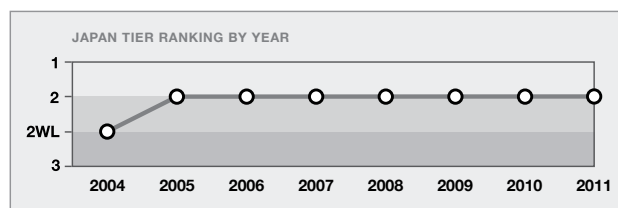
JAPAN (Tier 2)

Japan is a destination, source, and transit country for men, women, and children subjected to forced labor and 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, and in previous years, Eastern Europe, Russia, South America, and Latin America who travel to Japan for employment or fraudulent marriage are forced into prostitution. During the reporting period, there was a growth in trafficking of Japanese nationals, including foreign-born children of Japanese citizens who acquired nationality. 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. Government and NGO sources report that there was an increase in the number of children identified as victims of trafficking. Japanese organized crime syndicates (the *Yakuza*) are believed to play a significant role in 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 as high as \$50,000 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 added to their original debt, and the process that brothel operators used to calculate these debts was not transparent. Some of the victims identified during the reporting period were forced to work in exploitative conditions in strip clubs and hostess bars, but were reportedly not forced to have sex with clients. Japan is also a transit country for persons trafficked

from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia.

Although the Government of Japan has not officially recognized the existence of forced labor within the Industrial Trainee and Technical Internship Program (the "foreign trainee program"), the media and NGOs continue to report abuses including debt bondage, restrictions on movement, unpaid wages and overtime, fraud, and contracting workers out to different employers – elements which contribute to situations of trafficking. The majority of trainees are Chinese nationals who pay fees of more than \$1,400 to Chinese brokers to apply for the program and deposits – which are now illegal – of up to \$4,000 and a lien on their home. An NGO survey of Chinese trainees in Japan, conducted in late 2010, found that workers' deposits are regularly seized by the brokers if they report mistreatment or attempt to leave the program. Some trainees also reported having their passports and other travel documents taken from them and their movements controlled to prevent escape or communication.

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. Although Japan provided a modest grant to IOM for the repatriation of foreign victims identified in Japan, the government's resources dedicated specifically to assist victims of trafficking were low, particularly relative to Japan's wealth and the size of its trafficking problem. During the year, the government published a manual for law enforcement and judicial officers on identifying trafficking victims and developed a Public Awareness Roadmap to increase prevention of trafficking in Japan. The government also reported some efforts to punish and prevent trafficking of women for forced prostitution. Nonetheless, the government made inadequate efforts to address abuses in the foreign trainee program despite credible reports of mistreatment of foreign workers. Although the government took some steps to reduce practices that increase the vulnerability of these workers to forced labor, the government reported poor law enforcement against forced labor crimes and did not identify or provide protection to any victims of forced labor. In addition, Japan's victim protection structure for forced prostitution remains weak given the lack of services dedicated specifically to victims of trafficking.



Recommendations for Japan: Dedicate more government resources to anti-trafficking efforts, including dedicated law enforcement units, trafficking-specific shelters, and legal aid for victims of trafficking; consider drafting and enacting a comprehensive anti-trafficking law prohibiting all forms of trafficking and prescribing sufficiently stringent

penalties; significantly increase efforts to investigate, prosecute, and assign sufficiently stringent jail sentences to acts of forced labor, including within the foreign trainee program, and ensure that abuses reported to labor offices are referred to criminal authorities for investigation; enforce bans on deposits, punishment agreements, withholding of passports, and other practices that contribute to forced labor in the foreign trainee program; continue to increase efforts to enforce laws and stringently punish perpetrators of forced prostitution; make greater efforts to proactively investigate and, where warranted, punish government complicity in trafficking or trafficking-related offenses; further expand and implement formal victim identification procedures and train personnel who have contact with individuals arrested for prostitution, foreign trainees, or other migrants on the use of these procedures to identify a greater number of trafficking victims; ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; 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 by making them free and actively informing victims of their availability; and more aggressively investigate and, where warranted, prosecute and punish Japanese nationals who engage in child sex tourism.

Prosecution

The Japanese government took modest, but overall inadequate, steps to enforce laws against trafficking during the reporting period; while the government reportedly increased its law enforcement efforts against forced prostitution, it did not report any efforts to address forced labor. Japan does not have a comprehensive anti-trafficking law, but Japan's 2005 amendment to its criminal code, which prohibits the buying and selling of persons, and a variety of other criminal code articles and laws, could be used to prosecute some trafficking offenses. However, it is unclear if the existing legal framework is sufficiently comprehensive to criminalize 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. During the reporting period, the government reported 19 investigations for offenses reported to be related to trafficking, resulting in the arrest of 24 individuals under a variety of laws, including immigration and anti-prostitution statutes. Given the incomplete nature of the government's data, it is not clear how many of these involve actual trafficking offenses. The government convicted 14 individuals of various trafficking-related offenses, though most were convicted under statutes other than those for human trafficking crimes. Of these 14 convicted offenders, six received non-suspended jail sentences ranging from 2.5 to 4.5 years plus fines, six received suspended jail sentences of approximately one to two years plus fines, and one was ordered to only pay a fine. Ten cases were not prosecuted for lack of evidence. These law enforcement efforts against sex forms of trafficking are an increase from the five convictions reported last year. The National Police Agency (NPA), Ministry of Justice, Bureau of Immigration, and

the Public Prosecutor's office regularly trained officers on trafficking investigation and prosecution techniques, including training programs conducted by IOM and NGOs. In July 2010, the government distributed a 10-page manual to assist law enforcement, judicial and other government officers in identifying and investigating trafficking offenses and implementing victim protection measures.

Nonetheless, Japan made inadequate efforts to criminally investigate and punish acts of forced labor. Article 5 of Japan's Labor Standards Law prohibits forced labor and prescribes a penalty of one to 10 years' imprisonment or a fine ranging from \$2,400 to \$36,000, but is generally limited to acts committed by the employer. A July 2010 government ordinance bans the practices of requiring deposits from applicants to the foreign trainee program and imposing fines for misbehavior or early termination. Despite the availability of these prohibitions, however, authorities failed to arrest, prosecute, convict, or sentence to jail any individual for forced labor or other illegal practices contributing to forced labor in the foreign trainee program. The government investigated only three cases of suspected forced labor during the reporting period. Most cases of abuse taking place under the foreign trainee program are settled out of court or through administrative or civil hearings, resulting in penalties which are not sufficiently stringent or reflective of the heinous nature of the crime, such as fines. For example, in November 2010, the Labor Standards Office determined that a 31-year-old Chinese trainee officially died due to overwork; although he had worked over 80 hours per week for 12 months preceding his death without full compensation, the company received only a \$6,000 fine as punishment and no individual was sentenced to imprisonment or otherwise held criminally responsible for his death.

In addition, the government failed to address government complicity in trafficking offenses. Although corruption remains a serious concern in the large and socially accepted entertainment industry in Japan, which includes the prostitution industry, the government did not report investigations, arrests, prosecutions, convictions, or jail sentences against any official for trafficking-related complicity during the reporting period.

Protection

The Government of Japan identified more victims of sex trafficking than last year, but its overall efforts to protect victims of trafficking, particularly victims of forced labor, remained weak. During the reporting period, 43 victims of trafficking for sexual purposes were identified, including a male victim – an increase from the 17 victims reported last year, though similar to the number identified in 2008 (37), and lower than the number of victims identified in each of the years from 2005 to 2007. Japanese authorities produced a manual entitled, "How to Treat Human Trafficking Cases: Measures Regarding the Identification of Victims" that was distributed to government agencies in July 2010 to identify victims of trafficking. 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 nonconsensual exploitation of the migrants. It is also unclear if this

manual led to the identification of any victims and whether it was used widely throughout the country. Some victims were reportedly arrested or detained before authorities identified them as trafficking victims. Japan failed to identify any victims of forced labor during the reporting period despite ample evidence that many workers in the foreign trainee program face abuses indicative of forced labor. The government has no specific protection policy for victims of forced labor and it has never identified a victim of labor trafficking. Moreover, services provided to identified victims of trafficking for forced prostitution were inadequate. Japan continues to lack dedicated shelters for victims of trafficking. Of the identified victims, 32 received care at government shelters for domestic violence victims – Women’s Consulting Centers (WCCs) – but these victims reportedly faced restrictions on movement outside of these multi-purpose shelters, and inadequate services inside them. Due to limitations on these shelters’ space and language capabilities, WCCs sometimes referred victims to government-subsidized NGO shelters. For instance, due to the government’s continued lack of protection services for male victims of trafficking, the one male victim identified during the reporting period received services at an NGO shelter. IOM provided protection to 20 foreign victims of trafficking during the reporting period with government funding. Although the government paid for victims’ psychological services and related interpretation costs in the WCC shelters, some victims at NGO shelters did not receive this care. A government program exists to pay for all medical services incurred while a victim resides at the WCC, but the system for administering these services is not well organized and, as a result, some victims of trafficking did not receive all available care. The government-funded Legal Support Center provides *pro bono* legal services to destitute victims of crime, including trafficking victims, but information about available service was not always provided to victims in the government and NGO shelters. If a victim is a child, the WCC works with a local Child Guidance Center to provide shelter and services to the victim; the government reported that one victim was assisted in this manner during the reporting period. Furthermore, while authorities reported encouraging victims’ participation in the investigation and prosecution of their traffickers, victims were not provided with any incentives for participation, such as the ability to work or otherwise generate income. In addition, the relative confinement of the WCC shelters and the inability of victims to work led most victims to seek repatriation. A long-term residency visa is available to persons identified as trafficking victims who fear returning to their home country, but only one person has ever applied for or received this benefit.

Prevention

The Japanese government made limited efforts to prevent trafficking in persons during the reporting period. The Inter-ministerial Liaison Committee continued to meet, chaired by the cabinet secretary, and agreed on a “Public Awareness Roadmap” and released posters and distributed brochures aimed at raising awareness of trafficking. More than 33,000 posters and 50,000 leaflets were distributed to local governments, police stations, community centers, universities, immigration offices, and airports. NGOs,

however, reported that this campaign had little effect and failed to reach the consumers of commercial sexual services. The Immigration Bureau conducted an online campaign to raise awareness of trafficking and used flyers to encourage local immigration offices to be alert for indications of trafficking. In July 2010, the government amended the rules of the foreign trainee program to allow first-year participants access to the Labor Standards Office and to ban the use of deposits and penalties for misbehavior or early termination, in order to prevent conditions of forced labor within this program and provide increased legal redress to participants of the program. The government did not report its efforts to enforce the ban on deposits and it is unclear whether the new rules contributed to a reduction in the number of cases of misconduct committed by the organizations that receive the interns. NGO sources report that brokers have instructed participants to deny the existence of these deposits or “punishment agreements” to Japanese authorities. The government continued to fund a number of anti-trafficking projects around the world. For years, a significant number of Japanese men have traveled to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Japan has the legal authority to prosecute Japanese nationals who engage in child sex tourism abroad and arrested one man under this law in February 2011; a total of eight persons have been convicted under this law since 2002. Japan is not a party to the 2000 UN TIP Protocol.

JORDAN (Tier 2)

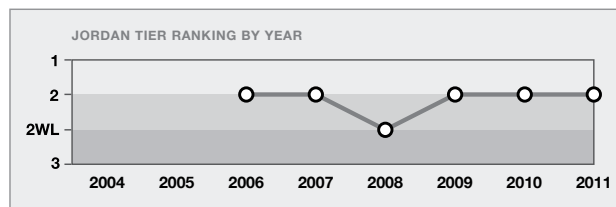
Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Small numbers of Jordanian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. 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. 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. Approximately 480 Filipina, Indonesian, and Sri Lankan domestic workers, most of who had fled conditions indicative of forced labor, were sheltered at their respective embassies in Amman at the conclusion of the reporting period. In March 2011, the Government of Jordan announced it would allow the legal recruitment of domestic workers from Vietnam in light of continued bans imposed

by the Indonesian and Philippine governments against the employment of their nationals in Jordan. The Aqaba Special Economic Zone Authority, governed under separate labor regulations, allows the recruitment of domestic workers from Ethiopia, Nepal, Kenya, and Ghana.

Chinese, Bangladeshi, Indian, Sri Lankan, Nepali, and Indonesian men and women encounter conditions indicative of forced labor in a few of the Jordanian garment sector's factories, including unlawful withholding of passports, delayed payment of wages, forced overtime, and, to a lesser extent, verbal and physical abuse. Observers noted a decrease in the holding of factory workers' passports by factory managers during the year, possibly due to increased awareness of criminal prohibition of this practice. While garment sector employees may enjoy greater freedom of movement as a result, continued bureaucratic difficulties in accessing legal remedies to complaints of abuse and in legally transferring from one employer to another may contribute to this group's vulnerability by encouraging illegal employment. In 2010, the garment workers' union received 450 individual complaints from workers of labor abuses, compared to 1,444 filed in 2009, a sharp decrease that may indicate some improvements in labor conditions in the garment sector. During the year, NGOs and the media reported that unlawful practices in Jordan's agricultural sector – such as passport confiscation, nonpayment or underpayment of wages, forced overtime, and possibly debt bondage – led to conditions of forced labor for some Egyptian and, to a lesser extent, Syrian workers. Egyptian migrant workers may also experience forced labor in the construction and building maintenance sectors. Moroccan, Tunisian, and Eastern European women are reportedly subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. Jordan's airports may be transit points for South and Southeast Asian men and women *en route* to employment opportunities in other Middle Eastern countries, where some experience labor exploitation after arrival.

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, it demonstrated progress in enforcing regulations restricting garment sector employers from withholding their workers' passports, responding to labor complaints made by factory workers, waiving migrant domestic workers' accumulated overstay fines, and punishing a small number of individuals for crimes of forced labor against domestic workers. Despite these efforts, the government demonstrated overall decreased commitment to combat human trafficking, as once effective structures became moribund. Several government reshuffles, limited capacity in key ministries, and a general lack of inter-ministerial coordination and cooperation prevented Jordan from capitalizing upon the solid anti-trafficking legal and strategic framework established in the previous reporting period. The government accomplished little to implement its national anti-trafficking action plan in 2010, and did not finalize guidelines for establishing and operating a facility to provide shelter and other forms of assistance to trafficking victims. It failed to enforce its bylaws that provide standards for employing domestic workers and operating recruitment agencies, and did not launch an

anti-trafficking public awareness campaign. To the extent the government worked to combat forced labor, it is almost exclusive emphasis on conditions in garment factories left abused workers in other sectors – particularly domestic service and agriculture – without viable means of recourse or assistance.



Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, convict, and sentence trafficking offenses, especially those involving the forced labor of domestic, garment factory, and agricultural workers; increase penalties for forced labor offenses; implement an awareness campaign to educate the general public, as well as foreign migrant workers in all sectors, on the nature of 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 available to trafficking victims to include the availability of adequate shelter; strengthen efforts to proactively identify victims of forced labor and forced prostitution and 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 to 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 increased efforts to prosecute and punish trafficking offenders during the reporting period. Police officials, however, did not always view withholding passports and nonpayment of wages as indicators of human trafficking. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of six months' to 10 years' imprisonment for forced prostitution, child trafficking, trafficking of women and girls, and trafficking crimes involving other aggravating circumstances; these penalties are sufficiently stringent, though 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 \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties, such as fines of up to \$1,400, for labor violations committed against Jordanian or foreign workers, including forced labor violations; these penalties also are not sufficiently stringent.

Over the last year, the government investigated and prosecuted several cases involving forced labor and forced prostitution. The Public Security Department (PSD) reported its investigation of 12 cases involving the exploitation of domestic workers and referral of six cases to the courts. The Jordanian government reportedly used the anti-trafficking law to convict and sentence six individuals in 2010 for crimes involving the exploitation of domestic workers. Three defendants – all owners of recruitment agencies – were sentenced in unrelated cases in March and May 2010 to six months' imprisonment and a \$1,410 fine for forcing runaway domestic workers to illegally work on a daily basis for various employers while collecting their wages. In September and October 2010, courts in Madaba and Amman, respectively, convicted and sentenced to one year's imprisonment and a \$1,410 fine two female employers for forcibly hiring out their domestic workers to their neighbors and illegally collecting the payments. In late 2010, a third female employer was convicted for the same crime and received an identical sentence. In addition, the Higher Criminal Court in Amman commenced the prosecution of a domestic worker's employer on charges of human trafficking and rape. In early 2011, three additional cases were filed in Amman and one in Zarqa involving the alleged exploitation of migrant domestic workers; these prosecutions remained pending at the close of the reporting period. Contrary to previous reporting, the government has not concluded the prosecution of two suspected trafficking offenders for forcing two Tunisian women into prostitution. Two cases pending in Amman courts at the close of the previous reporting period – the prosecution of an employer who allegedly confined a Sri Lankan domestic worker to the house without pay for more than 10 years and the prosecution of a man charged with the sexual assault of his domestic worker – remained pending final judicial decisions. The government made no efforts, however, to prosecute forced labor abuses in other sectors, including against those employers suspected of withholding workers' passports as a means of keeping workers in situations of forced labor. The government provided anti-trafficking training to some officials through its police training academy and a training program for labor inspectors.

Protection

The government made inadequate efforts to protect victims of trafficking during the last year; it did not provide any specialized services to trafficking victims. The government reportedly identified 12 potential victims of domestic servitude during the reporting period; it is unclear what services it provided, if any, to these victims. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. The working group established in 2009 under the National Committee for the Prevention of Human Trafficking to draft bylaws to serve as the legal framework for operating shelters for trafficking victims did not formulate and receive approval for these bylaws during the reporting period. The Committee also failed to approve the Ministry of Social Development's (MOSD) management and resource plan for operating a shelter. The MOSD shelter for abused women accepted some foreign victims of trafficking in 2010; however, this shelter lacks sufficient capacity and

services specific to trafficking victims. During the year, the Ministry of Labor rented hotel rooms for some garment sector workers pending investigations of labor complaints, but reported that funds for this purpose were limited; none of these investigations resulted in criminal proceedings in 2010. In contrast, unidentified victims were generally kept in administrative detention pending deportation or, in the case of domestic workers, sometimes sought refuge at their respective embassies, as Jordanian law enforcement and social welfare authorities did not employ systematic procedures to proactively identify victims of trafficking among vulnerable populations.

Most detained foreign domestic workers, even those who claimed abuse, were not screened for victimization. For example, in June 2010, preventative security cadres in Zarqa governorate raided a house used as a brothel and arrested seven Asian males and six females, some of who had previously worked as maids; government authorities determined that the women were not potential trafficking victims and prosecuted all 13 individuals for prostitution violations. 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 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; several local observers indicate that the majority of such accusations are unfounded. In early 2011, the PSD granted residency permits to nine migrant domestic workers being held by a recruitment agency, forced to perform illegal day labor, and denied wages; these residency permits, however, did not allow the victimized workers to seek alternate employment. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them, and did not provide lawyers for alleged victims to pursue criminal or civil cases against their employers. The threat of detention due to expired residency documents and the lack of special work permits and visas that would allow trafficking victims to remain legally in Jordan made it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking.

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 disincentive to remain in Jordan and pursue legal action against traffickers. During the year, the Ministry of Interior (MOI), in consultation with an *ad hoc* committee comprised of government and private sector representatives, waived the accumulated overstay penalties levied against some "runaway" foreign domestic workers in order to repatriate them. Others, however, remained in detention for prolonged periods as they were either unable to pay these fines or were subject to a lengthy and highly bureaucratic process to obtain a waiver, which could take in excess of two years; the government failed to screen detained out-of-status migrant workers for victimization. In March 2011, the cabinet granted a 50 percent reduction in foreign domestic workers' accumulated overstay fines and provided a two-month grace period to pay these fines. In April 2011,

the cabinet announced a two-month amnesty for Filipina, Sri Lankan, and Indonesian domestic workers to apply for both a waiver of the entirety of their accumulated overstay fines and a new work permit. This amnesty was then extended in May 2011 until mid-June.

While foreign workers in garment sector factories were not liable for overstay fines, for which the government instead held their sponsoring employer accountable, the Ministry of Interior reportedly deported foreign factory workers rather than investigating their claims of labor violations. The Ministry of Labor (MOL) made some headway 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. The government did not provide long-term shelter to trafficking victims, although the PSD provided residency permits in the one aforementioned case.

Prevention

The government's efforts to prevent trafficking decreased during the reporting period. It did not conduct any information or education campaigns beyond the labor inspectorate's provision of brief awareness raising workshops for workers in garment factories. As a result, awareness of human trafficking and the appropriate treatment of domestic workers remained low among the general population. The National Committee for the Prevention of Human Trafficking 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 meetings were not consistently held during the reporting period, greatly limiting its effectiveness. The government made little effort to enforce its two bylaws enacted in 2009 that provide standards for employing domestic workers and operating recruitment agencies; their implementation was partially hindered by the unclear nature of some of the regulations, as well as the inability of the labor inspectorate to monitor effectively domestic servants' workplaces. The government also made no effort to rectify weaknesses in the bylaws, including the requirement that the worker obtain the employer's permission to leave the house; if a domestic worker flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. A standardized contract for the employment of domestic workers, which is required by law, was not consistently implemented. Unlike the previous reporting period, the government provided no information regarding its closure of or fines issued against recruitment agencies for failure to comply with the labor law or recruitment agency bylaw.

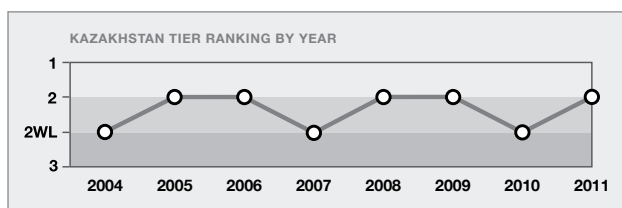
The MOL continued operation of a hotline to receive labor complaints, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contended that every complaint was investigated. NGO and private sector contacts reported that the hotline provided better assistance to factory workers than to domestic helpers, as after-hours calls required a complainant to leave a message and be called back. The MOL Labor Inspectorate conducted regular

night inspections of garment sector factories, and contacts confirmed these inspections were being carried out. The government has not issued regulations governing work in the agricultural sector, leaving the Ministry of Labor without a clear mandate to investigate possible labor violations within this field. Labor inspectors issued an unknown number of fines for labor violations in some garment factories. In contrast to past years, the government did not provide information as to whether administrative courts heard cases of wage nonpayment and provided compensation to aggrieved foreign workers. Additionally, labor regulations prevented the three-person inspectorate dedicated to addressing abuses against domestic workers from investigating private homes when they doubled as workplaces for domestic workers. The MOL undertook two nationwide child labor inspection and education campaigns during the reporting period, covering a total of 900 workplaces, which included brief lectures on the laws governing child labor in Jordan. While these inspections resulted in an unknown number of fines and warnings for employers found to be using child labor, it is unclear whether the children were screened for victimization by forced labor and what assistance, if any, was provided them. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. 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 conditions of forced labor. Kazakhstani women and children are subjected to sex trafficking in the United Arab Emirates (UAE), Russia, China, Turkey, Azerbaijan, Greece, Indonesia, and Israel. 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 subjected to sex trafficking in urban areas of the country. Kazakhstani men, women, and children as well as men from Uzbekistan, Kyrgyzstan, Tajikistan, Mongolia, and Nigeria are subjected to conditions of forced labor in domestic service, cattle breeding and pasturing and also in the harvest of tobacco and cotton in Kazakhstan.

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 significantly decreased the use of forced child labor in the cotton harvest, increased law enforcement efforts against human trafficking, passed a law strengthening penalties for convicted child sex trafficking offenders, and increased victim identification. However, it failed to effectively screen migrants for 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.



Recommendations for Kazakhstan: Increase efforts to identify foreign victims of both forced prostitution and forced labor, including through expanded training of police officers and government officials in victim identification and assistance; work to ensure that foreign victims of trafficking receive assistance; increase efforts to identify labor trafficking victims, including by ensuring that authorities screen for potential victims of forced labor among those detained during immigration raids and refer those identified as victims for assistance; investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish any complicit officials; continue efforts to prevent the use of forced labor during the cotton and tobacco harvests; continue to increase the number of victims who receive government-funded assistance by increasing funding to anti-trafficking NGOs; conduct trafficking awareness campaigns aimed at reducing the demand for both labor trafficking and commercial sexual exploitation; and continue to strengthen the capacity of police, prosecutors and judges to investigate, prosecute, and adjudicate trafficking cases.

Prosecution

The government of Kazakhstan demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3)(b), 126(3)(b), 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. Kazakhstan amended its penal code in 2010, adding Article 132-1 which strengthens punishments for child sex trafficking offenders. Police investigated 88 trafficking cases in 2010, a significant increase from 49 investigations in 2009. Authorities prosecuted 48 cases in 2010, compared with 35 prosecutions in 2009. A total of 32 trafficking offenders were convicted in 2010, an increase from 24 such convictions in 2009. The government convicted 29 offenders for sex trafficking offences in 2010, an increase from 21 sex trafficking convictions in 2009, and convicted three offenders for forced labor offences in 2010, the same number as in 2009. Five convicted traffickers received parole and served no time in prison. Twenty-seven convicted offenders received sentences ranging from two to 14 years' imprisonment. The Kazakhstani police, in cooperation with foreign donors, provided training in trafficking investigation techniques and victim identification procedures for 79 migration and criminal police officers and provided training for Kazakhstani law enforcement officers in Mongolia, Russia, Qatar, Turkey, Austria, the UAE, Belarus, and Armenia. It also provided in-kind assistance for NGO trainings for government officials. Police jointly investigated two trafficking cases with Russia and one with the UAE. Despite

anecdotal reports of individual police officers complicit in trafficking and with close associations with traffickers, the government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking.

The government demonstrated efforts to address the allegations of forced child labor in the 2010 TIP Report. The South Kazakhstan *oblast* government – the region in Kazakhstan where the majority of cotton is grown – issued several directives that explicitly prohibited the use of child labor (including forced child labor) during the 2010 fall cotton harvest. The Department of Education also inspected local schools to ensure they were not closed by local officials during the cotton harvest. Labor inspectors conducted inspection checks of cotton and tobacco fields and found no evidence of forced labor. NGOs in the region reported that the use of forced child and forced adult labor decreased significantly from the previous year. There were no reports of government officials complicit in forced labor in the cotton or tobacco harvests in 2010; however, the government did not pursue any prosecutions or convictions of government officials complicit in forced labor in the cotton or tobacco harvests of 2009.

Protection

The Government of Kazakhstan made some progress in identifying and protecting trafficking victims in 2010; however, the government identified only one foreign labor trafficking victim, despite being a recognized destination for foreign victims of forced labor. Although migration police reported screening illegal migrants detained during immigration raids, these efforts did not result in the identification of any trafficking victims. In 2010, thousands of migrants were deported without being screened for potential victims of trafficking. In 2010, the government identified 82 victims of trafficking, including 13 victims of forced labor, compared with 59 victims of trafficking, including 12 labor trafficking victims, identified in 2009. Of those identified, nine were foreign victims, including two victims of forced labor, an increase from three foreign victims identified in 2009. The government provided funding in the amount of \$70,000 for the provision of food, shelter, clothing, transportation, and other services for all identified victims; this was a decrease from the \$84,000 in funding the government provided for the same purposes in 2009. In total, 134 trafficking victims, including 49 victims of forced labor, were assisted by IOM, privately funded NGOs, and government-funded programs in 2010. The government fully funds one NGO-run shelter for trafficking victims, which assisted 40 victims, including nine foreign victims, in 2010. The local government of Almaty partially funds another NGO-run shelter, which assisted 33 trafficking victims, including 18 foreign trafficking victims. Shelters are open to all trafficking victims and provide legal, psychological, and medical assistance; however, some foreign victims of trafficking are unable to access medical assistance due to a lack of health insurance or temporary residency permits. Adult trafficking victims were permitted to freely enter and leave the shelters. Some child trafficking victims were held in juvenile detention centers until they were cleared of charges. In 2010, the government adopted a measure that permitted victims of serious crimes, including

trafficking victims, to receive government compensation. The government encouraged victims to participate in trafficking investigations and prosecutions. Foreign victims who agreed to cooperate with law enforcement were permitted to remain in Kazakhstan for the duration of the criminal investigation; this temporary residency status did not permit trafficking victims to work during the investigation. The government did not report how many foreign victims received temporary residence permits in 2010. The government did not offer victims longer-term residency; all victims were forcibly repatriated, either after a short recuperation period or after their service as a prosecution witness was completed. Although some victims cooperated with authorities during the initial investigation, some victims refused to testify in court for fear of retribution from traffickers. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked; however, unidentified victims may have been deported or prosecuted for immigration or other violations. Authorities provided one victim with repatriation assistance in 2010, a result of a joint investigation with law enforcement officials in the UAE.

Prevention

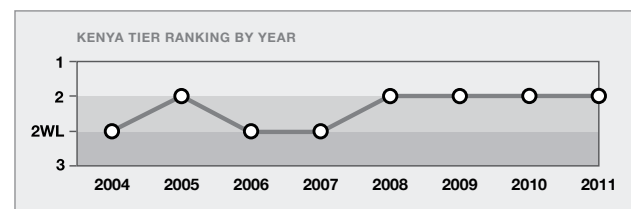
The government increased its prevention efforts during the reporting period, including an awareness campaign by local officials targeted at employers in the cotton or tobacco harvests. The government supported a number of anti-trafficking efforts, including at least 191 newspaper articles and 73 videos on human trafficking. The government ran anti-trafficking campaigns on passenger trains and a hotline for trafficking victims. NGOs received \$64,200 from the national government and \$11,800 from local governments for trafficking prevention activities, including a second trafficking hotline. This represents an overall increase from \$63,000 provided to NGOs for prevention activities in 2009. The government provided in-kind contributions for a program designed to reduce demand for sex trafficking.

KENYA (Tier 2)

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, Kenyan children are forced into domestic servitude, sex trafficking – including involvement in the coastal sex tourism industry – and labor in agriculture (including on flower plantations), fishing, cattle herding, street vending, and bars. Traffickers, who gain poor families' trust through familial, tribal, or religious ties, fraudulently recruit children through offers to raise and educate them and women through offers to place them in lucrative employment. Kenyan men, women, and children voluntarily migrate to other East African nations, Europe, and the Middle East – particularly Saudi Arabia – in search of employment, where they are trafficked into domestic servitude, massage parlors and brothels, and forced manual labor, including in the construction industry. Children from Burundi, Ethiopia, Rwanda, Somalia, Tanzania, and Uganda are subjected to forced labor and sex trafficking in Kenya. Chinese, Indian, and

Pakistani women reportedly transit Nairobi *en route* to exploitation in Europe's sex trade.

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 enacted comprehensive anti-trafficking legislation and convicted and punished two trafficking offenders. It expanded the reach and effectiveness of its hotline, launched a campaign against child trafficking, provided legal representation for child sex trafficking victims, and established an anti-trafficking office in the Ministry of Gender, Children, and Social Development. It failed, however, to finalize or implement its national plan of action, address trafficking complicity among law enforcement officials, or provide adequate anti-trafficking training to its officials, including diplomats, police, labor inspectors, and children's officers.



Recommendations for Kenya: Use the new anti-trafficking legislation to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; finalize necessary regulations and put in place appropriate structures to implement the victim protection provisions in the anti-trafficking statute; provide additional awareness training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; institute trafficking awareness training for diplomats posted overseas; engage foreign governments on improving legal protections for Kenyan workers to render them less vulnerable to trafficking; and approve and implement the national action plan.

Prosecution

The government's anti-trafficking law enforcement efforts significantly increased during the reporting period; for the first time, it provided statistics on such efforts for inclusion in this report. In July 2010, the Kenyan parliament held its third reading of the Counter-Trafficking in Persons Bill and, in October, the president signed it into law. 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 addition, 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). These sections, however, are not widely used by prosecutors.

The government reported 236 investigations, 10 prosecutions, and six convictions of trafficking offenders during the reporting period, though only two of the convictions actually involved human trafficking offenses. In September 2010, for example, a Nairobi court charged a Tanzanian national and his Kenyan wife under the Children's Act with utilizing unlawful child labor and illegal harboring, for allegedly abducting children from Tanzania and forcing them to beg on the streets of Nairobi; both were convicted and sentenced to two years' imprisonment. In June 2010, police in Kitale apprehended a man suspected of trafficking children from Kenya's Trans-Nzoia and Bungoma Districts to the Sudanese towns of Juba and Torit for use in the sex trade; the status of this case is unknown. Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police, immigration, or labor officials were complicit in, received bribes to overlook or provide lighter penalties for, or obstructed investigations of human trafficking. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of trafficking during the reporting period. The government did not provide anti-trafficking training to law enforcement officials during the reporting period.

Protection

The government increased its identification of trafficking victims and tracking of victim protection data during the year. As guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed, the government continued to lack both a mechanism for identifying victims of trafficking among vulnerable populations and a formal referral process to transfer victims to NGOs for assistance; it maintained no record of the number of victims referred by government officials to service providers during the year. It reported, however, that police, children's officers, and labor officers identified 236 trafficking victims in 2010, though it remains unclear how many received protective services. In 2010, the Ministry of Gender, Children, and Social Development's 450 children's officers – officials charged with advocating for children's rights and obtaining services for children in need – coordinated the work of 2,427 local Children's Advisory Committees, which worked in partnership with police to combat child trafficking, monitor institutions providing services to children, and advance awareness of human trafficking at the local level. During the reporting period, children's officers also reportedly participated in trafficking investigations and provided counseling to victims. In Mombasa, children's officers served on the management committee of the Rescue Center, a shelter for sex trafficking victims, and provided case assessments and service referrals for victims. The Ministry of Gender and a local NGO continued to jointly operate a 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse. The hotline is located in a government-owned building and staffed,

in part, by children's officers who facilitated rescues and made referrals to appropriate district officials. During the reporting period, the hotline received 100 reports of child trafficking, including child prostitution, and more than 350 related to child labor. In early 2010, the government established a national steering committee to manage the hotline that, in collaboration with an international NGO, opened additional call centers in the North Eastern and Rift Valley Provinces to better connect children with locally-available victim services. The Ministry of Gender also operated four referral centers located in Mombasa, Malindi, Eldoret, and Garissa that provided counseling and guidance services, as well as referrals to other centers for children who could not return home; it is unknown whether these centers provided such services to trafficking victims during the year.

In contrast to its care for child trafficking victims, the government provided few services – including shelter, medical care, or psycho-social counseling – to trafficked adults, with the exception of some Kenyan victims identified in Saudi Arabia. The Kenyan embassy in Riyadh provided assistance, including with repatriation, to at least one victim 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 Foreign Affairs, which demonstrated greater responsiveness to trafficking issues in 2010 than in previous years, funded travel costs in the amount of \$600 for the one victim returning from Saudi Arabia. While the government reports that it encourages Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not provide information on such instances. It did not inappropriately incarcerate or otherwise penalize identified Kenyan victims for unlawful acts committed as a direct result of being trafficked. Police, however, reportedly arrested foreign trafficking victims for engaging in prostitution or being in Kenya without valid identity documents; in most cases, they 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 the victim would face hardship or retribution upon repatriation. In 2010, Kenyan police actively cooperated with Ugandan authorities to repatriate both Kenyan and Ugandan child trafficking victims to their respective countries.

Prevention

The government made progress in its efforts to prevent human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, met three times during the reporting period; however, the five-year National Action Plan on Human Trafficking it drafted in the previous reporting period was not approved in 2010. In addition, the national steering committee formed 32 anti-trafficking sub-committees at the county level that identified cases of abuse and reported them to the local district commissioner. In June 2010, the Ministry of Gender established an Office in Charge of Counter-Trafficking to coordinate the national

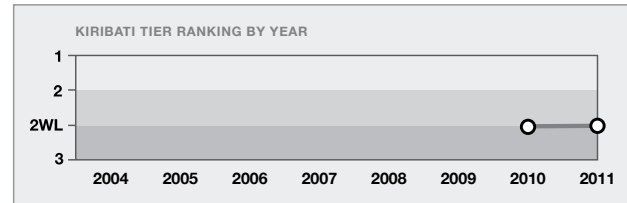
steering committee, build the capacity of stakeholders, and serve as a liaison between the government and NGOs. During the year, the Ministry of Gender's Children's Department conducted an anti-trafficking art and essay campaign, entitled "Stop Child Trafficking," in educational institutions; religious leaders and parents participated in these programs. In partnership with various donor-funded programs, labor officers, children's officers, social workers, chiefs, health officials, police, and religious leaders identified and withdrew an unknown number of children from forced labor situations during the reporting period. District-level child labor committees, which exist in approximately 30 out of 180 districts, in conjunction with local Children's Advisory Committees, raised awareness of child trafficking and labor among local populations. According to the Ministry of Gender, the government successfully prosecuted and punished 2,920 child labor violations during the year, but it failed to provide data regarding which penalties were applied or if the fines were ever collected. The Ministry of Labor, which is required by law to review and attest to all employment contracts for individuals legally migrating to work overseas, verified an unknown number of contracts in 2010; migrant workers, however, often left Kenya before their contracts had been reviewed and approved. In September 2010, the Ministry of Labor convened Kenya's first tripartite consultative workshop on decent work conditions for domestic workers. The government took measures to reduce its child sex tourism problem by launching a national code of conduct for the tourism sector in April. Also in April, police reported their ongoing investigations of four suspected child sex tourists from the Netherlands, United Kingdom, and Spain and the pending prosecution of a fifth tourist by British courts for child prostitution offenses allegedly committed in Kenya; in 2010, the Government of Kenya spent \$75,000 to hire legal representation for the child victims in this case. In 2010, the Malindi Stakeholders Network, chaired by the district commissioner, organized an anti-trafficking music festival for area schools that involved children composing songs on the topic of human trafficking.

KIRIBATI (Tier 2 Watch List)

Kiribati is a source country for girls subjected to sex trafficking. Crew members on Korean and perhaps other foreign fishing vessels in Kiribati or in its territorial waters exploit prostituted children on board their vessels. Some girls also are prostituted in bars frequented by crew members. Local I-Kiribati, sometimes family members, but also taxi drivers and owners of small boats, knowingly facilitate trafficking by transporting underage girls to the boats for the purposes of prostitution. The girls generally received cash, food, or goods in exchange for sexual services.

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. While the government worked with UNICEF to begin a radio show on the commercial sexual exploitation of children to raise public awareness of sex trafficking, it made few other efforts. The government did not define

labor or sex trafficking offenses in Kiribati law, make any efforts to proactively identify victims of trafficking or establish formal procedures for the identification of trafficking victims and the referring of these victims to protective services, investigate or prosecute any suspected trafficking offenders, or work with NGOs or international organizations to provide protective services to victims. Additionally, authorities did not investigate or prosecute foreign crewmen for the commercial sexual exploitation of children within its territory, or identify or assist any victims of trafficking during the year; therefore, Kiribati is placed on Tier 2 Watch List for a second consecutive year.



Recommendations for Kiribati: Publicly recognize and condemn incidents of trafficking of children for commercial sexual exploitation; develop and implement a definition for labor and sex trafficking offenses, and make efforts to train officials and front-line officers on trafficking; investigate, prosecute, and punish trafficking offenders; investigate and prosecute foreign crewmen for the commercial sexual exploitation of children; proactively identify and assist victims of trafficking; work with NGOs or international organizations to provide protective services to victims; establish formal procedures to identify and refer trafficking victims to protective services; and expand anti-trafficking information and education campaigns.

Prosecution

The Government of Kiribati failed to demonstrate any meaningful law enforcement efforts to combat human trafficking during the reporting period. Kiribati's 2005 criminal code criminalizes all forms of trafficking, and prescribes penalties of up to 15 years' imprisonment, which are sufficiently stringent. The law also provides protection for victims of trafficking from prosecution for crimes committed as a direct result of being trafficked. The law's lack of a definition of sex or labor trafficking, however, obstructed law enforcement officers from rescuing victims or arresting trafficking offenders on trafficking charges due to the lack of a clear understanding of the crime. The government did not make any efforts to investigate, prosecute, or convict trafficking offenders during the year. Government officials did not have an understanding of trafficking, and authorities made no effort to provide training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders.

Protection

The Government of Kiribati made no discernible progress in identifying or protecting trafficking victims during the reporting period. The government did not identify any trafficking victims, and did not report any efforts

to proactively identify victims during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact. The Kiribati government did not provide any victim care facilities for trafficking victims, and does not have any formal arrangements or mechanisms in place to provide trafficking victims with access to legal, medical, or psychological services. An NGO group reported helping child sex trafficking victims to access counseling and health services during the reporting period. The Kiribati government has not developed or implemented a referral process to transfer victims 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 relies on NGOs and international organizations to provide services to victims of crime.

Prevention

The government made some efforts to prevent trafficking or raise public awareness of the dangers of trafficking. In January, the Ministry of Internal and Social Affairs worked with UNICEF to begin a public outreach through a weekly radio show on the commercial sexual exploitation of children. The government did not provide any specialized training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period.

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. 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 Korean border, reportedly working with Chinese and North Korean border guards to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. In some cases, friends, neighbors, and village acquaintances transfer them to traffickers. Some vulnerable 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 trafficked into involuntary servitude, through forced marriages to Chinese men, often of Korean ethnicity, into forced prostitution in brothels, or the Internet sex industry. Some are forced to serve as hostesses in nightclubs and karaoke bars. Many victims are unable to speak Chinese and are held as prisoners by their traffickers. If found by Chinese authorities, victims are deported back to North Korea where they may face harsh punishment, and may be subject to forced labor in DPRK labor camps.

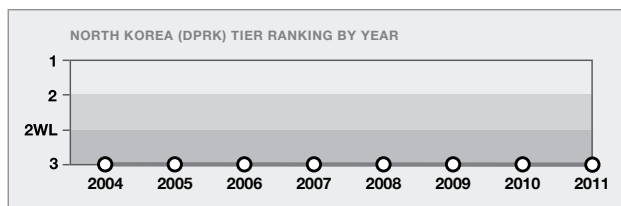
NGOs and researchers estimate that thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans have been trafficked, but their status in China as illegal economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. Reports indicate corruption exists involving North Korean border guards facilitating cross-border movement, particularly involving traffickers and professional border crossers.

Within North Korea, forced labor is part of an established system of political repression. North Koreans do not have a choice in the work the government assigns them and are not free to change jobs at will. The North Korean government is directly involved in subjecting North Koreans to forced labor in prison camps. An estimated 150,000 to 200,000 persons are held in political prison camps in remote areas of the country; many of these prisoners were not duly 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 recruits workers for work abroad under bilateral contracts with foreign governments, including in Russia; countries in Africa; Central and Eastern Europe; and East and Southeast Asia, including Mongolia; and the Middle East. There are credible reports that many North Korean workers sent abroad by the government under these contracts are subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." Credible reports state that they face threats of government reprisals against them or their relatives in North Korea if they attempt 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 receive a fraction of the money paid to the North Korean government for their work. Tens of thousands of 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. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home, in a coercive tactic by North Korean authorities to compel their labor. 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.

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 has denied explicitly that human trafficking

is a problem. Authorities do not differentiate between trafficking and illegal border crossing, and victims are punished for violation of migration laws. The government contributes to the problem of trafficking through its harsh restrictions on emigration, its poor economic and food situation, and through its forced labor prison 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: Improve the poor economic, social, political, and human rights conditions in North Korea that create an enabling environment for human trafficking; recognize human trafficking as a problem in North Korea, and one that is distinct from human smuggling; cease the practice of forced labor in prison and detention facilities; institute systematic victim identification procedures to identify and protect victims of trafficking; provide assistance to victims of trafficking and forge partnerships with international organizations and NGOs to aid in this effort; and cease the systematic punishment of trafficking victims in forced labor camps.

Prosecution

The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government continues to deny the existence of trafficking as a problem. The country's penal code prohibits crossing the border without permission; this provision, however, is used against both traffickers and trafficking victims. 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 labor correction. Other provisions of North Korean law could be used to prosecute trafficking offenses, such as prohibitions on abduction; for example, Article 289 of the Penal Code criminalizes the abduction of children and Article 290 criminalizes the abduction of individuals or groups; both articles carry a penalty of up to 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. There were no known prosecutions or convictions during the reporting period against trafficking offenders. Nonetheless, there was evidence that DPRK authorities enforced laws that seek to limit all cross-border migration, including refugee outflows, which often end up harming trafficking victims and perpetrators alike. Reports indicate that more restrictions were imposed on leaving North Korea during the last year, and there are reports of more severe punishments being imposed on

those who seek to leave the country and those who are forcibly returned after having successfully left illegally. Reports by North Korean defectors include instances of the government punishing traffickers, including execution; however, NGO reports indicate that the "traffickers" may include activists or professional border crossers who assist North Koreans voluntarily leaving for China.

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 individuals as victims of trafficking or to assist trafficking victims. The government did not ensure that trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. On the contrary, victims undergo severe punishment by the authorities if caught attempting to cross the border or if deported back to North Korea by Chinese officials. While authorities screened repatriated North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, they did not make a distinction between trafficking victims and illegal migrants. North Koreans forcibly repatriated by Chinese authorities, including a significant number of 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. Sentences in these prison camps may range from one month to several years, and victims may continue to face discrimination once released. 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 may brutally kill infants born to repatriated victims while in prison. Government authorities provided no discernible protection services to victims of trafficking and did not permit indigenous NGOs to operate in North Korea; the few international NGOs allowed in the DPRK were not permitted to assist trafficking victims. The government neither encouraged victims to assist in investigations against their traffickers nor provided legal alternatives to removal to countries in which the victim may face severe hardship or retribution.

Prevention

North Korean authorities made no efforts to prevent human trafficking during the reporting period. Internal conditions in the DPRK prompted many North Koreans to flee the country, making them particularly vulnerable to human trafficking. Although press reports indicated that border security increased during the reporting period, there was no evidence that the government attempted to prevent human trafficking by screening migrants along the border, nor did the government differentiate between trafficking and illegal migration or defection. The government may have cracked down on official corruption that facilitates cross-border trafficking, however there are reports that corruption among border officials continued to facilitate trafficking. 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.

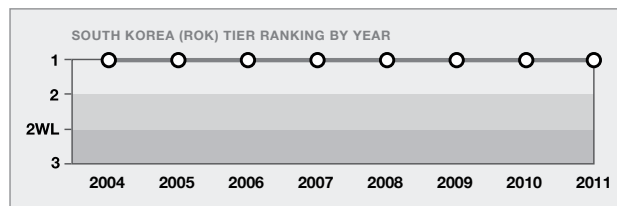
KOREA, REPUBLIC OF (Tier 1)

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 recruited for employment or marriage in the ROK, and subjected to forced prostitution or forced labor. Some foreign women who entered the country on entertainment visas, were trafficked for forced 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 upon arrival in the ROK or when running away from abusive spouses; some brokers reportedly charged up to \$20,000 from Korean clients. The use of debt bondage was common among sex trafficking victims, and employers and brokers often found ways to compound victims' debt. Many of these women also faced nonpayment of earnings, withholding of their passports, and restrictions on their movements. 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. According to government authorities, South Korean teenagers are increasingly exploited in prostitution; particularly runaways, more than 95 percent of commercial sexual exploitation of children in South Korea is arranged over the Internet.

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 Employment Permit System (EPS). While protections were implemented for EPS workers, observers claimed the EPS assigns excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. Migrant workers commonly 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. Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government reported significant efforts to prevent trafficking during the reporting period, including through anti-trafficking public awareness campaigns targeting vulnerable groups, such as teenagers at risk of commercial sexual exploitation and foreign wives in South Korea. South Korea also maintains an extensive network of victim protection services throughout the country, and works in cooperation with NGOs to provide care to identified victims of trafficking. In addition, South Korea allocated significant resources to protecting victims of trafficking and continued to train law enforcement and other government officials on trafficking in persons.

The government's efforts to investigate labor trafficking remained relatively weak, however, and the government did not institute formal procedures to proactively identify victims of trafficking.



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; ensure that convicted traffickers receive jail sentences for trafficking offenses; develop and implement formal victim identification procedures to proactively identify trafficking victims among vulnerable populations, including women arrested for prostitution and illegal immigrants; make greater efforts to identify victims of forced labor among migrant workers, such as those who file complaints of unpaid wages; 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 were 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. The government also reports using other criminal statutes related to kidnapping and juvenile protection to prosecute and punish trafficking offenses. During the reporting period, government authorities reported investigating 40 cases under the Act on the Punishment of Acts of Arranging Sexual Traffic; however, this resulted in only six convictions – a significant decrease from the 17 convictions reported last year – with only four traffickers serving prison sentences ranging from 18 months to two years; two trafficking offenders received only fines as punishment. Authorities investigated 43 cases under the Labor Standards Act, but reported only one indictment and no convictions or sentences for forced labor. The government reported 338 investigations under other statutes related to trafficking, resulting in 110 indictments, 68 convictions, and 37 prison sentences. The Ministry of Employment and Labor (MOEL) received over 9,000 complaints from migrant workers of \$19 million in unpaid wages and reported helping resolve 96 percent of these cases; the ROK did not, however, report investigating any of these complaints for forced labor. During July and

August 2010, ROK police authorities conducted a special crackdown on illegal international marriage brokers, arresting 761 for illegal operations and indicting 399 of them. Korean authorities also continued to train law enforcement and other government officials on trafficking and created a standardized training program on sex trafficking prevention. There were some reports police officers took bribes from brothel owners in exchange for prior notice about police raids; the government did not, however, report any law enforcement efforts against official complicity in trafficking offenses. During the reporting period, the government upgraded its data collection system to provide more detailed information on human trafficking prosecutions.

Protection

The Government of the Republic of Korea sustained robust efforts to protect trafficking victims during the reporting period, but its victim protection efforts were weakened by its lack of formal proactive victim identification procedures across the government. In 2010, the government spent approximately \$16.8 million to protect sex trafficking victims, mainly by providing financial support to NGOs offering shelter, counseling, medical and legal assistance, and rehabilitation services. The government also operates one shelter for foreign victims of sex trafficking, but did not report the number of victims assisted at this facility during the reporting period. The government expanded its extensive network of support centers for foreign wives and runaway teenagers, which offer support such as counseling in various languages, legal advice, and referral to medical services and shelters. Although the government continues to lack a formal system to proactively identify victims of trafficking among vulnerable groups, there were 76 victims identified in 2010, 26 of whom were identified by government authorities and all of whom were victims of sex trafficking. Foreign sex trafficking victims may receive temporary relief from deportation under the G-1 visa system, which allows them to remain in South Korea for up to one year to participate in investigations against their traffickers. Victims reportedly may apply for employment authorization under the G-1 visa, but NGO and other sources report that, in practice, the government has not authorized any existing G-1 visa holder to work pending an investigation or prosecution. The government did not report issuing a G-1 visa to any victim during the reporting period. Foreign victims of trafficking are offered legal alternatives to removal to countries in which they may face hardship or retribution. North Korean victims of trafficking may receive refugee settlement services. MOEL operated seven Migrant Workers' Centers nationwide to assist foreign workers in 15 different languages and the Seoul Metropolitan City Government maintained six similar centers; during the reporting period, the Seoul City Government opened its first migrant center with shelter facilities that would appear to be accessible to male victims of trafficking. However, the ROK government did not report efforts to proactively identify victims of trafficking during large crackdowns on illegal immigrants during the reporting period. As a result of the government's lack of proactive victim identification procedures and relatively less awareness of labor trafficking than of sex trafficking, victims of forced labor may have been arrested and

deported for crimes including illegal immigration without receiving any protection services.

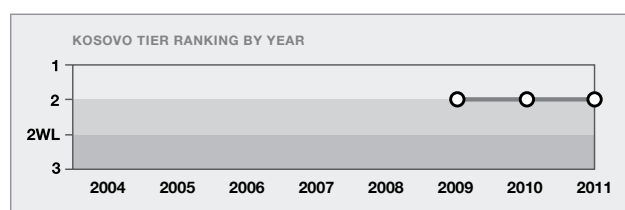
Prevention

The ROK government took steps to prevent trafficking during the reporting period, though these efforts focused primarily on sex trafficking. The government continued to conduct a wide variety of campaigns to raise awareness of trafficking in South Korea, targeting particularly vulnerable groups such as teenagers and foreign wives. In December 2010, the Ministry of Gender Equality and Family (MOGEF) developed training materials on sex trafficking for juveniles for distribution in schools and to public officials. MOGEF also launched the "Youth Keeper" program to notify police authorities when Internet sites were being used to arrange the prostitution of children and operated 77 shelters for runaway teenagers to reduce their vulnerability to commercial sexual exploitation. In addition, MOGEF ran specific campaigns to raise trafficking awareness among foreign wives, including messages publicizing the Emergency Support Center for Migrant Women on buses, electronic billboards, subways, and in foreign language publications. The Ministry of Foreign Affairs and Trade (MOFAT) also hosted pre-departure trainings for Koreans participating in working-holiday programs in Australia on their vulnerability to sex trafficking. 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. According to reports from destination countries, South Korean men continue to be a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. In response to reports in recent years that South Korean men engage in sex tourism, MOFAT continued to run public awareness campaigns against prostitution overseas, but during the reporting period, the government did not prosecute any Korean nationals for engaging in child sex tourism abroad or make other efforts to reduce the demand for this practice. The ROK government provided anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions. The Republic of Korea is not a party to the 2000 UN TIP Protocol.

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. 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 within Kosovo and also in countries throughout Europe. NGOs reported that child beggars were vulnerable to forced labor in Kosovo. Police continue to report that internal trafficking involving Kosovar Serbs may also occur in north Kosovo. IOM reported that for the fifth year in a row, it had assisted more victims of internal trafficking than victims of transnational trafficking.

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 elevated its anti-trafficking police section to directorate status and more than tripled the number of anti-trafficking investigations. It identified more trafficking victims than in prior years and offered a comprehensive range of government-funded services to those victims. All certified victims of trafficking participated in criminal investigations this year. The government's prevention efforts were very strong; it conducted a diverse and innovative trafficking awareness raising campaign in the fall of 2010. Trafficking cases were slow to resolve, however, and the rate of conviction was lower than in prior years. Challenges in victim identification persisted this year, as the government identified an average of one victim for every 10 raids conducted, and few victims of trafficking were identified among a highly vulnerable population of child beggars. Finally, there were investigations and prosecutions of public officials for complicity in trafficking, but there were no convictions.



Recommendations for Kosovo: Proactively prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; enhance effectiveness of victim identification during the raid procedures by thoroughly and consistently employing the standard operating procedures; enhance investigation of forced labor offenses; increase detection and protection for victims of forced begging in Kosovo; ensure that illegal migrants are screened for potential victims of trafficking prior to deportation; and continue public awareness campaigns, including campaigns about the risks of begging.

Prosecution

The Government of Kosovo demonstrated clear progress in law enforcement efforts in 2010, despite continuing problems with the resolution of cases through the judiciary. 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, with a sentence of 20 years' imprisonment available for organizers of trafficking crimes. These punishments are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. During the reporting period, Kosovo authorities elevated the anti-trafficking section to a directorate, improving the specialized section's access to resources for combating trafficking. The section's elevated status included an approximate 50 percent increase in law enforcement officers assigned to investigate trafficking. Nonetheless, the police reported continued difficulties in staffing available positions with minority, ethnic Serbian law enforcement officers, which would enable the police to conduct more

effective outreach in North Kosovo. The Kosovo Special Prosecutor's Office's specialized task force on organized crime, corruption, and trafficking reached full staffing in February 2010.

In 2010, Kosovo authorities conducted 194 investigations, a significant increase from 63 investigations in 2009. Kosovo's judiciary, however, faced challenges at all levels and those limitations affected convictions and sentences. In 2010, authorities began prosecutions of 81 offenders in 28 new cases, in contrast to 25 trafficking offenders prosecuted in 2009. The government reported 11 convictions of sex trafficking offenders, in contrast to 22 convictions the prior year. No labor trafficking offenders were convicted this year. All trafficking offenders received jail terms this year; two received sentences of three years' imprisonment, five received sentences of two years, one received a sentence of more than one year, two received sentences of six months, and one received a sentence of three months. In a marked improvement over the prior year, all officially identified trafficking victims cooperated with investigations and gave statements to the police. Although victims were able to file civil suits against traffickers, no victims did so this year. The government continued to provide anti-trafficking training to law enforcement and border police, including 155 new police recruits. In December, the authorities trained 323 customs and border officials to identify potential victims of trafficking.

There were internal police investigations of four officers for complicity in trafficking in persons. Prosecution proceedings continued against four border police and one municipal official for involvement in trafficking. The government, however, reported no convictions or sentencing of government officials complicit in human trafficking.

Protection

The Kosovo government demonstrated mixed efforts on victim protection, providing a comprehensive range of services for victims but still facing challenges in victim identification. During the reporting period, the government drafted and adopted the Minimum Standards of Care for Victims of Trafficking, strengthening ties between the victim shelters, unifying standards for services, and establishing common reporting forms. The Kosovo government supported nine shelters that accommodated trafficking victims, including a specialized shelter for children and a high security trafficking-specific shelter. Through these shelters, the government provided care such as housing, medical care, clothing, counseling, and legal and educational assistance. The Kosovo police identified and assisted 39 victims of trafficking, including several children, and referred them for services in the shelters, an increase from the 27 victims it identified in 2009. The government reported that trafficking victims were permitted to leave the shelters at will. In total, the government of Kosovo provided \$216,234 for victim care this year. The Kosovo authorities developed programs for the long-term reintegration and rehabilitation of trafficking victims. For example, the government provided tax incentives for businesses that provided employment for victims of trafficking; two trafficking victims were

employed under the program. Nevertheless, international experts expressed concerns that there were insufficient care and rehabilitation options for child victims of trafficking who did not want to return to their families, members of which had often contributed to their initial trafficking.

In 2009, international experts reported problems with the government's victim identification procedures. This year, in conducting raids of over 300 bars and cafes, the government officially identified only 39 victims. The government justified the high number of raids as, in part, a prevention tool, claiming the large number of raids ensured that trafficking victims understood that law enforcement officials were available to help in cases of exploitation. In these raids, the government reported that police officers followed established standard operating procedures. Under these procedures, Kosovo officers enlisted the support of victims' advocates and social workers at the interview of any trafficking victim. NGOs reported that the implementation of the referral mechanism improved during the year. Nevertheless, according to one NGO, the government did little to identify children in begging as victims of trafficking, despite reports that they were highly vulnerable to exploitation. Instead, vulnerable children from outside of Kosovo were deported prior to formal victim identification and care. The Kosovo Police Anti-Trafficking Directorate and social workers from the Ministry of Labor and Social Welfare conducted a pilot project during the reporting period to assess whether there were victims of trafficking among the vulnerable population of child beggars. The project initially catalogued nearly one hundred child beggars in a database with photos and family details, but did not identify any victims of trafficking among the group of children formally assessed.

Prevention

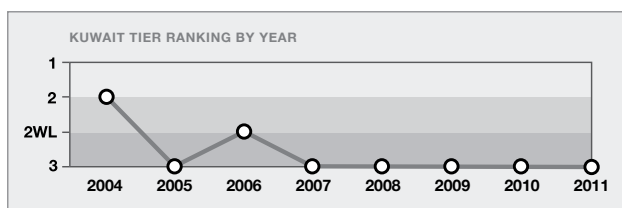
The Government of Kosovo demonstrated strong prevention efforts this year, including creative, broad-impact public awareness raising campaigns and strengthened national coordination activities. During September and October 2010, the Government of Kosovo funded and implemented a multi-faceted awareness raising campaign, including televised public debates on trafficking trends and challenges, anti-trafficking SMS messages sent to more than one million mobile phone subscribers, anti-trafficking television and radio broadcasts, a national billboard campaign, anti-trafficking artistic shows in schools, and anti-trafficking leaflets and posters distributed at all border points. From March to May 2010, the Ministry of Education, Science, and Technology conducted anti-trafficking trainings for 125 elementary and secondary school teachers on victim identification and preventing trafficking. 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 Government of Kosovo's National Anti-Trafficking Secretariat implemented a database during the reporting period to monitor information from government sources, NGOs, and international organizations on human trafficking. The system enabled the government to track both victims of trafficking through rehabilitation or repatriation and trafficking offenders

throughout the criminal process. The government produced and broadcast a television spot and a radio campaign aimed at reducing demand for commercial sex.

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, most of them in the domestic service, construction, and sanitation sectors. Although most of these migrants enter Kuwait voluntarily, upon arrival some are subjected to conditions of forced labor by their sponsors and labor agents, 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 Kuwait has 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 recruitment 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 government did not enact its draft comprehensive anti-trafficking law, though a subcommittee-approved bill has been on the parliament's agenda since November 2009 without being debated. Kuwait's victim protection measures remain weak, particularly due to its lack of proactive victim identification procedure and continued reliance on the sponsorship system, which causes victims of trafficking to be punished for immigration violations rather than protected. However, government officials participated in training on trafficking issues. The government also did not make significant progress in fulfilling other commitments made since 2007, such as enacting the draft domestic workers' bill to provide domestic workers with the same rights as other workers or establishing a large-capacity permanent shelter for victims of trafficking. The government similarly made only minimal efforts to prevent trafficking in persons during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a fifth 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; establish procedures to proactively identify victims of human trafficking, especially among the female domestic worker population; 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; and continue to expand on existing anti-trafficking training to law enforcement and judicial officials.

Prosecution

The Government of Kuwait made few discernible efforts to significantly improve its law enforcement efforts against trafficking during the reporting period. The government still has not enacted a comprehensive anti-trafficking bill that has been on the parliament agenda since November 2009. Despite the continued absence of a comprehensive anti-trafficking law, other provisions of the Kuwaiti Criminal Code could be used to punish trafficking offenses. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. 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. Nonetheless, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers during the reporting period for either forced labor or forced prostitution. Media sources report that one man was sentenced to death for kidnapping, raping, and selling a girl for sex against her will in December 2010. In February, a media source highlighted the arrest of the owner of an apartment where eight runaway domestic workers were forced into prostitution. The case has been referred to the attorney general, but the disposition was not final at the end of the reporting period. Although withholding workers' passports is prohibited under Kuwaiti law, this practice reportedly remains common as a means of obtaining foreign workers' forced labor, yet the Government of Kuwait has demonstrated no genuine efforts to enforce this prohibition. The government remains reluctant to prosecute Kuwaiti citizens for trafficking offenses despite allegations that trafficking in Kuwait largely 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. Kuwait also made minimal efforts to address government complicity in trafficking offenses; during the reporting period, media sources report that four government officials were arrested for an unknown period of time for illegally importing workers and one Kuwaiti police officer was arrested for raping a runaway domestic worker in a detention center. The Ministry of Interior and IOM trained ministry officials, police officers, and judges on trafficking in persons during the reporting period. Kuwait should significantly increase its efforts to prosecute and criminally punish trafficking offenses, including forced labor and forced prostitution.

Protection

During the year, Kuwait made inadequate efforts to protect victims of trafficking. The government continued to lack formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution. Kuwait's sponsorship law effectively dissuades workers from reporting abuse by their sponsors to government authorities; workers who abscond from their sponsors face criminal and financial penalties of up to six months' imprisonment, over \$2,000 in fines, and deportation for leaving without their employers' permission, even if they ran away due to abuse by the sponsor. NGO sources describe this as a "race to the police station" since victims may be punished for absconding if their employers report them missing before the victims have an opportunity to report abuses to the police. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and obtaining adequate legal redress for their exploitation.

In January 2011, the Ministry of Interior revised its rules to refer non-domestic worker labor cases to the Ministry of Social Affairs and Labor for investigation prior to deportation. However, domestic workers are excluded from this reform and remained in detention facilities pending resolution of their investigations. Women arrested for prostitution offenses also were not screened for evidence of trafficking, and faced prosecution and deportation regardless of whether they were sex trafficking victims. The Ministry of Social Affairs and Labor continued to operate a short-term shelter with a maximum capacity of 40 intended to provide medical, psychological, and legal services; the government, however, did not report the actual number of trafficking victims assisted at this shelter during the reporting period and NGO sources report that this shelter remained underutilized. Some sources report that the shelter turns away cases that are not "simple" and does not accept trafficking victims whose employers have filed cases against them, some of which are false allegations of theft. The shelter does not allow victims to leave freely, so they are essentially detained within the shelter until their case is resolved. In September, shelter staff received training on shelter management and victim assistance. In 2007, the government announced it would open a 700-person shelter for both men and women, but this shelter has yet

to be established. There continued to be no shelter or other protection services afforded for male victims of trafficking, and it is unclear whether victims of forced prostitution can access the government's temporary shelter. Some sending countries have expressed a preference for handling these cases through their embassies and the Government of Kuwait provided source-country embassies with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies. Government authorities, however, did not encourage victims to participate in the investigation or prosecution of their traffickers or offer legal alternatives to victims' removal to countries in which they may face hardship or retribution. The Ministry of Interior and Ministry of Justice continued to offer training in trafficking issues for government employees, including IOM-sponsored training courses on protecting trafficking victims to increase police officer's awareness of and sensitivity toward trafficking issues and for judges, prosecutors, and legal consultants in ways to protect expatriate workers' contractual rights more effectively.

Prevention

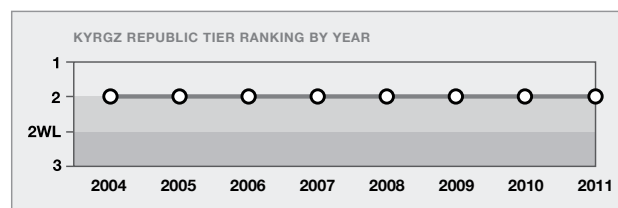
The Government of Kuwait made minimal progress in preventing trafficking in persons this year. Although transparency in the government's anti-trafficking efforts was lacking, with no public reporting on these efforts apparent, the government consulted closely with the two officially recognized human rights organizations in drafting anti-trafficking legislation. While the government increased the minimum wage for workers in the private sector to \$210 per month in April 2010, this new provision excludes Kuwait's half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor implementation of this rule. During the reporting period, the Ministry of the Interior took steps to shut down fraudulent labor recruiting agencies and terminated licenses for recruiting companies that did not meet more stringent regulations set in the February 2010 Private Sector Labor Law. Domestic workers also remain excluded from a new decree establishing maximum allowable work hours per week. As in past years, the Ministry of *Awqaf* 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, transit and, to a lesser extent, a destination country for men, women, and children subjected to conditions of 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 the Czech Republic, Turkey, Kazakhstan, and Russia, specifically in the agricultural, forestry, construction, and textile industries. Women from the Kyrgyz Republic are subjected to forced prostitution in the United Arab Emirates (UAE), Kazakhstan, China, South Korea, Turkey, 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. A recent 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, despite widespread civil unrest during much of the reporting period. The government continued to provide in-kind assistance to two NGO-run trafficking shelters which helped significantly more victims than in previous years. The Kyrgyz government also monitored migration and foreign employment data to better understand its trafficking problem. The government also increased the number of trafficking prosecutions, although fewer convicted offenders received time in prison. However, despite continued reports of corruption, the government did not investigate or prosecute any officials suspected of being complicit in human trafficking offenses, nor did they convict or criminally punish any complicit government officials.



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 to improve the collection of trafficking law enforcement data; continue trafficking sensitivity and awareness training for police, prosecutors, and judges; work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked; create a new multi-year anti-trafficking action plan; and strengthen oversight and enforcement of labor recruiting companies.

Prosecution

The Kyrgyz government demonstrated uneven progress in its anti-trafficking law enforcement efforts during the reporting period. However, the government's ability to prosecute trafficking offenders and report on prosecution data was hampered by political unrest. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes both sex and labor trafficking and prescribes penalties of three to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. Due in part to the burning of the prosecutor general's office during the civil unrest in 2010, significant concerns existed regarding the ability of the government to accurately report

statistics. In 2010, the government reported conducting 11 trafficking investigations – including nine for forced labor and two for sex trafficking – compared with the same number of labor and sex trafficking investigations in 2009. The government prosecuted eight suspected trafficking offenders and convicted three in 2010, compared with four prosecutions and three convictions in 2009. Only one convicted trafficking offender was sentenced to time in prison in 2010, a decrease from all three convicted trafficking offenders sentenced to time in prison in 2009; that one offender was sentenced to 10 years' imprisonment and the confiscation of property. Members of the judiciary, law enforcement, and other government officials received trafficking-specific training provided by IOM and NGOs. 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 its limited efforts to assist victims, although it was hampered by the civil unrest, during the reporting period. Together with NGOs, the government identified at least 266 victims of trafficking, including two foreign victims in 2010, an increase compared with 113 victims and no foreign victims, identified in 2009. Of the 266 victims identified, IOM and NGOs report that government officials referred 15 victims of trafficking to them for assistance, and consular officials at Kyrgyz embassies in destination countries referred five victims to IOM for assistance with safe repatriation in 2010 compared with 21 victims referred by government officials and 18 victims referred by consular officials in 2009. Although the government did not provide financial assistance to any NGO or organization that provided victim assistance in 2010, the government provided in-kind assistance to anti-trafficking NGOs, including facilities for two NGO-run shelters for victims of trafficking. These shelters assisted 60 victims of trafficking, a notable increase from only 22 victims of trafficking assisted by shelters with facilities provided by the government in 2009; victims were able to freely leave the shelters. Victims who are citizens of Commonwealth of Independent States (CIS) did not need special permission to stay in the country. Victims of trafficking who were citizens of non-CIS countries were permitted to remain in the country pending investigation and prosecution of their trafficking cases, contingent on a prosecutor or investigator making such a request to immigration authorities. The government encouraged victims to participate in trafficking investigations and prosecutions; no victims assisted law enforcement during the reporting period. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked during the reporting period.

Prevention

The Kyrgyz government demonstrated limited progress in trafficking prevention efforts, despite the political turmoil

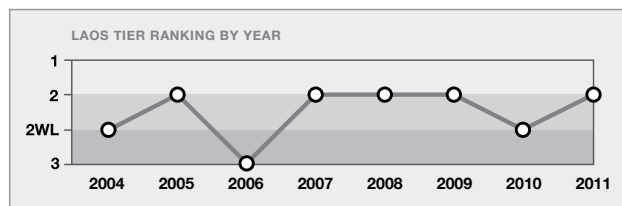
during much of the reporting period. The border guards provided travelers leaving the country with fliers and other trafficking awareness materials prepared by IOM. The government continued to provide in-kind assistance to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The Ministry of Education provided anti-trafficking awareness training to students as part of a program to educate students about potential dangers when working abroad. The Kyrgyz government had a national anti-trafficking action plan for 2008-2011. The government also worked to improve efficiency and collaboration with anti-trafficking NGOs. The Kyrgyz government monitored migration and foreign employment data to estimate the scope of human trafficking within its borders and inform its anti-trafficking activities. In the previous reporting period, the government began digitizing passport records, which would make Kyrgyz nationals traveling abroad less vulnerable to trafficking. Although they continued this effort, the government had not yet expanded this program to include 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 and girls subjected to sex trafficking, and men, women, and children in conditions of forced labor in factory work, domestic labor, agriculture, and the fishing industry. Lao men, women, and children are found in conditions of forced labor in Thailand, Malaysia, and China. Many Laotian migrants, particularly women, pay broker fees to obtain jobs in Thailand, normally ranging from \$70 to \$200, but are subsequently subjected to conditions of sexual servitude and forced labor in Thailand's commercial sex trade or in domestic service, garment factories, or agricultural industries subsequent to their arrival. Lao men are subjected to conditions of forced labor in the Thai fishing and construction industry. Many Lao nationals formally identified as victims trafficked in Thailand choose to take the risk of attempting migration to Thailand again after being repatriated to Laos. A small number of Lao women and girls reportedly are subjected to conditions of trafficking in China, where some are forced to marry Chinese men. Ethnic minority populations are particularly vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society. Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in Thailand. Some Vietnamese women are subjected to forced prostitution in Laos. Although there are fewer reported instances, trafficking within Laos also remains a problem, affecting young women and girls forced into prostitution. Lao men and boys are victims of forced labor in the country on agricultural plantations, including rubber plantations. Laos may be increasingly a destination for sex tourists from Asia.

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 reporting period, the government reported investigating

20 trafficking cases and convicting 33 trafficking offenders, a dramatic increase from zero convictions during the previous reporting period. However, the government has never administratively or criminally punished any public official for complicity in trafficking in persons. The government also began efforts to identify and assist trafficking victims who were deported by Thai authorities for immigration violations. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance.



Recommendations for Laos: Increase efforts to investigate and prosecute both sex and labor trafficking offenders, including through cooperation with Thai authorities on cross-border trafficking cases; make efforts to address internal trafficking, including by identifying and assisting Lao citizens trafficked within the country and prosecuting their traffickers; increase efforts to combat trafficking complicity of public officials, including through the criminal prosecution of officials involved in trafficking crimes; regulate labor recruitment agencies tasked with processing work permits and contracts to prevent the trafficking of migrant workers; create and implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly victims returning from Thailand; improve coordination between Thai authorities and the central government regarding victim assistance and between the Vientiane transit center and local communities regarding victims' return and reintegration; make greater efforts to conduct family assessments to determine whether it is in the best interest of victims to return to their families; consider opening a transit center in Savannakhet for victims repatriated from Thailand; increase resources to support victims in reintegration after returning to their home communities; expedite the processing of NGO memoranda of understanding (MOUs) to implement anti-trafficking projects; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and increase collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

The Lao government made progress in its anti-trafficking law enforcement efforts during the year. Laos 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, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities reported investigating 20 trafficking cases involving 47 alleged offenders, and convicting 33 trafficking offenders in 2010, compared with zero convictions during the previous

year. However, court proceedings lacked due process and transparency, the Lao judicial sector remained weak and inefficient, and prison conditions raised serious human rights concerns. The general public's reluctance to use the court system hampers the government's ability to effectively pursue trafficking cases; most Lao prefer to rely on village mediation to resolve conflicts. In at least seven of the 33 convictions, sentences ranged from six years' to over 16 years' imprisonment. International organizations and NGOs were not able to verify data provided by the government. The government did not report prosecuting any cases of internal trafficking. Impunity of corrupt government officials remained a problem throughout the Lao justice system. Corruption is endemic in Laos, and observers of trafficking in Laos believe that some public officials – particularly at local levels – are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. Nevertheless, the government has never reported any officials investigated, prosecuted, or punished for involvement in trafficking in persons. The government continued to partner with international organizations and NGOs on law enforcement capacity building.

Protection

The Government of Laos made increased efforts to identify and assist trafficking victims during the reporting period. While the government did not create or implement formal victim identification procedures to proactively identify victims of trafficking among vulnerable groups, such as migrants returning from Thailand and girls and women detained for involvement in prostitution, authorities reported efforts to identify trafficking victims among the tens of thousands of Lao citizens deported by Thai authorities during the year. Victims were provided with medical care and some were referred to shelters. The government was unable to provide the number of victims identified among deported migrants, but reported that in some groups of deportees, 50 to 100 sex and labor trafficking victims were identified and referred to the police for investigations. The government continued to rely almost completely on NGOs and international organizations to provide victim services. Lao authorities did not report identifying any foreign victims of trafficking during the year. In 2010, Thai authorities identified and repatriated approximately 145 Lao victims under an official repatriation mechanism, almost all of whom were underage girls. The Lao Embassy in Bangkok assisted in coordinating repatriation of Lao nationals who were identified as trafficking victims in Thailand. The Lao Ministry of Labor and Social Welfare (MLSW), with support from an international organization, continued to operate a small transit center in Vientiane for victims identified and repatriated by Thai authorities; the victims remained in the shelter for one week while authorities conducted medical check-ups and family tracing. However, while most repatriated victims were from southern Laos, all victims were required to be processed through the Vientiane transit center in central Laos. Female victims who were interested in receiving greater assistance were referred to one of three NGO shelters or a Lao Women's Union (LWU) shelter that assists victims of domestic violence or trafficking that provided longer term care and vocational training.

There were no such shelters available for male victims of trafficking. The transit center also received victims referred from local law enforcement officials, but authorities did not report how many domestic or foreign victims were referred to the transit center or shelters. The LWU operates counseling centers in six provinces to provide information about trafficking prevention and, with the assistance of international NGOs and foreign donors, helped to run a shelter in Vientiane to assist victims and help reintegrate them into society. Women and children who are identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking, but the law does not protect men from prosecution. The government reported encouraging victims to cooperate with prosecutions, but did not provide witness protection to victims. While the government depended on NGOs to provide resources for many trafficking initiatives, inefficiency within the government in the signing of NGO MOUs has caused lengthy delays in implementing anti-trafficking efforts in Laos. The Law on Development and Protection of Women includes protection provisions for victims of trafficking, but these provisions do not apply to men. Victim protection guidelines were drafted with support from the UN and NGOs, but are awaiting government approval. Victim access to legal redress is hampered by a lack of resources on the part of victims and the legal community. Trafficking victims are allowed to file civil suits against their traffickers, though this has never been done in practice. Victims are not made aware of legal resources available, even if local officials in their areas received training on human trafficking. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

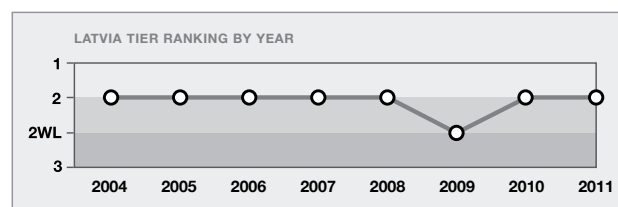
The Lao government continued limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The MLSW continued work with UNICEF and NGOs on public awareness efforts on the risks of child trafficking. Government-controlled media continued to report on human trafficking in newspapers. Authorities continued to publicize warnings about child sex tourism during the year. In September 2010, the Lao Youth Union hosted a seminar on human trafficking prevention. During the year, the Ministerial Committee on Trafficking continued to meet on a quarterly basis. The National Assembly approved a National Plan of Action on human trafficking in 2007 that has yet to be approved by the Prime Minister's Office. In April 2010, the government signed an MOU on victim repatriation with the Government of Vietnam. Authorities did not employ screening procedures to identify trafficking victims among persons found in prostitution during raids of nightclubs used as fronts for commercial sex. The government did not make efforts during the year to reduce the demand for commercial sex.

LATVIA (Tier 2)

Latvia is 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, Greece, Cyprus, the Netherlands, and Germany. Latvian men and

women have been subjected to conditions of forced labor in the United Kingdom and there were anecdotal reports that Latvian men may have been subjected to conditions of forced labor in Sweden. 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. During the reporting period, the government established an intra-governmental coordination mechanism and began to develop policies to combat labor trafficking. The government also sustained funding for victim assistance despite government-wide budget cuts and developed improved procedures to identify victims of trafficking. The government demonstrated progress in prosecuting and convicting trafficking offenders, though the majority of convicted trafficking offenders continued to avoid punishment that included jail time. Moreover, none of the investigations opened in the last year involved suspected labor trafficking. In the coming year, the government should improve its response to labor trafficking, use its intra-governmental mechanism to further strengthen and clarify victim identification procedures, and empower all anti-trafficking actors to share information with each other and the public.



Recommendations for Latvia: Increase efforts to identify victims, particularly victims of labor trafficking and domestic victims; refer all potential victims of trafficking for victim certification in order to qualify for government-funded victim assistance; improve identification of victims of labor trafficking, including possibly through the development of regulations governing identification procedures and identification criteria; increase investigations and prosecutions of suspected domestic and labor trafficking offenses; impose criminal penalties on convicted trafficking offenders commensurate with the gravity of the crime committed; consider enhancing internal and external monitoring and reporting functions to ensure that all victims identified by government actors, including victims identified abroad by Latvian officials, are given access to government-funded assistance, and that national anti-trafficking policy development considers and enhances monitoring and reporting functions; 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; continue efforts to systematically monitor trafficking trends; and increase efforts to raise awareness about both sex and labor trafficking.

Prosecution

The Latvian government demonstrated improvement in its law enforcement efforts to combat trafficking in persons, despite the fact that it did not initiate new prosecutions of labor trafficking offenses in 2010. Latvia prohibits all forms of trafficking through Sections 154-1 and 165-1 of its Criminal Law, which prescribe penalties ranging from a fine up 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 – a non-trafficking law prohibiting the transfer of individuals for the purpose of sexual exploitation of persons – to investigate, prosecute, and achieve convictions in most trafficking cases during the reporting period. Use of this statute allowed prosecutors more flexibility to pursue cases in which the element of force, fraud, or coercion was more difficult to establish. Both the police and the prosecutors' offices have specialized anti-trafficking units. In general, the government's investigation and prosecution of criminal trafficking cases increased in 2010. The government reported investigating 38 suspected offenders in 33 criminal cases, in contrast to 34 cases investigated in 2009. None of the new investigations in 2010 involved suspected labor trafficking, despite continuing international reports that Latvian citizens were potentially subjected to forced labor abroad and reports that there were potential victims of trafficking in the domestic grey market economy. Latvian authorities in 2010, however, continued the prosecution of two major cases started in previous years; these cases involved alleged labor trafficking. Latvian authorities prosecuted 39 suspected trafficking offenders in 2010, a 50 percent increase from 26 offenders prosecuted in 2009. In 2010, 21 trafficking offenders received final convictions from the Courts of First Instance, an increase from the 15 offenders who received final convictions in 2009. These figures do not include appealed convictions. Nevertheless, sentencing rates for final convictions remained low. Only five of the 21 convicted trafficking offenders were sentenced to time in prison. Of those five offenders, one received a sentence of less than one year; three offenders were sentenced to terms of one to five years and one was sentenced to a term of five to 10 years in prison. This is roughly the same sentencing rate that Latvia displayed in 2009, when four out of 15 convicted trafficking offenders received time in prison.

This year, more convicted trafficking offenders filed appeals with the Supreme Court than in previous years. In 2010, the Supreme Court reviewed cases against a total of 10 offenders. Most of these offenders were convicted by a Court of First Instance in 2010. Two of these offenders had received conditional sentences with three years' probation from the Court of First Instance; three had been sentenced to prison terms of two to five years; five offenders had been sentenced to terms of 10 years or more.

The Latvian state police developed new regulations to improve trafficking investigations during the reporting period. Since September 2010, the regional police departments were obliged to provide monthly reports to the state police's anti-trafficking unit on any crimes potentially involving trafficking in persons, pimping, and other prostitution laws to enable specialists to screen the

criminal cases for potential trafficking violations. The government participated in a wide range of anti-trafficking training activities in 2010. The Ministry of Foreign Affairs provided three separate trainings for its consular officials and representatives of foreign missions in November and May on identification of trafficking victims. The government of Latvia collaborated with law enforcement officials in several countries, including Germany, Greece, Italy, and the United Kingdom, on anti-trafficking investigations.

Protection

The government sustained its victim protection efforts. The Ministry of Welfare provided approximately \$70,000 to a designated NGO to provide comprehensive services for victims of trafficking, in contrast to approximately \$78,000 provided in 2009. Each trafficking victim could receive up to six months of rehabilitative care, including psychological care, medical aid, legal representation, and housing, if necessary. The government certified nine new victims for the state-funded victim assistance program in 2010, in contrast to 10 new victims certified in 2009. Seven of the victims certified in 2009 continued receiving state-funded services in 2010. Local NGOs identified and assisted a further five victims of trafficking, none of whom participated in the state-funded program. The NGOs attributed the lack of participation in the government program to distrust of the police or concerns about confidentiality. Government officials also reported that many trafficking victims declined cooperation with criminal trafficking proceedings, in part because many individuals did not wish to identify themselves as trafficking victims. All victims certified were female, despite reports that Latvian men were subject to potential labor trafficking. This year, the government did not identify either foreign or domestic victims within Latvia. The government implemented a panel system of certifying victims of trafficking, including psychologist and NGO participation. Nevertheless, the Latvian government faced challenges in providing state-funded assistance, including for repatriation, to potential victims identified outside of Latvia. The Government of Latvia had no formal government-wide system to report suspected victims identified by Latvian government actors, both domestically and abroad, to ensure continuity of their care. The Government of Latvia adopted flexible efforts to protect victims during trial, by enabling some substitutes for testimony in cases of trauma, although implementation of these procedures remained somewhat inconsistent. There were no reports that identified victims were penalized for unlawful acts committed as a direct result of their being trafficked during the reporting period.

Prevention

The Latvian government demonstrated clear improvement in its prevention efforts in 2010, particularly by enhancing intra-governmental cooperation and leadership on trafficking in persons. In March 2010, the government launched a new working group on trafficking in persons, headed by the national anti-trafficking coordinator at the Ministry of Interior. The working group designated an official to improve the Latvian government's labor

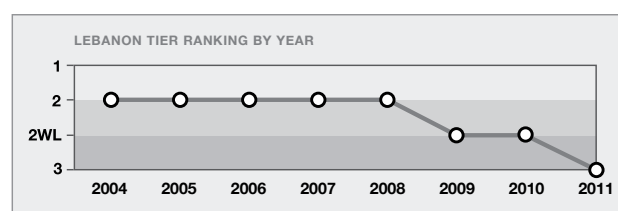
trafficking response, to develop victim identification criteria for labor trafficking, and to enhance intra-governmental communication on labor trafficking. NGOs reported, however, that the government's system of coordination needed to be formalized and publicized so that it was clear to all actors which agencies were responsible for anti-trafficking activities and victim identification. The Government of Latvia began participation in an EU project on human trafficking risk assessments for women in prostitution, analyzing risk factors for potential victims of trafficking. In January 2011, it began a separate project involving the use of innovative software to access extensive information about victims in criminal cases. In March 2011, the Latvian government released a public report on the implementation of its national action plan, describing its anti-trafficking activities and publishing its data on prosecution and victim protection. In 2010, the Ministry of Education provided trafficking awareness training to 215 school teachers. The Government of Latvia also supported a campaign to raise awareness about the vulnerabilities to human trafficking inherent in brokered marriages abroad, which put women at risk for forced prostitution and other forms of exploitation. The 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. Despite these prevention efforts, there were anecdotal reports that there was low public awareness or minimal public disapproval of trafficking, particularly following the economic crisis.

LEBANON (Tier 3)

Lebanon is a source and destination country for women and children who are subjected to forced labor and sex trafficking. The country may also be a transit point for Eastern European women and children destined for sex trafficking in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, Bangladesh, Nepal, and Madagascar who travel to Lebanon voluntarily with the assistance of recruitment agencies to work in domestic service often find themselves in conditions of forced labor, including through the use of such practices as withholding of passports, nonpayment of wages, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employer's house without permission 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 threaten workers with the loss of this legal status in order to keep them in forced labor and, in some cases, have kept foreign domestic workers confined in houses for years. The government's *artiste* visa program, which in 2010 facilitated the entry of 5,595 women from Eastern Europe, Morocco, Tunisia, and Algeria on three-month visas to work as dancers in the adult entertainment industry, serves to sustain 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 the sex trade 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 subjected to situations of forced labor, particularly street begging, within the country, as well as commercial sexual exploitation facilitated by male pimps, husbands, and "boyfriends," at times through early marriage. Small numbers of Lebanese girls may be taken to other Arab countries for forced prostitution.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last three consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Lebanon is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government neither made combating human trafficking a national priority during the reporting period nor allocated resources to protecting victims. It also made no concerted efforts to educate the Lebanese public regarding the issue and failed to show substantial progress in identifying foreign victims of trafficking – particularly victims of domestic servitude and commercial sexual exploitation. It failed to bring specific charges of forced labor or forced prostitution in cases involving abuses against migrant workers and did not provide stringent punishments that would deter such crimes. The government did, however, draft legislation providing increased protection to migrant domestic workers, transmit a draft anti-trafficking law to parliament for review, establish an office and hotline to receive workers' complaints, and improve through training the SG's recognition of trafficking indicators, investigation of abuse allegations, and referral of victims to assistance. The Lebanese government collapsed in January 2011; the current "caretaker" government cannot pass or enact new legislation.



Recommendations for Lebanon: Enact draft anti-trafficking amendments to the criminal code, the Labor Law amendment extending legal protections to foreign workers, and the draft law providing increased labor protections to domestic workers; investigate and prosecute trafficking offenses using existing laws – particularly laws prohibiting forced labor, forced prostitution, and the confiscation of domestic workers' passports – and convict and punish trafficking offenders; provide services to migrant workers and Lebanese nationals who are victims of forced labor and forced prostitution, such as shelter, access to legal aid and interpretation, and counseling; 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 her employer's house during her time off and retain her passport.

Prosecution

While the government took steps to improve labor rights and protections for domestic workers during the reporting period, it failed to investigate or prosecute trafficking offenses committed against migrant workers, or convict and sentence trafficking offenders. Although Lebanon lacks a comprehensive anti-trafficking statute, its current criminal code prohibits all forms of human trafficking. The prescribed penalties of a minimum of one year's imprisonment for forced prostitution (Article 524) or a maximum of two years' imprisonment for inducing children into prostitution (Article 73) are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. Penalties of temporary hard labor for deprivation of freedom (Article 569) and one year's imprisonment for forced labor or involuntary servitude (Article 649) are not sufficiently stringent. In the few occasions when Lebanese courts addressed trafficking offenses, they usually used Article 554 (Personal Injuries). In July 2010, the cabinet approved draft amendments to Lebanon's criminal code prohibiting human trafficking and sent them to Parliament for review by the relevant committees. These amendments would categorize human trafficking as a felony and prescribe penalties of five to seven years' imprisonment, with higher punishments available for aggravating circumstances. They would also permit victims to remain in Lebanon during the investigation and prosecution of their cases. A labor law amendment that would extend legal protections to foreign workers has been awaiting submission to the cabinet by the Ministry of Labor for more than two years; this amendment does not cover foreign domestic workers, who constitute the majority of foreign migrant workers in Lebanon. To remedy this, the Minister of Labor convened several meetings of the National Steering Committee on the Rights of Migrant Workers to draft a law extending labor protections to both Lebanese and foreign domestic workers; at a February 2011 press conference, the caretaker labor minister acknowledged the existence of human trafficking in Lebanon and indicated that the draft law was awaiting presentation to the new cabinet, once appointed.

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 against an employer under Article 649. Pursuit of such cases was hampered by bureaucratic indifference and inefficiency, difficulty proving cases of alleged abuse, victims' lack of adequate legal representation and knowledge of their rights, court backlogs, immediate deportation of *artistes* who complain of abuse, and cultural biases, particularly against foreign domestic workers. Lack of sufficient anti-trafficking training also hindered prosecutors' and judges' recognition of potential cases. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system,

many foreign victims opted for quick administrative settlements followed by mandatory deportation rather than long, complicated criminal prosecutions. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving even their wages due. The Ministries of Labor and Justice and the SG provided information on their anti-trafficking efforts, but they did not automate most recordkeeping, so data was incomplete and may be inaccurate. During the year, some civil and criminal courts heard cases brought by domestic workers, primarily concerning the nonpayment of wages and physical abuse, which are indicative of trafficking offenses, though it is not clear if the underlying abuse rose to the level of trafficking. The government reported that it prosecuted two cases involving potential trafficking offenses in 2010 and overturned an earlier conviction. However, the courts failed to consider whether forced labor offenses were perpetrated against the victims. Pursuant to Article 554, the Penal Judge of Jbeil convicted an employer of physically abusing a Sri Lankan domestic worker in June 2010. The employer was sentenced to one month's imprisonment, barred from entering any employment contract with a domestic worker for five years, and required to pay legal costs and damages of \$6,666. Pursuant to Article 624 Section 1 of the Obligations and Contracts Law, a Filipina domestic worker brought charges of unpaid wages against her employer in January 2010. Although in March 2010 the Labor Court in Beirut ordered the employer to repay the \$1,200 in back-wages sought by the worker, it failed to address the physical abuse alleged by the victim and required the victim to share court fees with the employer. As reported previously, an employer was sentenced in December 2009 to 15 days' imprisonment and \$7,200 in damages for regularly beating her Filipina domestic worker. In October 2010, the appeal court overturned the sentence of imprisonment and reduced damages to \$666 without providing its reasoning for overturning the conviction. The government did not provide specialized training for its officials to recognize, investigate, or prosecute cases of trafficking; all issue-specific training received by SG and Internal Security Forces (ISF) staff in 2010 was provided by NGOs.

Protection

The government neither made sufficient efforts to ensure that trafficking victims received access to protective services nor allocated resources to provide for their care during the reporting period. Its continued lack of systematic guidelines for proactively identifying trafficking victims among high risk populations led to the deportation of most runaway domestic workers and *artistes* without determining if they were trafficking victims. Illegal workers were generally not prosecuted or fined, but they were typically arrested and detained for between one and 10 months before being deported without being screened for indicators of trafficking. The SG operated a prison-style detention center in Beirut for up to 500 migrant workers in violation of their visa status or illegally present and awaiting disposition of their cases. In April 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. The procedures became effective in June 2010, but they lack specific guidance for identifying victims of trafficking among administrative detainees. Some SG guards, however, began to refer more systematically and objectively women suspected of being trafficking victims directly to an NGO for screening and care upon their arrival at the detention center; the determination of victim status was made by the NGO. In 2010, the SG and ISF referred only seven victims of trafficking to the NGO, which provided a variety of services to 136 victims of both labor and sex trafficking in 2010, including shelter for 102 victims at its safe house. The government did not provide victims with services and relied on this NGO and shelters operated by source country embassies to do so. In some cases, ISF staff interviewed trafficking victims at this safe house, rather than taking them to the police station. During the year, embassy shelters provided care to over 750 out-of-status domestic workers, some of whom may have been trafficking victims.

The government continued some policies and practices that rendered migrant women vulnerable to trafficking. For example, authorities required that women recruited under its *artiste* visa program be confined in hotels for most of the day and summarily deported them if they complained of mistreatment; cases involving the exploitation of *artistes* were rarely referred to the NGO for assistance. 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

Lebanon made limited efforts to prevent trafficking over the last year. The National Steering Committee for Trafficking in Persons, which advises the government on draft laws and decrees, met 12 times during the year to discuss the draft law on domestic workers, as well as the unified employment contract for migrant workers. This standard contract, 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 most cannot read. The government made no effort during the reporting period to enforce its law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon. The standard SG procedure of surrendering arriving domestic workers' passports to their sponsors upon arrival limits those workers' freedom of movement and makes them vulnerable to situations of human trafficking. In March 2010, the Higher Council for Childhood (HCC), part of the Ministry of Social Affairs, hosted, in partnership with an international and a local NGO, a training program for 30 ISF officers on child trafficking; HCC staff presented a session on human rights during this event. Training provided by NGOs reportedly led to SG officers' increased recognition that nonpayment of wages and physical abuse of domestic workers are indicators of human trafficking. The SG raided the house of and issued an arrest warrant for a domestic worker's employer after he failed three times to appear to face allegations of nonpayment of wages. In another case, a recruitment agent was arrested and jailed on charges of physically abusing a migrant domestic

worker; his case is pending in court. During the year, SG participated in the resolution of 55 cases involving domestic workers through administrative arrangements and granted 14 foreign trafficking victims release papers from their abusive employers, enabling them legally to seek alternate employment.

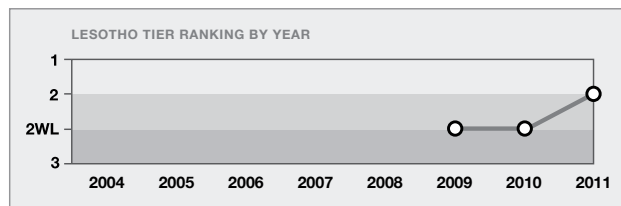
In April 2010, the Labor Minister established an office and hotline to receive labor complaints from foreign workers. Between April and January 2011, the hotline operated between the hours of 8 am and 2 pm and the two contracted staff members could not speak the languages most commonly spoken by migrant workers. The hotline reportedly received few trafficking-related complaints, presumably due to the targeted population's limited awareness of its existence, and it lacked an established protocol for following up on information received. Since the collapse of the government, the hotline cannot operate because its staff is considered to be employed by the minister, who is now in caretaker status. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult or child labor, and the 501 licensed employment agencies received little state supervision by the ministry. The SG continued implementation of 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. Lebanese authorities provided no services, however, to Moldovan victims of sex trafficking. 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 in 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 in remote villages may subsequently encounter situations of domestic servitude or commercial sexual exploitation. 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. There is evidence that Basotho residents in South Africa return to Lesotho as labor recruiters for farms in South Africa. Basotho 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. Most traffickers operate in informal

associations and acquire victims from their families or neighbors. Chinese and, reportedly, Nigerian organized crime rings, however, acquire some Basotho victims while transporting foreign victims through Lesotho to Johannesburg.

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 enacted comprehensive anti-trafficking legislation that prohibits and punishes all forms of trafficking and requires protection measures for victims of trafficking. It also convicted and punished at least one trafficking offender. The government's anti-trafficking efforts, however, continue to lack inter-ministerial coordination, as well as a mechanism to ensure formal identification and protection of victims. By enacting an anti-trafficking statute and continuing to draft a national action plan, the government has demonstrated political will to combat trafficking in persons, build capacity to undertake stronger anti-trafficking law enforcement efforts, and improve victim protection measures in the coming year.



Recommendations for Lesotho: Complete implementing regulations for the 2011 anti-trafficking act; finalize and implement the national anti-trafficking action plan; investigate and prosecute trafficking offenses under the 2011 act; provide care to victims of trafficking via government centers or in partnerships 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, particularly at border points; forge a partnership with South African police to investigate reports of Basotho 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 increased its capacity to conduct law enforcement efforts by enacting anti-trafficking legislation and investigating suspected trafficking cases. In December 2010, the Parliament passed the Anti-Trafficking in Persons Act, which comprehensively prohibits and punishes all forms of trafficking in persons. Becoming effective in January 2011, the act prescribes penalties of 25 years' imprisonment or a fine of \$142,857 under Section 5(1) for the trafficking of adults and life imprisonment or a fine of \$285,714 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 traffickers. However, the government has yet to draft implementing regulations necessary to enforce the legislation. In the absence of anti-trafficking legislation prior to passing the act, the government reported its investigation in 2010 of 84 cases nationwide under the Sexual Offenses Act; however, due to the government's continued lack of a law enforcement data collection mechanism, specific case details were unavailable for the majority of these prosecutions at the close of the reporting period. In Maseru District, the government convicted at least one trafficking offender under the Sexual Offenses Act, sentencing him to 15 years' imprisonment for raping his domestic worker, whom he had also assaulted with a pick axe and failed to pay during her eight months' employment. Seven of these cases led to joint investigations between the Child and Gender Protection Unit (CGPU) of the Lesotho Mounted Police Service (LMPS) and the South African Police Service (SAPS), which remain ongoing. During the reporting period, the LMPS and SAPS began meeting periodically to discuss cross-border crimes, including human trafficking. 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 2010, the LMPS provided training on trafficking definitions and basic victim identification to some of its officers.

Protection

Through its passage of the 2011 anti-trafficking act, the government increased its capacity to protect victims of trafficking over the last year by requiring the establishment of care centers throughout the country and granting new rights to trafficking victims. The act requires such centers to offer accommodation, health care, counseling, and rehabilitation services, as well as temporary basic material support for the care of child victims and reintegration of adult victims into their families. Still without such centers, the government partnered with NGO-run care centers to provide victims with assistance; of the seven victims NGOs provided services to during the reporting period, the CGPU referred four. In March 2011, the Department of Social Welfare trained 21 officials from each of four districts on trafficking definitions and basic victim identification. Medical services were provided to victims free of charge at government hospitals and clinics. In August 2010, the government opened a one-stop drop-in center in Maseru, for the protection of victims of gender-based violence, including specialized services for both male and female victims of trafficking; the centers' staff are primarily privately funded, though include some government employees. Due to financial constraints, the center is unable to provide accommodation, life skills, and other services. No visitors to the center were identified as trafficking victims during the reporting period. In 2010, the government allocated \$171,428 to the Department of Gender for administrative costs, outreach, and sensitization campaigns to combat gender-based violence, including trafficking in persons.

Law enforcement officers did not proactively identify victims among other vulnerable populations, such as women and children in prostitution. While the act requires police to begin investigation of trafficking cases within 24 hours and refer victims to a place of safety, the current lack of a victim referral system is a significant gap in Lesotho's anti-trafficking efforts. The 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. It is unknown whether victims assisted in investigations or prosecutions during the year. There is no evidence that victims were prosecuted for acts committed as a result of being trafficked.

Prevention

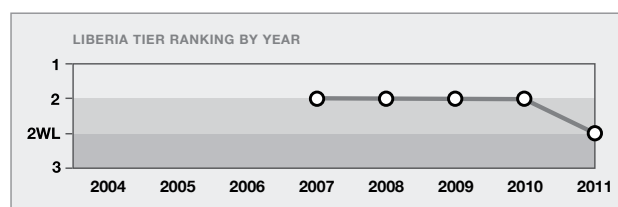
The Government of Lesotho continued strong efforts to prevent trafficking. The Multi-Sectoral Committee on Trafficking drafted the anti-trafficking act and a national plan of action; the committee has not, however, formally met since June 2010 and the plan has not been finalized. In June 2010, the government released a Rapid Assessment of Trafficking in Persons in Lesotho, the first formal assessment of trafficking in Lesotho, conducted by a consultant with support from UNDP, the Ministry of Home Affairs, and NGOs. Authorities also conducted several high-visibility information campaigns. In June 2010, the Ministry of Home Affairs sponsored a workshop to sensitize 70 parliamentarians on trafficking in persons. In December, the ministry issued a public service announcement warning people to be wary of offers of job and educational opportunities, recommending that such offers be verified with the Ministry of Foreign Affairs. In December, the ministry also screened a film on human trafficking at the main cinema in Maseru, reaching a total of 150 people. Three weekly radio programs focus on trafficking in persons; the head of the CGPU participates in these programs. The Ministry of Home Affairs, in partnership with the Government of South Africa, ran sensitization campaigns on gender-based violence, including a portion on trafficking in persons, which targeted border regions where trafficking is more prevalent. 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, principally for young women and children subjected to forced labor and sex trafficking. Most trafficking victims originate from within the country's borders and are subjected to domestic servitude, forced begging to support religious instructors, forced labor in street vending, on rubber plantations, and alluvial diamond sites, or sex trafficking. 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 wealthier relatives are vulnerable to forced labor or to a lesser extent, commercial sexual exploitation. Victims of cross-border 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. A small number of men, women, and children from Liberia are trafficked to Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria.

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. Despite these modest efforts, however, the government has not shown evidence of increasing efforts to prosecute and punish trafficking offenders and protect trafficking victims; therefore, Liberia is placed on Tier 2 Watch List. The Liberian government has never convicted a trafficking offender using its 2005 anti-trafficking law; it reported conducting two investigations of trafficking cases during the year, but did not initiate any prosecutions or convict any traffickers. The government did not provide training to law enforcement officials or magistrates, and many members of the government conflate kidnapping and smuggling offenses with human trafficking crimes. The Anti-Human Trafficking Taskforce held a workshop in November 2010 to establish a formal system for referring victims to legal services and protective care, and the draft is being circulated among the relevant government ministries for final adoption. The government did not allocate funds to the taskforce, which suspended its regular meetings between May 2010 and January 2011. The government undertook limited prevention measures.



Recommendations for Liberia: Increase efforts to investigate and prosecute trafficking offenses and punish trafficking offenders; train law enforcement officials and magistrates to use the anti-trafficking law and to distinguish trafficking crimes from cases of human smuggling or kidnapping; allocate government resources or secure donor funding to support the operations of the Anti-Human Trafficking Taskforce, and ensure that this body meets on a regular basis; complete efforts to develop a formal referral system to connect victims to legal services and protective care; investigate possible collusion of government personnel in human trafficking; and increase efforts to educate the public about the dangers of human trafficking.

Prosecution

The Government of Liberia did not increase its minimal law enforcement efforts to combat trafficking during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons specifically prohibits all forms of transnational as well as internal trafficking. This 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 trafficking of children is

sufficiently stringent, but the penalty for the trafficking of adults is not, and the prescribed penalties for sex trafficking are not commensurate with the prescribed penalty for rape. If a child is or at least two women are being transported for the purpose of prostitution, or if such transport results in injury to the victim, the maximum sentence for these aggravating circumstances is 20 years' imprisonment. The Women and Children Protection Section of the Liberian National Police reported it investigated two cases of trafficking during the year; however, it did not prosecute, convict, or sentence any trafficking offenders this year and has yet to convict a trafficker under the Act to Ban Trafficking in Persons. Four suspected trafficking offenders, arrested in 2009, were acquitted on charges of extortion, and five cases from the same year remained pending at the close of the reporting period. All new Liberian national police officers received training to report suspected trafficking cases to the Women and Children Protection Section, and 293 of these officers received this training during the reporting period. The government provided specialized training on the provision of services to victims and the investigation of trafficking offenses to the anti-trafficking units of the Women and Children Protection Section and the Bureau of Immigration and Naturalization. There were no allegations of law enforcement complicity in trafficking cases during the reporting period and as such, no law enforcement officials were investigated, prosecuted, or convicted for involvement in human trafficking, though allegations of law enforcement and judicial officials' complicity in trafficking existed in previous years.

Protection

During the past year, the government did not provide protective services to victims though it coordinated with NGOs and international organizations to provide care to two victims, one of whom had been repatriated from Sierra Leone. No specialized services existed for trafficking victims in Liberia. Although the majority of trafficking cases occur within the country, no victims of internal trafficking were identified during the year, indicating that law enforcement officials did not adequately screen vulnerable populations, such as children in street vending or individuals in prostitution, to identify and assist trafficking victims. In November 2010, the government's Anti-Human Trafficking Taskforce conducted a workshop to develop a referral committee and to establish a formal process for referring victims to legal services and protective care. Documents produced from this workshop are still in draft form and have not been made public. During the reporting year, the government repatriated one boy from Sierra Leone and reunited him with his mother, and allowed one Nigerian woman who had been forced into prostitution to remain in Liberia. Her application for residency is currently being processed. 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 occurred. The government claimed to encourage victims to assist with the investigation and prosecution of traffickers; however, no prosecutions were initiated during the year.

Prevention

The Liberian government took modest efforts to prevent trafficking in persons throughout the reporting period. The Ministry of Labor ran a weekly radio show, which reached limited regions of the country and sometimes featured anti-trafficking actors from the community, in order to raise awareness issues related to labor trafficking. The Anti-Human Trafficking Task Force, the government's coordinating body to fight trafficking, met in May 2010 and January 2011, but suspended meetings in the interim due to a lack of government funding and internal issues. Since July, the government has registered approximately 62,000 children as part of a pilot birth registration and certification program in three counties, in an effort to reestablish many of the records that were lost in the country's civil war. In 2010, the government took modest efforts to reduce the demand for commercial sex with the president's delivery of an anti-prostitution message on the radio.

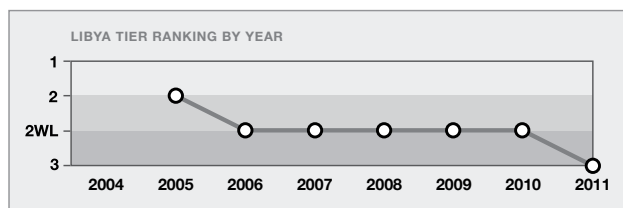
LIBYA (Tier 3)

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. Although precise figures are unavailable, there were an estimated 1.5 to 2 million foreigners in Libya at the end of 2010. Increasingly, an unknown number of migrant workers in the construction sector – particularly Filipinos, Nepalis, Indians, Bangladeshis, and sub-Saharan Africans – faced fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. Since February 2011, Libya has experienced internal unrest, stranding many foreign workers in the country under harsh and unsafe conditions which, in some cases, resulted in death. Some of those workers may be trafficking victims. Trafficking victims are likely to be particularly vulnerable to being trapped in Libya as a result of the confiscation of their travel and identification documents. As of March 2011, international relief organizations were unable to operate in some parts of Libya, exacerbating relief efforts. Some migrant workers were robbed by pro-regime Libyan soldiers, and a Red Crescent official said that soldiers have blocked about 30,000 migrant workers from fleeing into Tunisia and forced many to return to work in Tripoli. A media report asserted that some sub-Saharan African migrants were forced to fight with pro-government groups.

The number of migrants, including trafficking victims, who were smuggled to or through Malta and Italy were considerably smaller than in previous years due to Libyan and Italian joint naval patrols; however, migrants complained of very poor treatment and no efforts to identify trafficking victims among them. Migration to Europe has increased considerably since the onset of the civil disturbance. In many cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor. As in previous years, there were isolated reports that

women from sub-Saharan Africa were forced into prostitution in Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and Libya is placed on Tier 2 Watch List for a sixth consecutive year. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Libya is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. In the first 11 months of the reporting period, the Libyan government failed to demonstrate significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities also punishing trafficking victims for unlawful acts that were committed as a result of their being trafficked. Following the outbreak of civil unrest in February 2011, accurate information regarding the situation in Libya has become very limited.



Recommendations for Libya: Pass and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; 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 deportation or punishment for their unlawful presence in Libya; and undertake an information campaign to raise public awareness of the problem of human trafficking.

Prosecution

The Government of Libya demonstrated negligible 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 criminalize trafficking in persons, although some of the definitions, as drafted, appear overly broad. The draft amendments were reportedly submitted to the General People's Congress for review and approval. 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. A 2009 Human Rights Watch (HRW) publication included interviews indicating that some police were complicit in human trafficking activities.

Protection

The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. In the first 11 months of the reporting period, the government continued to refer vulnerable migrants on an *ad hoc* basis to international organizations or relief workers; some of these were likely trafficking victims. During parts of the reporting period, the government continued to provide office space in some detention centers where relief workers provided medical and psychological care for an unknown number of detainees, which likely included trafficking victims. The government forced some employers to fund costs of repatriation of some foreign migrant workers who were abused; some of the workers may have been trafficking victims.

International organizations reported that conditions in detention centers worsened significantly since the launch of the Libyan-Italian joint naval patrols in May 2009 and, along with rights groups, expressed concern that the joint patrols return all interdicted migrants to the country without screening for victims of trafficking. The government did not actively 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, and thus trafficking victims were often subject to deportation or punishment for their unlawful presence in Libya as result of being trafficked. A 2009 HRW report quoted an observer as saying that migrants can be detained "from a few weeks to 20 years." The same report noted that Libyan authorities regularly beat groups of undocumented African migrants who were returned to Libya by Italian law enforcement officials after the migrants' failed attempt to sail from Libya to Italy, and recent Amnesty International research indicates that Libya subjects detained undocumented migrants to torture. The government also did not provide foreign victims of trafficking with legal alternatives to their removal to countries where they faced hardship or retribution.

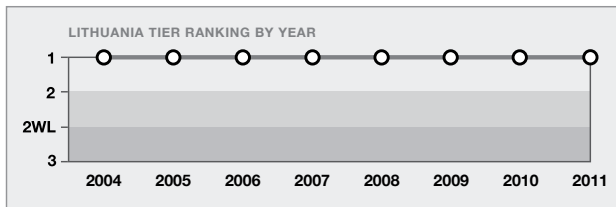
Prevention

The Government of Libya made minimal 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 anti-trafficking public information campaigns. However, the government-funded World Islamic Call Society undertook some information campaigns to raise public awareness of the problem of human trafficking. The government provided translation services and meeting venues to support some IOM anti-trafficking programs. The government did not display transparency in its anti-trafficking efforts as it did not publicly report on its policies or activities to combat human trafficking. Libya did not take actions to reduce demand for commercial sex acts or to prevent child sex tourism committed abroad by Libyan nationals.

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 subjected to forced theft in foreign countries. Forty percent of identified Lithuanian trafficking victims are women and girls who are sex trafficking victims exploited within Lithuania. Lithuanian women are also the victims of sex trafficking in the United Kingdom (UK), Germany, Spain, the Netherlands, Greece, Italy, France, and the Czech Republic. 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. The government ensured that all trafficking offenders convicted this year were sentenced to prison terms commensurate with the gravity of crime committed. In prevention activities, the government reinstituted its national working group and adopted innovative new software to enhance its ability to investigate human trafficking offenses. However, the Lithuanian government struggled to investigate and prosecute labor trafficking offenses. The number of victims identified by the government decreased by approximately 50 percent. The government's funding of victim assistance programs increased modestly over the previous year, though it remained inadequate.



Recommendations for Lithuania: Improve efforts to investigate and prosecute suspected trafficking offenses, including forced labor offenses; increase funding or provide in-kind support to NGOs that provide victim protection services; continue to proactively identify victims of trafficking and refer them to NGO service providers; and increase public awareness efforts targeted at potential adult victims of trafficking.

Prosecution

The Government of Lithuania demonstrated mixed anti-trafficking law enforcement efforts during the reporting period. Lithuania prohibits human trafficking through Articles 147 and 157 of its criminal code, which prescribe penalties ranging from a fine up to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. This year, the government amended sections of its criminal law covering trafficking to harmonize them with international law. Prosecution of human trafficking cases remained a challenge for the Lithuanian government, as there were reports that law enforcement officers and investigators, especially in rural areas, lacked experience in

investigating trafficking cases and identifying trafficking victims. Prosecutions were also hampered by victims' reluctance to seek help or participate in the criminal process.

Lithuanian authorities initiated seven sex trafficking investigations in 2010, compared with 11 investigations initiated in 2009. Two labor trafficking investigations pending from 2008 were closed due to insufficient evidence; no new labor trafficking investigations were initiated. Authorities prosecuted 20 offenders in 2010, an increase from the 14 offenders prosecuted in 2009. Nine trafficking offenders were convicted in 2010, in contrast to 14 trafficking offenders convicted in 2009. However, the Government of Lithuania improved its sentencing practices in trafficking cases; in 2010, all convicted trafficking offenders received time in prison for their offenses, with sentences ranging from seven to 11 years in prison. In 2009, 12 of the 14 convicted traffickers were issued sentences ranging from two to nine years' imprisonment, while two traffickers served no time in prison. During the reporting period, the Lithuanian government collaborated with several governments on international investigations of trafficking, including the UK, Germany, Spain, the Czech Republic, Latvia, Belgium, Belarus, and the Netherlands. In 2010, an Albanian citizen who was suspected of human trafficking in Lithuania was extradited to Lithuania to face prosecution. The government did not report the investigation, prosecution, conviction, or sentencing of any public official complicit in human trafficking.

Protection

The Lithuanian government demonstrated mixed efforts to assist victims of human trafficking during the reporting period. The government allocated \$35,000 to NGOs for trafficking victim assistance in 2010, an increase from 2009, in which it allocated no funding to victim assistance; nevertheless, this represented a decrease from \$150,000 provided in 2008. The financial support for victim assistance is the lowest in the Baltic region. The Lithuanian government identified 22 trafficking victims during the reporting period, including three child victims. All trafficking victims were referred to NGOs for care. The rate of identification was significantly lower than in 2009, when government officials identified and referred 57 trafficking victims for assistance. During the reporting period, NGOs reported assisting approximately 150 victims of trafficking. Female trafficking victims were housed and cared for in mostly mixed-use facilities throughout the country. These victims were not detained involuntarily in these shelters. NGOs reported that there were no shelters available for men or boys, although the Men's Crisis Center was available to provide various victim services, except shelter, for abused men, including any trafficking victims. Although the government employed formal procedures to guide officials in identifying trafficking victims among vulnerable populations – such as women in prostitution, street children, and undocumented migrants – NGOs reported that these procedures were generally ineffective. NGOs suggested that the absence of a single government agency delegated to identify victims of trafficking contributed to problems in victim identification. Although the "Law on the legal status of aliens," Article 49(1),

allowed the government to grant foreign trafficking victims a six month temporary residency permit if they agreed to participate in criminal proceedings, no trafficking victims took advantage of the residency provisions. Nevertheless, the Lithuanian government and NGOs reported that victims were encouraged to participate in the investigation and prosecution of traffickers; 22 victims assisted in investigations in 2010. There were reports that victim protection requested by NGOs was not provided by police forces. However, 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.

Prevention

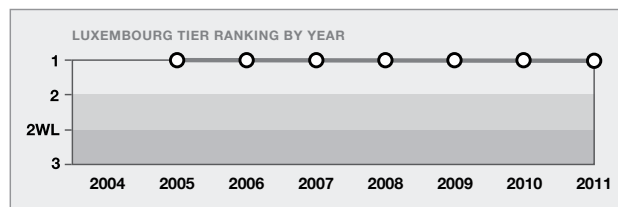
The Lithuanian government demonstrated some new prevention efforts during the reporting period. In April 2010, the government reconvened its multi-agency working group on trafficking in persons, bringing together relevant government actors on human trafficking. The government did not include NGOs in the working group. The Government of Lithuania had a national program to combat trafficking in the years 2009-2012, but NGOs reported that the national plan was not effectively implemented in 2009 and 2010. The government publicly reported on its national anti-trafficking activities through the national coordinator at the Ministry of Interior. In 2010, the Lithuanian government implemented a project to enhance its data collection and analysis capabilities. The project links the Lithuanian police force's data with that of INTERPOL and Europol, enabling the government to better conduct systematic analysis of trafficking within and from Lithuania. Lithuanian law enforcement officers continued their outreach to schools to educate children on trafficking.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for women from Africa (primarily Nigeria) as well as Kazakhstan, Bulgaria, Russia, Ukraine, Brazil, France, and Belgium who are subjected to forced prostitution. Authorities report that forced labor among foreign migrants is likely also a hidden problem. According to local experts, unaccompanied children who are asylum seekers or refugees and without legal status are particularly vulnerable to sexual exploitation. Adult victims of sex trafficking in Luxembourg are sometimes recruited by agents in their home countries for work in Luxembourg's cabarets, and subsequently forced into prostitution. According to a 2010 media report, 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 a 2010 ECPAT report, exploitation of children in Luxembourg primarily involves prostitution through illegal escort services, and in hotels, parked cars, private houses, and in illegal private clubs in the country.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. During the year, the government prosecuted and convicted four trafficking offenders and referred identified trafficking victims for basic services. The government, however,

failed to fully implement a March 2009 law to formalize specialized and comprehensive assistance for trafficking victims and it did not implement proactive identification and referral procedures, a standing deficiency in Luxembourg.



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 the subordinate legislation for the March 2009 protection law to codify and improve assistance to victims to move towards a more victim-centered approach; formalize the role of NGOs and others in the identification process and continue to fund them to provide comprehensive assistance to all trafficking victims, including victims of forced labor, as well as child and male victims; and re-launch an awareness campaign similar to the 2008 campaign by the Ministry of Equal Opportunity to educate authorities and the general public about trafficking.

Prosecution

The Luxembourg government sustained its anti-trafficking law enforcement efforts in 2010. 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 article, courts can sentence offenders below the prescribed minimum sentence of three years' imprisonment. The government prosecuted and convicted four trafficking offenders in 2010, compared with six from the previous year. Sentences imposed on these traffickers were prison terms of nine months, 15 months, three years, and four years; two Albanian men received the latter three and four year sentences. Between April 2010 and February 2011, the government convicted and sentenced a Belgian trafficking offender to nine months' imprisonment after finding him guilty of subjecting five victims of Belgian and French origin to forced prostitution in a massage parlor. Also, a Luxembourg court sentenced a French trafficking offender to 15 months' imprisonment for the forced prostitution of 14 Brazilian women. The government reported four ongoing international anti-trafficking investigations in 2011. There were no reports of the government investigating, prosecuting, convicting, or sentencing public officials for trafficking complicity in 2010.

Protection

The Government of Luxembourg demonstrated sustained efforts to identify and protect trafficking victims and made some tangible improvements in 2010. Although the government adopted a law to codify victim identification and referral procedures and comprehensive assistance for trafficking victims in March 2009, it has yet to pass subordinate legislation to begin implementing a formalized referral process. The government did not adopt formal procedures for government personnel to use in the proactive identification of victims; this remained a problem. Although law enforcement officials reported strict controls over the prostitution sector in the country, the vice-squad responsible for these controls assisted police in identifying 21 victims of sex trafficking in 2010, the same number it identified in 2009.

The government reported three out of 21 identified victims took advantage of a government-offered reflection period – during which they could decide whether to cooperate with authorities – and three were granted temporary residency permits. One victim was imprisoned for drug trafficking. According to a recent NGO report, police were the only authorities permitted to carry out formal victim identification. Also, the police relied primarily on self-identification by the victims rather than their own proactive measures. The government continued to fund two NGOs providing services for women in distress, including adult female trafficking victims. However, during the reporting period, NGOs could not benefit from the assistance system established by the March 2009 protection law to provide specialized care for potential and identified trafficking victims, which first requires parliamentary approval of the government's implementing regulation of the 2009 law. According to a 2010 ECPAT report, Luxembourg did not have a concrete set of measures in place to deal with trafficked children in Luxembourg. There were no specialized services or shelters available specifically for child victims. The government reported, however, that it identified a planned response to provide child victims with appropriate care. Authorities have yet to identify a child victim of trafficking in Luxembourg.

The government reportedly encouraged victims to participate in the investigation and prosecution of trafficking offenders; however, no victims assisted in the prosecution of their traffickers in 2010, the same as in 2009. The government has 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 all women in prostitution who were detained for being in the country illegally were checked for trafficking indicators. In January 2010, the government signed an agreement with IOM to ensure the responsible repatriation of victims; three victims were reported to be repatriated under this agreement.

Prevention

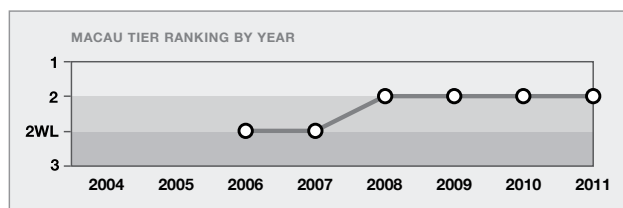
The government made limited progress in its anti-trafficking prevention efforts in 2010. According to a local expert, authorities in Luxembourg have only recently begun acknowledging the problem of human trafficking within the country, and the general public is not aware of its existence as an issue of importance. The government has

not adopted a national action plan on trafficking, and it did not transparently report on its anti-trafficking efforts during the year. The government did not develop or implement a nation-wide campaign to raise general awareness about trafficking, or to reduce demand for forced labor, though it included trafficking in a national gender equality plan which aimed to implement a human trafficking monitoring system. ECPAT continued to implement a campaign to raise awareness about child sex tourism and child prostitution that targeted potential abusers as well as to raise general awareness about these issues. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

MACAU (Tier 2)

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. Victims originate primarily from the Chinese mainland, with many of them from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. In the past there have also been victims from Mongolia, Vietnam, Russia, and Southeast Asia. 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. Chinese, Russian, and Thai criminal syndicates are believed to sometimes be involved in recruiting women for Macau's commercial sex industry. 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; all factors that make it particularly difficult for them to seek help. Macau also has been a source territory for some women and girls who are subjected to sex trafficking elsewhere in Asia. In addition, new immigration regulations, which bar migrant workers who have been fired or quit early from obtaining another work permit for six months and impose fines on workers who overstay cancelled work permits, as well as the lack of a minimum wage for foreign workers in domestic service, could create vulnerabilities for migrant labor in Macau to forced labor. In light of these consequences for leaving employers, male and female migrant workers may feel pressure to work for undesirable employers to avoid deportation or fines of approximately \$25 per day.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Macau's government sustained law enforcement efforts against human trafficking and efforts to protect trafficking victims during the year. It also continued to train law enforcement and other officials in identifying and investigating trafficking in persons offenses. Nonetheless, Macau continues to lack sufficient judicial resources to investigate and prosecute a significant number of trafficking cases; as a result, many trafficking cases, including instances of forced labor, may go undetected or fail to be punished.



Recommendations for Macau: Significantly increase efforts to vigorously investigate and prosecute trafficking offenders; make efforts to assess whether forced labor is occurring in Macau, particularly of migrant workers; continue to use proactive victim identification procedures to increase the number of trafficking victims identified by authorities, such as among women arrested for prostitution offenses and migrant workers; continue efforts to investigate and prosecute official complicity in trafficking; make greater efforts to combat international organized crime syndicates involved in human trafficking in Macau; expand incentives for victims to assist authorities in the prosecution of their traffickers, such as the ability to work in Macau; take steps to reduce the vulnerability of migrant workers to forced labor by reexamining immigration laws that increase this vulnerability; and support a visible anti-trafficking awareness campaign directed at reducing the demand for commercial sex acts.

Prosecution

Macau sustained its law enforcement efforts against trafficking during the reporting period. 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 and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, authorities initiated 15 investigations against sex trafficking, which is an increase from the six investigations reported last year. The government prosecuted two trafficking cases during this reporting period under its 2008 anti-trafficking law, resulting in the conviction and sentencing of one offender to three years' imprisonment for sex trafficking and the acquittal of two suspected traffickers. Ten investigations initiated during the reporting period remained ongoing and three cases were "archived" or put on hold while investigators sought to compile further evidence. The government continued to train entry-level police officers on basic anti-trafficking awareness and provided specialized training to police officers, immigration officials, and others on anti-trafficking investigation skills. It acknowledged, however, that its judiciary is ill-equipped to address trafficking adequately, with only 11 prosecutors available to handle all criminal cases in Macau. Many cases investigated in 2010 were closed due to lack of evidence or witnesses who were unwilling to cooperate with government authorities. Despite its modest progress in law enforcement against sex trafficking, the government did not report any law enforcement efforts against forced labor offenses. A former police officer was dismissed from duty and is awaiting trial for allegedly blackmailing two women in prostitution in 2007 for "protection" fees. Nonetheless, the government did not report broader efforts to investigate whether government complicity in trafficking offenses is occurring.

There were no cases of joint investigations between Macau authorities and foreign governments during the reporting period; however, Macau authorities cooperated with mainland Chinese counterparts to conduct raids and repatriate victims during the reporting period.

Protection

Macau authorities made moderate progress in their efforts to protect trafficking victims during the reporting period. The government reported using a formal system to identify victims of trafficking among those arrested for prostitution and immigration violations; in 2010, the government identified 17 victims using this system. A total of 29 victims of sex trafficking, all from mainland China of whom nine were children under the age of 18, were identified during the reporting period. The government continued to lack a dedicated shelter to assist victims of trafficking, though it funded shelters run by the Women's General Association of Macau (one of which is dedicated to assisting trafficking victims) and designated 21 beds for female trafficking victims in an existing shelter for abused women operated by the Social Welfare Bureau. At these shelters, trafficking victims received medical, psychological, and legal assistance, as well as a stipend. During the reporting period, the government assisted 10 victims in the government-funded shelters, provided seven victims with police protection, and referred one victim to an NGO shelter for care; 11 victims chose to return home without government assistance. Child trafficking victims were placed in an NGO-operated shelter for children. The government reportedly encourages all victims to participate voluntarily in investigations against their traffickers, and all 29 identified victims in 2010 initially assisted law enforcement authorities; nonetheless, foreign victims were not permitted to work during the investigation and prosecution. In September 2010, the government worked with an international NGO to train government officials on identifying and assisting child sex trafficking victims. The government also sustained an existing partnership with a local NGO in order to identify interpreters to assist in interviewing foreign trafficking victims. Although female victims of forced labor had access to the government's multi-purpose shelter, the government did not report providing protection to victims of forced labor – either male or female. Foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution, though the government did not report any such situations.

Prevention

Macau continued to make efforts to prevent sex trafficking during the reporting period, but made fewer efforts to prevent forced labor. Starting in March 2010, the Legal Affairs Bureau began conducting seminars in secondary schools to enhance student awareness of trafficking. The Social Welfare Bureau, in conjunction with the Macau Women's General Association, continued to raise public awareness of trafficking through informational posters on buses and taxis. The Health Bureau distributed pamphlets at local clinics aimed at informing potential trafficking victims of their rights and resources, and the Public Security Police placed advertisements promoting the government's

anti-trafficking hotline. In addition, the Immigration Department broadcast commercials aimed at helping foreign workers in domestic service avoid conditions of forced labor. Macau's "Law for the employment of non-resident workers" took effect in April 2010 and bars migrant workers who have been fired or quit early from obtaining another work permit for six months; the threat of deportation or fines for staying in Macau beyond a cancelled work permit may create vulnerabilities for foreign workers. The government also did not take measures during the year to reduce the demand for commercial sex acts, such as conducting awareness campaigns targeting clients of Macau's prostitution industry.

MACEDONIA (Tier 1)

Macedonia is a source, destination, and transit country for men, women, and children for 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 can originate in Albania, Bulgaria, Serbia, and Kosovo. Macedonian victims and victims transiting through Macedonia are subjected to forced prostitution or forced labor in South Central and Western Europe. Children, including ethnic Roma, are subjected to forced begging in streets and public markets. Macedonian men are vulnerable to forced labor within the region. All trafficking victims identified by the government in 2010 were domestic citizens. According to the 2010 National Rapporteur's Anti-Trafficking and Smuggling Report, the current profile of trafficking defendants includes primarily owners of bars, night clubs, and small hotels as well as taxi drivers, club bouncers, and dancing recruiters.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government made significant strides in its law enforcement efforts to combat trafficking by convicting an increased number of trafficking offenders and prosecuting and convicting an official for trafficking complicity in 2010. The government identified an increased number of trafficking victims and opened a shelter for domestic trafficking victims in February 2011. However, the Government of Macedonia has yet to achieve a comprehensive victim-centered approach to trafficking. Implementation of proactive identification procedures among local-level police and other front-line responders remained an ongoing concern. Accurate identification of trafficking cases and conflation of human trafficking with other criminal activities continued to be problems, raising the risk that unidentified trafficking victims could face continued exploitation or deportation, and not benefit from assistance.



Recommendations for Macedonia: Ensure that shelter and reintegration services available to Macedonian and foreign victims are comprehensive; ensure that NGOs are funded and active partners in the provision of victim services and reintegration; provide more incentives for foreign trafficked children and adults to stay in Macedonia long enough to assist in bringing their traffickers to justice; develop specialized assistance for men and very young children who are trafficked; strengthen law enforcement partnerships with NGOs and others in civil society to help develop the trust of potential victims; demonstrate appreciable progress in the identification of foreign and domestic trafficking victims by ensuring proactive screening of unregistered workers in catering facilities, bars, nightclubs, construction and agricultural sectors for indications of forced labor and forced prostitution; continue the anti-trafficking unit's outreach outside of Skopje to increase identification of trafficked children and adults throughout the country; continue to build the anti-trafficking expertise of social workers; ensure law enforcement is properly trained on how to interact with child victims without exacerbating any emotional or psychological trauma; and continue to vigorously investigate, prosecute, convict and sentence traffickers, including any public officials complicit in trafficking, while ensuring the legal and human rights of victims.

Prosecution

The Government of Macedonia made significant progress in its anti-trafficking law enforcement efforts during the reporting period. The government prohibits sex and labor trafficking through Article 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. The government completed a total of three trafficking investigations in 2010, arresting 25 suspects in connection with these cases. In 2010, Macedonian courts convicted 21 sex trafficking offenders, a commendable increase from zero convictions in 2009. Nine of these offenders were convicted under the government's anti-trafficking law. Sentences ranged from four to 8.5 years in prison. Macedonian law prevents sentences from beginning until the appeal process is complete; authorities confirmed that of the 21 convicted, seven are currently in jail and four are under house arrest. The government vigorously prosecuted trafficking complicity of public officials by sentencing a police officer to 8.5 years in prison for facilitating the sex trafficking of two children, setting a notable example in the region for addressing official complicity.

Protection

The Government of Macedonia improved its capacity to protect domestic trafficking victims by opening and funding a shelter for domestic victims in February 2011. The government reported identifying 12 trafficking victims in 2010, an increase from seven the previous year; though still a decrease from 15 identified victims in 2008. The government employed proactive identification techniques via its Standard Operating Procedures (SOP), but regional experts noted continued gaps in their implementation in practice, partly

due to frequent changes in the positions of public servants and police who deal with trafficking cases and victims. Local experts noted ongoing problems with victim identification, especially among local police who fail to identify trafficking victims when investigating and detecting other crimes like prostitution or sexual abuse, risking the possible punishment of victims in Macedonia for crimes committed as a direct result of being trafficked or victims not receiving the care and rehabilitation they are entitled to under anti-trafficking laws. However, the government took steps to establish sub-National Commissions to improve SOP implementation on a local level.

The government continued to fully fund a National Referral Mechanism office responsible for referral and protection of victims; one NGO report noted its effective coordination and cooperation on identified trafficking cases. The government continued its good practice of assigning a guardian to each identified child trafficking victim to help ensure a continuum of care and establish trust. The government, though, did not provide sustainable funding for this service.

The government continued to operate a reception center for foreign migrants and trafficking victims; migrants and trafficking victims were physically separated from each other and potential foreign trafficking victims received the same care and counseling as Macedonian victims. Potential foreign trafficking victims were not allowed to leave the shelter, though they were offered temporary residency permits to cooperate in the prosecution of their traffickers, which, if accepted, would allow them unrestricted movement as well as welfare and employment benefits and a transfer to the new domestic shelter. Authorities referred 15 presumed foreign victims from Albania, Bulgaria, and Serbia to its reception center in 2010, and provided them with care and assistance during their stay. However, the majority of victims did not stay in the reception center longer than 10 days, preferring to return to their home countries. Since the 2007 creation of a temporary residency permit for foreign trafficking victims, not one permit has been issued, indicating a weakness in the current implementation and regulations regarding the use of temporary residency permits.

The government had more success in convincing domestic victims to assist in bringing their traffickers to justice: 10 trafficking victims from Macedonia assisted law enforcement investigations in 2010. Macedonian authorities offered legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship through both a two-month reflection period and a six-month residency permit; however, as stated above, no potential foreign victims have chosen to accept a residency permit in Macedonia.

Prevention

The Government of Macedonia sustained its anti-trafficking prevention efforts during the reporting period. The National Commission continued implementation of its 2009-2012 national action plan on human trafficking with an overall budget of \$550,000; the plan contains detailed funding directives for each responsible ministry.

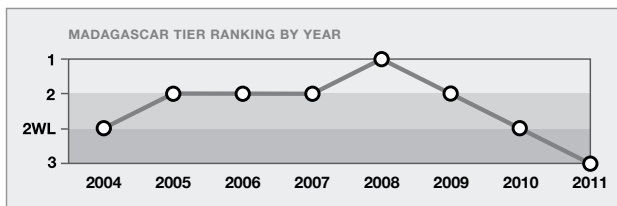
It continued to conduct public awareness campaigns on trafficking in conjunction with NGOs, including in high schools in the city of Bitola, which was identified as particularly high risk for trafficking. The government also funded an NGO in the city of Struga to target vulnerable students from the villages in south western Macedonia near the Albanian border. The National Commission continued broadcasting IOM's "Buy Responsibly" campaign over state television as part of a campaign to target client demand for products produced by forced labor. In December 2010, the government's National Rapporteur published Macedonia's second annual report on trafficking and human smuggling. The report contained more comprehensive recommendations than the previous year's report, but lacked the rigorous self-critical analysis that could serve as a leading example in the region.

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 have increased, particularly due to a lack of economic development and a decline in the rule of law during the current political crisis, which began in March 2009. An estimated 7,000 Malagasy women are currently employed as domestic workers in Lebanon, with a smaller number in Kuwait. Many of these women are single mothers, come from rural areas, and are illiterate or poorly educated, making them more vulnerable to deception and abuse at the hands of recruitment agencies and employers. Numerous trafficking victims returning to Madagascar from Lebanon 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. At least 11 deaths were reported among this population in 2010. Of the 777 Malagasy returnees since 2009, 85 percent ended their contracts early because of mistreatment.

Children, mostly from rural areas, are subjected to domestic servitude, commercial sexual exploitation, and forced labor in mining, fishing, and agriculture within the country. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the enslavement of children. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, Diego Suarez, and Majunga, as well as the capital city of Antananarivo. Some children are recruited for work in the capital using fraudulent offers of employment as waitresses and maids before being coerced into prostitution on the coast. The main nationalities of child sex tourists seen in Madagascar are French, German, and Swiss. In Antananarivo and Nosy Be, child sex tourists hire local taxi drivers to procure children in prostitution or virgins. Parents sell young women into marriages, some of which are short-term and involve foreigners, and often for significant sums of money, and leave the women vulnerable to sex trafficking or domestic servitude. The main clients of prostituted children in Madagascar, however, are Malagasy men. There are reports that boys are also in prostitution in Madagascar, though it is hidden as it is culturally taboo.

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 of the *de facto* government, despite the growing size of the problem both internally and transnationally. The authorities' anti-trafficking efforts were negligible during the year; they failed to prosecute or convict trafficking offenders, identify and refer repatriated victims to necessary services, and prevent the increased trafficking of Malagasy citizens. Lack of awareness on the coverage and application of the anti-trafficking law, and the continued arrest and punishment of potential underage children in prostitution by local law enforcement, contributes to the dismal state of anti-trafficking law enforcement efforts in Madagascar. Efforts to repatriate victims from Lebanon, though necessary, have often been poorly managed, and reveal a minimal and wholly reactive approach to addressing the problem.



Recommendations for Madagascar: Issue a presidential decree codifying and mandating use of the anti-trafficking law at the provincial level; utilize the anti-trafficking law to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; consider amending the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; make efforts to foster a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a Malagasy consulate or embassy 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; provide anti-trafficking training to law enforcement, labor, and social welfare officials; and make efforts to improve the level of coordination between government ministries on trafficking issues.

Prosecution

The Malagasy *de facto* government's anti-trafficking law enforcement efforts diminished over the year, as it reported no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking, though it only prescribes punishments for sex trafficking; penalties 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 inadequate penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes inadequate

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 yet to use its anti-trafficking law to punish traffickers. The authorities did not investigate or prosecute cases of forced labor during the reporting period; however, there were two prosecutions of child sex tourists, though no accused offenders are currently in jail.

Anecdotal evidence indicates that public officials' complicity in human trafficking remains a significant problem. Corrupt police permit organized child prostitution rings to operate, particularly in Nosy Be. Local police learn of cases of child sex tourism and commercial sexual exploitation of children when underage victims file complaints, seeking police intervention to demand payment from clients. However, the work of law enforcement was misdirected in these instances, as police assisted victims in retrieving payment, and often victims withdrew their complaints out of fear that they may later be prosecuted. Generally, local police 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 on the anti-trafficking law. In addition, local police cite parents as an obstacle; they encourage their children to engage in prostitution and, in turn, discourage law enforcement action due to the dire economic situation within their families. The regime reported no efforts to investigate, prosecute, convict, or sentence public officials complicit in human trafficking during the reporting period.

Protection

The *de facto* Malagasy government made weak efforts to ensure that victims were provided access to necessary services and it did not operate specific victim assistance programs. The minister of Population and Social Affairs, working in Madagascar, coordinated the repatriation of victims from Lebanon, though her work was of a personal nature and did not involve her technical staff or official responsibilities. During 2010, there were 606 Malagasy repatriated from Lebanon; by March 2011, an additional 194 had been repatriated. The regime lacks 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, or referred victims to government hospitals. During the reporting period, the *de facto* government provided medical and psychiatric care at no cost to 109 repatriated victims at public hospitals under the Ministry of Health. However, such care provisions are not systematic; some hospitals did not provide free care or care at a reduced charge to victims, while others worked with NGOs, on a case-by-case basis, to ensure costs remained low for victims. The authorities ended the practice of immediately detaining trafficking victims returned from Lebanon in a psychiatric institution, as it was too costly; however, the need remains to allow trafficking victims systematic access to care. Services and facilities are insufficient and usually non-existent in areas beyond Antananarivo. However, the Ministry of Health's local-level Child Rights Protection Networks, supported by UNICEF, brought together *de facto* government institutions,

law enforcement, and NGOs to partially fill this role, by coordinating child protection activities, identifying and reporting abuse cases, and assisting some trafficking victims in accessing social and legal services. UNICEF trained a team of facilitators made up of technical staff from the Ministries of Population, Justice, and Public Function; in December 2010, UNICEF organized a series of trainings for 25 to 30 participants in each of four regions on exploitation of children led by the team of facilitators for local authorities, police, *Fokontany* staff, and local NGO representatives, as a means to build the capacity of networks. Due to both a lack of understanding of trafficking and related laws, as well as a lack of recognition of the crime committed, the *de facto* government may arrest and punish internal trafficking victims for unlawful acts committed as a direct result of being trafficked. The *de facto* government did not show evidence that it encouraged victims to assist in the investigation and prosecution of their exploiters, and did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

The Malagasy honorary consul and the *chargé d'affaires* of the Malagasy embassy in Paris, working in Lebanon, began identifying workers to be repatriated to Madagascar, establishing a termination date with their employers, and negotiating with the Lebanese government regarding those in detention due to their illegal status. Officials from the Ministries of Population, Civil Service, Justice, and Foreign Affairs, and the Air and Border Police met in Antananarivo in March 2011 to coordinate efforts in preparation for this repatriation; however, the process for identifying and registering those to be repatriated, led by the honorary consul, was flawed, leaving the most vulnerable victims with their employers. In March 2011, 85 potential victims were repatriated from Lebanon; upon their return, these victims received medical care at public hospitals and psychological support from social workers at a local NGO. Over 600 Malagasy await repatriation from Lebanon and of these 140 vulnerable victims are in need of emergency repatriation, as determined by NGOs. The authorities have no known plans to address the needs of these 600 workers. These repatriations, though mismanaged and inadequate at times, have been the only bilateral actions taken to address the needs of victims in Lebanon. For a second year, the *de facto* government did not initiate bilateral engagement with the Government of Lebanon regarding 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. There are reports that the honorary consul stood by as a Malagasy domestic worker was physically abused by her employer in his presence.

Prevention

The *de facto* government has made little effort 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 workers to Lebanon. However, unofficial networks now reportedly send Malagasy through Mauritius,

South Africa, Kuwait, Egypt, France, or the Seychelles to circumvent this ban; at least 300 Malagasy arrived in Lebanon via Mauritius since the ban began. Malagasy officials also reportedly assisted unlicensed recruitment agencies in obtaining fraudulent travel or identification documents, including for underage aspirants, and the Ministry of Civil Service and Labor provided permits for some workers to travel to Lebanon. The ministry reportedly has close ties with labor recruitment agencies, hindering its oversight role in monitoring the agencies' practices. However, the Ministries of Foreign Affairs, Public Service, Population, and Social Affairs created an inter-ministerial committee in December 2009 to address the situation in Lebanon and establish a safe migration program, with support from UNICEF, including a new contract template, pre-departure preparation for women, and the establishment of rules and regulations for recruitment agencies.

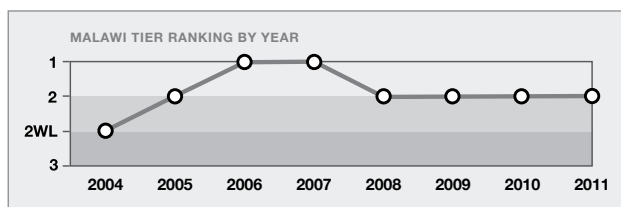
Local NGOs and local law enforcement have identified child sex tourists, though there have not been any successful prosecutions in these cases. According to NGO reports, the regime brought one child sex tourist from Luxembourg to trial in Tamatave, though the accused was not convicted; there are reports that all witnesses have either been threatened or paid off. In March 2010, the National Gendarmerie in Nosy Be arrested a hotel receptionist and an alleged Seychellois sex tourist for the trafficking of a 17-year-old girl. Although there was a trial, the suspected offenders have been released for unknown reasons.

MALAWI (Tier 2)

Malawi is primarily a source country for men, women, and children subjected to forced labor and sex trafficking. 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 parts of Europe. To a lesser extent, Malawi is a transit point for foreign victims and a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe. Within the country, children are subjected to domestic servitude and other forms of forced labor, including in cattle herding, agricultural labor, and menial work in small businesses. At local bars and rest houses, owners coerce girls and women, who work at the establishments, to have sex with customers in exchange for room and board. Forced labor is often found on tobacco plantations. Labor traffickers are often individuals who have moved to urban areas and subsequently recruit children from their home villages with offers of good jobs, and later withhold pay and subject children to sexual and physical abuse. Brothel owners or other facilitators lure girls from rural areas with promises of nice clothing and lodging. Upon arrival, the girls are charged high fees for these items and coerced into prostitution in order to pay off these debts. South African and Tanzanian long-distance truck drivers and mini-bus operators transport victims across porous borders by avoiding immigration checkpoints. Some local businesswomen who travel regularly to neighboring countries to buy clothing for import have been identified as

traffickers. Reports of European tourists paying for sex with teenage boys and girls continue.

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. The government maintained its efforts to ensure forced labor victims' access to protective services and it prosecuted and convicted labor trafficking offenders; however, adults in forced prostitution or forced labor and children exploited in domestic service and prostitution still did not receive adequate attention and the government prosecuted no such offenses during the reporting period. While one trafficking offender received a short prison sentence, most convictions resulted in sentences of fines or out-of-court settlements with compensation to victims, both of which failed to provide an adequate deterrent. The government continued to depend heavily on international organizations and multi-national NGOs for funding most anti-trafficking programs and took no action to prevent trafficking during the reporting period.



Recommendations for Malawi: Pass and enact comprehensive anti-trafficking legislation; expand training programs for judges, prosecutors, and police on how to identify, investigate, and prosecute trafficking offenses using existing laws; continue to manually compile basic trafficking law enforcement data until it is possible to improve data collection capabilities on cases investigated and prosecuted, as well as victims assisted; expand the existing focus on protecting victims of child labor trafficking to include children exploited in domestic servitude and prostitution; develop a formal system to identify trafficking victims among vulnerable populations, including women and children in prostitution, and to refer them to available government and NGO services; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Malawi increased its anti-trafficking law enforcement efforts during the last year by enacting legislation that specifically prohibits child trafficking. 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, though the country lacks specific anti-trafficking laws. 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. In June 2010, the national assembly passed the Child Care, Protection and Justice Bill, which was immediately signed into law by the president; this is the

first legislation to define child trafficking in Malawi, imposing a penalty of life imprisonment for convicted traffickers. During the reporting period, the Malawi Law Commission completed draft comprehensive anti-trafficking legislation, which specifically prohibits all forms of human trafficking; this legislation is expected to be introduced to the parliament in 2011. In December 2010, the government amended penal code Section 147 to specifically prohibit sex trafficking. The government did not make available comprehensive anti-trafficking law enforcement statistics, though some individual districts provided data on their actions, totaling 18 prosecutions, 11 of which have concluded with convictions, and the remaining seven prosecutions remain pending. Districts also reported the arrest of alleged trafficking offenders, including that of one Malawian and two Mozambican nationals, in Phalombe District, for the alleged labor trafficking of five boys, from 12 to 15 years old. Although the government prosecuted and convicted offenders using existing legislation, only one of nine convicted offenders served jail time and sentences varied widely across district courts. Additionally, labor inspectors and child protection officers were trained to seek remuneration for workers in labor dispute cases – including forced labor – rather than to refer to law enforcement for prosecution; the government's continued failure to seek criminal prosecution of forced labor offenses, with significant prison sentences, hinders an effective response to Malawi's trafficking problem. Police, child protection, social welfare, and other officials received training in how to recognize, investigate, and prosecute instances of trafficking either directly from the government or in partnership with NGOs during the year. For example, in March 2011, the government trained 20 officers from the Ministry of Local Government and Rural Development, the Ministry of Gender, Children and Community Development, and several NGOs in a trainer-of-trainers program on child protection and human trafficking. The government continued to train police recruits at the Malawi Police Training School in identifying and combating human trafficking, as part of their standard training curriculum; at least 525 recruits were trained during the reporting period through this program. The Ministry of Labor continued to train labor inspectors in child protection. Requests for law enforcement cooperation with neighboring governments continued to be made on an *ad hoc*, informal basis. The government did not prosecute or convict officials for trafficking-related complicity during the reporting period; the Anti-Corruption Bureau's investigation, begun in 2007, into two complaints of trafficking-related corruption remained ongoing at the end of the reporting period.

Protection

The government maintained its efforts to ensure victims' access to appropriate services during the reporting period. The government has not yet established systematic procedures for proactively identifying victims of trafficking among vulnerable populations, especially women and girls in prostitution. The government funded one rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence; it is unknown how many trafficking victims the center assisted during the reporting period. Over 100 police stations throughout the country housed

victim support units to respond to gender-based violence, including trafficking crimes; these units continued to provide limited counseling and, in some places, temporary shelter to victims. Government-run hospitals provided trafficking victims with limited access to medical and psychological services. The government, at the district level, also referred victims to various NGO-run shelters, which catered largely to vulnerable children and youth, with some providing specialized care for women, though not for men. These shelters offer rehabilitation and skills training. The government supported NGOs by assigning labor inspectors, child protection officers, district social welfare officers, and police to assist in their anti-trafficking projects; national and district budgets allocated resources for these government officials, though they were not itemized for anti-trafficking efforts specifically. There were no aggregate data available for the number of victims identified, referred, or assisted by the government and NGOs during the reporting period; from the two districts that reported protection data, 253 male trafficking victims and 52 female victims were identified. In Kasungu District, police and labor officers referred 38 child labor trafficking victims to care facilities before they were reunited with their families. In Mchinji District, an NGO transit center cared for 266 child trafficking victims; the District Social Welfare Office partnered with the center to assist in the reintegration of 254 victims into schools. The government continued to provide child trafficking victims with school supplies and funding to assist in their reintegration, and provided training to trafficking victims' families on income-generating activities to reduce the likelihood of victims' re-trafficking. The government did not provide foreign victims with temporary residency or legal alternatives to their removal to countries where they would face hardship or retribution; in some cases the Immigration Department suspended deportation for short periods. The government provided limited assistance to repatriated Malawian trafficking victims; during the reporting period four Malawian nationals were repatriated from Zambia and the Social Welfare Office provided transportation to Zambia. Overall, the government encouraged victims' participation in the investigation and prosecution of trafficking crimes and did not penalize identified victims for unlawful acts committed as a direct result of being trafficked; however, trafficking victims may have been detained for a short period during the initial investigation of their cases.

Prevention

The government made minimal efforts to prevent human trafficking and did not coordinate anti-trafficking public awareness campaigns during the reporting period. It did not complete a national plan of action, the drafting of which started during the previous reporting period. Three inter-agency groups have responsibility – and possible overlapping jurisdiction – for trafficking issues: the Inter-Ministerial Task Force on Human Trafficking, led by the Ministry of Gender, Child Development and Community Development; the National Steering Committee on Orphans and Vulnerable Children; and the National Steering Committee on Child Labor. These committees did not organize any awareness campaigns or training activities, though they reportedly met during the year. In November 2010, in partnership with IOM and INTERPOL,

the government hosted an anti-trafficking training session for senior police officers from other African nations, with a focus on building communication strategies between law enforcement entities in each country. The government did not make efforts to reduce the demand for commercial sex acts during the year. Military officers and enlisted soldiers received training on human rights, child protection, and sexual exploitation from a foreign donor before their deployment abroad as part of peacekeeping missions.

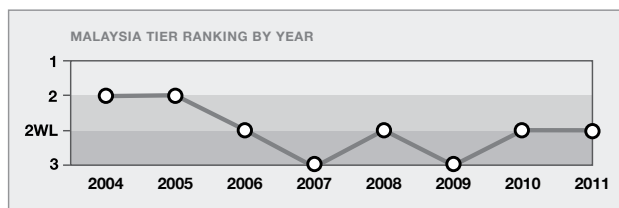
MALAYSIA (Tier 2 Watch List)

Malaysia is a destination, and to a lesser extent, a source and transit country for men, women, and children who are subjected to conditions of forced labor, and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the two million documented and 1.9 million 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 business people, large organized crime syndicates are also behind trafficking. A significant number of young foreign women are recruited for work in Malaysian restaurants and hotels, some of whom migrate through the use of "Guest Relations Officer" visas, but subsequently are coerced into Malaysia's commercial sex trade. Many Malaysian labor outsourcing companies recruit excess workers from Bangladesh, Vietnam, and other countries, who are then often held in warehouses or other locations and handed over to unscrupulous employers, who subject them to conditions of forced labor. Many migrant workers in plantations, construction sites, textile factories, and employed as domestic workers throughout Malaysia are subject to practices indicative of trafficking such as restrictions on movement, deceit and fraud in wages, passport confiscation, or debt bondage at the hands of agents or employers. Passport confiscation is widespread, and there were reports that employers also opened joint bank accounts as a form of control on workers. Some employees reported that their employers exercised control over them by threatening to take the workers' passports to immigration authorities where the employer would allege that the worker had breached the terms of their labor contract, which could result in the revocation of the worker's visa and their subsequent deportation. Some Malaysian employers reportedly did not pay their foreign domestic workers three to six months' wages in order to recoup recruitment agency fees and other debt-bonds charged to employers. 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 did not continue to do so.

Refugees, particularly from Burma, were especially vulnerable to trafficking, and Malaysians from rural communities and indigenous groups were also vulnerable.

The People's Volunteer Corps (RELA) continued to conduct raids targeting illegal migrant communities and detained refugees, asylum seekers, and trafficking victims along with allegedly illegal migrants, though this practice has reportedly decreased compared to previous years. Although they did sign an Letter of Intent (LOI) to amend their Memorandum of Understanding (MOU), the Indonesian and Malaysian governments have not amended or replaced a 2006 MOU covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees. The government reports that there are approximately 300,000 female domestic servants employed in the country, many of which may be trafficking victims. According to NGOs, the number of domestic servants legally employed in Malaysia has fallen from 300,000 to 230,000 during the past year. These NGOs estimate that for every domestic servant legally employed in Malaysia there is one working in the country illegally. Ninety percent of these domestic servants are from Indonesia. A small number of Malaysian citizens were reportedly 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; however, it is making significant efforts to do so. Because the assessment that the government had made significant efforts is based in part on its commitments to undertake actions over the coming year – notably, far more effective and even implementation of Malaysia's anti-trafficking law and improved victim protection efforts – Malaysia is placed on Tier 2 Watch List for a second consecutive year. While the government increased the number of convictions obtained under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act during the year and continued public awareness efforts on trafficking, it did not effectively investigate and prosecute labor trafficking cases, and failed to address problems of government complicity in trafficking and lack of effective victim care and counseling by authorities. There remain many serious concerns regarding trafficking in Malaysia, including the detention of trafficking victims in government facilities.



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 prosecute and convict public officials who profit from or are involved in trafficking, or who exploit victims; develop and implement procedures to identify labor trafficking victims among vulnerable groups such as migrant workers and refer them to available protection services; improve victim protection in government facilities by providing victims

legal assistance, and providing effective counseling and care to the victims of trafficking; develop and implement mechanisms to allow adult foreign trafficking victims to travel, work, and reside outside of government shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; ensure that victims of trafficking are not threatened or punished for crimes committed as a result of being trafficked; make greater efforts to educate migrant workers on their rights, legal recourses available, and how to seek remedies against traffickers or employers who fail to meet their legal obligations; re-negotiate MOUs with source countries to incorporate victim protection and remove authorizations for employers to confiscate passports or travel documents; continue to train 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; make efforts to reduce the demand for both sex and labor trafficking; and expand the anti-trafficking awareness campaign to encompass both labor and sex trafficking.

Prosecution

The Government of Malaysia made some progress in law enforcement efforts against sex trafficking during the reporting period, but did not make significant efforts to prosecute and convict labor trafficking offenders. 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 of other serious offenses, such as rape. In November 2010, the government enacted new amendments to this that broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labour or services of a person through coercion. The application and public presentation of the amendments to the trafficking law, however, threatens to further conflate human trafficking and human smuggling. During the reporting period, the government convicted 11 sex trafficking offenders and three individuals involved in labor trafficking, sentencing them to three to eight years' imprisonment; this was compared to seven trafficking offenders convicted during the previous reporting period. Two of the three individuals convicted of labor trafficking offenses were drivers who were involved in the transporting of Burmese refugees from a government immigration detention center to the border with Thailand where they were handed over to trafficking syndicates. While the network involved in the trafficking of Burmese to Thailand was believed to be substantial, the government has yet to conclude the prosecution of the only other individual arrested in July 2009 – a Malaysian immigration official – for the trafficking of Burmese refugees to Thailand, cited in the previous reported period as a pending case. The case still remains pending. Authorities report initiating 174 charges against 51 individuals under the anti-trafficking law, though a small number of these cases were for non-trafficking-related crimes such as illegal baby adoptions. The government reports that 141 trafficking cases remained pending in Malaysian courts. 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. The acquittal rate of alleged trafficking offenders was 68 percent during the year, a rate attributed by observers to the lack of adequate victim-witness protection and poor judicial training on human trafficking. During the year, NGOs referred several cases of alleged labor trafficking to the government, but authorities did not report any related arrests or investigations. NGOs reported that the police often failed or refused to investigate complaints of confiscation of passports and travel documents or withholding of wages – especially with regards to domestic workers – as possible trafficking offenses. The government did not report any criminal prosecutions of employers who subjected workers to conditions of forced labor or labor recruiters who used deceptive practices and debt bondage to compel migrant workers into involuntary servitude. The January 2010 case of forced labor identified on Thai fishing boats off the coast of Sarawak, in which the government arrested five Thai alleged trafficking offenders, resulted in the acquittal of one alleged trafficker; the government has filed an appeal in this case.

Observers reported that corruption continued to play a role in the trafficking of foreign migrant workers, particularly with regard to officials' authorizing excess recruitment by Malaysian "outsourcing" companies, which recruit laborers abroad. Reports also indicated that collusion between police and trafficking offenders sometimes led to offenders escaping arrest and punishment. Nevertheless, there were no officials convicted of trafficking-related complicity during the reporting period. Authorities did not take criminal action against RELA volunteers who used the threat of immigration detention to extort money from migrant workers despite continued but decreased reports of this practice.

Protection

The government made only limited progress in protecting victims of trafficking during the reporting period, and victim protection efforts remained inadequate. Victims identified by Malaysian authorities are adjudicated under a "protective order" that triggers their forcible detention in "shelters," where some are even isolated, unable to work or earn income, and have little or no access to legal or psychological assistance provided by the government or NGOs. The government reported that it provided some victims with courses in arts, aerobics, and English language skills. Nevertheless, government "shelters" still denied victims basic freedoms, and these facilities did not employ medical officers or trained psychologists. The government reported employing two counselors who visit the "shelters" on a weekly basis but their level of expertise and training was unclear. The government invited IOM to conduct an assessment of its victim care at the "shelters," which occurred during the year. The government treated victims of trafficking as illegal aliens and turned them over to immigration authorities for deportation after they provided evidence to prosecutors, usually after a 90-day stay at a trafficking in persons "shelter." Victims were at times locked in their rooms, handcuffed to and from court appearances, and reported being subjected to body patdowns and searches prior to entering the facilities. Victims were typically uninformed about the legal processes to which they were subjected, and the government did not make efforts

to inform the victims of why or for how long they were being detained. As reported during the previous reporting period, the government's policy of detaining trafficking victims against their will continued to provide a disincentive for victims and their advocates to bringing cases to the government's attention or cooperating with authorities; the government did not make any efforts to address this serious deficiency in its anti-trafficking response.

The Ministry of Women, Family, and Community Development continued to operate three "shelters" for women and children victims of trafficking, which resemble detention centers. These "shelters" detained suspected and confirmed foreign trafficking victims for 90 days (but often much longer) until they were deported to their home countries, per Malaysian law. The Ministry of Home Affairs ran a similar "shelter" for male victims of trafficking, which also detained suspected and confirmed trafficking victims. During the reporting period, there was at least one victim in government custody who attempted suicide while in a government "shelter." The government announced that the Women's Ministry would assume responsibility for the female, children, and male "shelters" as of March 31, 2011.

In 2010, 206 foreign women, 172 foreign men, and five foreign children were certified as trafficking victims and detained in government facilities. The government reported seven Malaysian victims identified by authorities, but did not share information on these cases. While the government reports that it encourages victims to assist in the prosecution of their traffickers, it did not make available any alternatives to repatriation for victims who may face harm or retribution upon return to their home country, nor did it provide any incentives for victim cooperation in the prosecution of their traffickers, such as work permits or extended stay visas. Victims were deported once prosecutors were satisfied with their testimonies. There were reports that one group of male victims of trafficking was held in government facilities for as long as 11 months. Poor investigation procedures did not take into account the best interests of victims, as under the current system, victims could be asked to recount their trafficking experience on up to seven different occasions to different officials. During trial proceedings, authorities did not make adequate efforts to separate victims from their traffickers or recruitment agents, which may have resulted in threats or pressure exerted on victims and their families if they cooperated with police and prosecutors. Several NGOs who provided comprehensive services to trafficking victims reported that they no longer refer cases to the police, as it is clear that doing so was detrimental to the welfare of the victims. Additionally, the referral of victims to authorities led to the transfer of custody to government facilities, where NGOs were reportedly barred from additional contact with the victims.

NGO trafficking shelters provide services that government "shelters" did not, and the government did not provide financial assistance to NGOs providing such services. Furthermore, the government required all identified victims to be confined in government "shelters." 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

victims continued to be detained and deported, similar to the government's treatment of illegal immigration offenders. The Attorney General's Chambers reportedly created standard operating procedures for the identification and processing of suspected trafficking victims, but did not share these procedures outside of the government. The government did not develop or implement formal procedures to proactively identify victims of labor trafficking. Some unidentified victims were routinely processed as illegal migrants and held in prisons or immigration detention centers prior to deportation. RELA continued to serve as security at immigration detention facilities and as volunteers in indiscriminate raids to identify illegal migrants, some of whom were reportedly trafficking victims. Several foreign embassies reported that they were sometimes not informed by Malaysian authorities of the presence of their nationals in trafficking "shelters," and at times, authorities would deny these diplomatic missions access to their citizens once their presence was known.

Prevention

The Malaysian government continued some efforts to prevent human trafficking during the reporting period. Authorities increased cooperation with NGOs to discuss ways to improve their anti-trafficking responses. For example, in January 2011, the state of Selangor created its own state level anti-trafficking council staffed with many leaders from the NGO community. The inclusion of several NGOs on the National Council for Anti-Trafficking in Persons (MAPO), has significantly improved the dialog between the government and NGO community on trafficking issues. The November 2010, amendments to the anti-trafficking law included the Labor Department within the Ministry of Human Resources as an enforcement agency. The Ministry of Human Resources reported that it now requires that foreign domestic workers and their employers attend a compulsory half-day seminar on workers' rights and receive a pamphlet on those rights prior to starting employment. The Ministry also reported that a portion of a domestic worker's salary must be placed into a bank account in the employee's name in order to provide a record of payment and help resolve the thousands of labor disputes based on allegations of unpaid wages. The Home Ministry reported investigating the 277 outsourcing companies that recruit foreign workers into Malaysia and placed 42 on a watchlist for engaging in suspicious activities, such as use of falsified documents or listing false employers. The government continued an anti-trafficking public awareness campaign in print media, on the radio, and on television. The Women's Ministry continued to produce pamphlets about indicators of trafficking, which were distributed at border checkpoints and Malaysia's Human Rights Commission (SUHAKAM) distributed similar pamphlets. During the year, the government again failed to amend or replace a 2006 MOU with the Indonesian government covering the employment of Indonesian domestic workers in Malaysia—which authorizes Malaysian employers to confiscate and hold the passports of domestic employees and does not mandate basic employment standards—although the countries did sign an LOI. The government continued in practice to allow for the confiscation of passports by employers of migrant workers, and did not prosecute any

employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. While authorities continued some anti-trafficking training for officials with responsibilities to combat trafficking, including trainings conducted through cooperation with a foreign donor, international organizations, and NGOs, the lack of understanding of human trafficking by many Malaysian front-line officers, such as police and immigration, continues to hinder the identification and proper investigation of trafficking cases and identification and assistance to trafficking victims. The government provided a group of 125 women's organizations with \$64,500 in funding to promote capacity building and awareness programs related to human trafficking. 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)

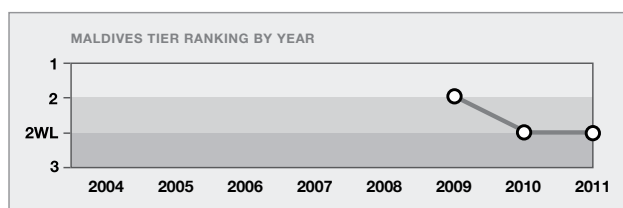
The Maldives is primarily a destination country for migrant workers from Bangladesh and, to a lesser extent, India, some of whom are subjected to forced labor. Some women and girls also are subjected to sex trafficking. An unknown number of the 80,000 to 110,000 foreign workers currently working in the Maldives – primarily in the construction and service sectors – face conditions indicative of forced labor: fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. Thirty thousand of these workers do not have legal status in the country, though both legal and illegal workers were vulnerable to conditions of forced labor. Diplomatic sources estimate that half of the 35,000 Bangladeshi workers in the Maldives went there illegally and that a number of these workers are victims of trafficking. Migrant workers pay \$1,000 to \$4,000 in recruitment fees in order to migrate to the Maldives; such high recruitment costs increase workers' vulnerability to forced labor, as concluded in an ILO report. In addition to Bangladeshis and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in the Maldives.

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 the prostitution of local girls is also a problem in the Maldives. 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.

Trafficking offenders in the Maldives usually fall into three groups: families that subject domestic servants to

forced labor; employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and upon payment of high fees for purposes of forced labor; and employers who subject the migrants to conditions of forced labor upon arrival. Recruitment agents in source countries generally collude with employers and agents in the Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

The Government of the Maldives does not comply with the minimum standards for the elimination of trafficking in persons; however, it is making significant efforts to do so, including ratifying a counter-trafficking action plan. Despite these efforts, the government has not demonstrated increased efforts to address human trafficking over the previous reporting period; therefore, the Maldives is placed on Tier 2 Watch List for a second consecutive year. The government lacks systematic procedures for identifying victims of trafficking among vulnerable populations, and during the reporting period it did not investigate or prosecute trafficking-related offenses or take concrete actions to protect trafficking victims and prevent trafficking in the Maldives. Counter-trafficking efforts are impeded by a lack of understanding of the issue; a lack of legal structure; and a lack of a legal definition of trafficking.



Recommendations for the Maldives: Enact legislation prohibiting and punishing all forms of trafficking in persons; 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; 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 the Maldives undertook minimal anti-human trafficking law enforcement efforts during the year. Although the Maldives does not have laws prohibiting human trafficking offenses, its constitution prohibits forced labor and slavery. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years' imprisonment. Under Article 14 of the Act, however, if a person is legally married to a minor under Islamic Sharia, none of the offences specified

in the legislation, including child prostitution, would be considered a crime. The government is currently drafting an anti-trafficking law, though there are indications that it may not adequately differentiate between migrant smuggling and human trafficking. The government did not investigate or prosecute any labor trafficking cases, but is reportedly investigating two child prostitution cases.

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, and did not identify any specific cases of trafficking. The Maldives 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. Since 2010, the government reportedly deported three trafficking victims to their countries, and gave them permission to return to the Maldives in the future. 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 Maldives may not have ensured that expatriates 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.

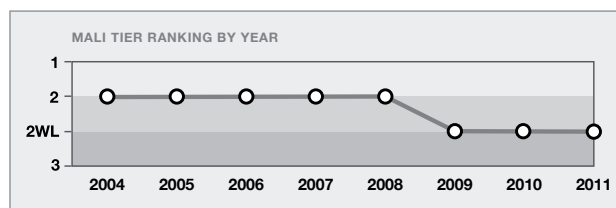
Prevention

The Maldives made some progress in preventing human trafficking over the last year. The government did not conduct any anti-trafficking or educational campaigns, nor did it take any measures to reduce demand for forced labor within the country. In late 2010, the Department of Immigration and Emigration (DIE) was designated as a focal point for trafficking, and a Steering Committee was created to work on strengthening counter-trafficking coordination among relevant agencies. The committee developed a Human Trafficking Plan, which was ratified by the cabinet in February. The plan addresses key protection and prevention issues, but does not include a needed law enforcement component. The Human Rights Commission of the Maldives drafted a comprehensive rapid assessment of human trafficking in 2010, but the draft has not been finalized. The Labor Relations Authority (LRA) reported that 16 employment agencies and private companies were blacklisted for labor violations; some of these violations may reflect activities that have contributed to human trafficking. It is unclear if the blacklist was enforced. The LRA inspections found that there were many cases in which migrant workers were unpaid for months; it is unclear whether there was any investigation for human trafficking resulting from these inspections. Birth registration in the Maldives is 73 percent; the government did not take any specific measures to establish the identity of local populations. The Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2 Watch List)

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 gold mines, as well as subjected to sex trafficking. Malian boys are found in conditions of forced labor in agricultural settings, gold mines, and the informal commercial sector, as well as forced begging both within Mali and 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. Boys from Mali, Guinea, Burkina Faso, Niger, and other countries are forced into begging and exploited for labor by religious instructors within Mali and across borders. Women and girls from other West African countries are subjected to prostitution in Mali. In December 2010, an INTERPOL operation rescued three Malian children being held in situations of forced labor in Gabon. 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. 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 Tamachek community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships, and this involuntary servitude reportedly has extended to their children.

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. The government acknowledged that human trafficking is a problem in Mali, but it did not demonstrate significant efforts to prosecute and convict trafficking offenders. Although the government identified at least 198 trafficking victims during the year – 152 of whom were Malian children in prostitution – it prosecuted only three trafficking cases and convicted two trafficking offenders. Despite its ministerial approval in June 2010, a bill outlawing all forms of trafficking, including slavery, did not reach a vote in the National Assembly. Efforts to collect data on human trafficking prosecutions improved during the year, and in February 2011, the government took steps to streamline its anti-trafficking efforts when the prime minister signed a decree creating the National Coordinating Committee for the Fight Against Trafficking and Related Activities. The government prosecuted three trafficking offenses during the reporting period. The government has not prosecuted a case of traditional slavery since 1969, and it has not taken action on at least three pending cases of traditional slavery, which have been stalled in courts for more than two years. Therefore, Mali is placed on Tier 2 Watch List for a third consecutive year. Mali was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan.



Recommendations for Mali: Make efforts to distinguish between human trafficking and the separate crimes of abduction and child selling; improve efforts to investigate and prosecute trafficking offenses, including cases of traditional slavery and forced prostitution, and convict and punish trafficking offenders using existing laws; investigate and, as appropriate, prosecute alleged trafficking offenses involving women and girls smuggled into and through the country for forced or child prostitution; enact legislation that prohibits and punishes nonconsensual commercial sexual exploitation of adults and the forced labor of any person and adequately defines slavery as a form of exploitation; train law enforcement 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 trafficking and traditional hereditary slavery.

Prosecution

The Government of Mali demonstrated limited law enforcement efforts to combat trafficking during the last year. Mali does not prohibit all forms of trafficking, though Article 244 of the criminal code prohibits all forms of child trafficking. Convicted child trafficking offenders 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 a penalty of six months' to three years' imprisonment, and pimping, which carries a penalty of one to three years' imprisonment. These penalties are neither sufficiently stringent nor commensurate with other serious crimes, such as rape. Under Malian law, it is possible for victims of some trafficking crimes to file a civil suit in addition to pursuing criminal charges. Malian law may not adequately criminalize other forms of trafficking. Slavery is outlawed, 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 argue that this 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 law, which, if enacted, would outlaw all forms of trafficking, though it would not provide a definition of slavery. The National Assembly commenced debate on the bill in November 2010 but adjourned without voting on the legislation.

Consideration of the bill is expected to resume in the April 2011 session of the National Assembly.

The government convicted two trafficking offenders during the reporting period. In one case, the trafficker was sentenced to two years' imprisonment for forcing a victim into domestic service; in the other, the convicted offender was prescribed an insufficient sentence of 20 days' imprisonment for prostituting children. One trafficking prosecution, for forced agricultural labor, resulted in an acquittal in March 2010. The government of Mali recognizes two pending cases of traditional slavery, both of which remain stalled in courts for a third year; the status of one additional case filed in the same year is unknown. In June 2010, as a result of efforts to improve data collection and reporting, the government released data on four trafficking convictions involving forced agricultural labor, which it obtained under Article 244 of the Criminal Code in 2008 and 2009. The government did not provide information about the status of three prosecutions pending from 2008. Malian officials often chose to mediate informal out-of-court settlements instead of pursuing criminal investigations of trafficking offenders.

In March 2011, through a partnership with an NGO, the government conducted a two-day training for magistrates on prosecuting trafficking cases. There was no evidence of government officials' involvement in human trafficking, though corruption is known to be pervasive throughout security forces and the judiciary, and evidence suggests that officials falsely denied knowledge of the existence of cases of trafficking. In 2010, a former slave was pressured by local authorities and the *gendarmerie* to withdraw a forced labor complaint from the courts.

Protection

The Government of Mali demonstrated limited efforts to protect trafficking victims in the last year. Authorities reported the use of an informal system for identifying trafficking victims among vulnerable populations, such as child laborers and women in prostitution, or for referring victims to NGOs that provide protective services. Due to its limited resources, the government did not operate any shelters for trafficking victims or provide direct aid to trafficking victims. The government referred an unknown number of victims to NGOs and international organizations for assistance, and sometimes provided in-kind support to these organizations in the form of rice, oil, and other foodstuffs, as well as a financial contribution of \$2,000 to an organization helping domestic workers who may have been at risk of becoming trafficking victims. Authorities reported that the Ministry for the Advancement of Women, Children, and the Family rescued and repatriated 13 trafficking victims to Niger, Burkina Faso, Guinea, The Gambia, Senegal, and Cameroon during the reporting period. The same ministry helped repatriate 33 Malians who were identified as victims of trafficking in Niger, Burkina Faso, The Gambia, Cote d'Ivoire, and Togo. The Morals Brigade of the police department identified 152 children in prostitution and coordinated with international organizations and the Ministry for the Advancement of Women, Children, and the Family to reunite the children with their families. In March 2011, Malian police rescued

a Nigerian woman forced into prostitution in Bamako, extradited two alleged traffickers to face prosecution in Nigeria, and repatriated the woman with the assistance of the Nigerian National Agency for the Prohibition of Trafficking in Persons. An NGO reported that community surveillance committees, organized by the government and international organization partners, identified 1,500 suspected trafficking victims traveling without proper identity documents last year, who were subsequently returned to their villages. The government did not report identifying or assisting any victims of traditional slavery. Despite persistent reports of a significant number of Nigerian women held in forced prostitution in western Mali, law enforcement officials did not take efforts to investigate these reports or to identify and rescue suspected victims within this population. The Government of Mali did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. There were no reports that identified victims were penalized for unlawful acts committed as a result of being trafficked.

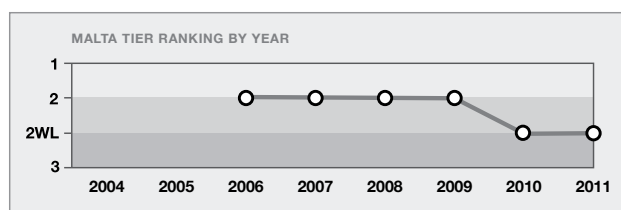
Prevention

The Government of Mali made efforts to prevent trafficking during the last year. In December, the Ministry of Malians Abroad and African Integration launched a national awareness campaign to educate Malians about the dangers of illegal migration to Europe, including the possibility of becoming a victim of human trafficking, though to date there have been no reports of Malians subjected to human trafficking within Europe. In December 2010 and February 2011, the National Assembly and Interparliamentary Union sponsored workshops for government officials and community members to raise awareness about violence against women, including forced prostitution and forced marriage. In February 2011, the prime minister signed a decree creating the National Coordinating Committee for the Fight Against Trafficking and Related Activities and assigning specific anti-trafficking prevention responsibilities to it. The committee, chaired by the Ministry of Justice, met for the first time in February 2011, and was tasked with creating a national plan of action, mobilizing resources to implement the plan, establishing a common data collection system, publishing regular reports, conducting awareness campaigns, and promoting anti-trafficking partnerships. In a measure to prevent transnational child trafficking, Malian police provided travel passes for children – *titres de voyage* – which indicate parental permission for a child to travel with a non-guardian and assisted community surveillance committees to identify suspected trafficking victims. The government continued its implementation of a biometric civil registration program, for which it spent approximately \$4 million, that has the potential to assist police and border officials in the identification of trafficking victims. The government took no visible measures to decrease the demand for commercial sex acts or forced labor. The Government of Mali did not provide anti-trafficking training to Malian troops deployed abroad on international peacekeeping missions.

MALTA (Tier 2 Watch List)

Malta is a source and destination country for European women and children subjected to sex trafficking. 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 2,000 irregular African migrants currently residing in Malta may be vulnerable to human trafficking in Malta's informal labor market. There were anecdotal 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. Despite these efforts, the government did not demonstrate overall increasing efforts to address human trafficking over the previous reporting period; therefore, Malta is placed on Tier 2 Watch List for a second consecutive year. The government demonstrated greater commitment to combat trafficking through national coordination by appointing the country's first anti-trafficking coordinator and anti-trafficking monitoring board. These measures, however, have not yet resulted in concrete improvements to victim identification procedures, victim care systems, effective investigations and prosecutions of trafficking offenders, or targeted prevention activities. Despite its efforts, the government did not identify any trafficking victims this year or begin investigations or prosecutions of any trafficking offenders. There were credible reports that victims of trafficking were punished for acts committed during the course of trafficking or deported without proper victim identification. In the only trafficking case resolved this year, the trafficking offender received a suspended sentence.



Recommendations for Malta: Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly migrants, women in prostitution, and foreign workers; develop formal procedures for the identification and care of victims of trafficking, including victims of forced labor and possible child victims; ensure that identified 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; ensure that convicted trafficking offenders, including any officials identified as complicit in trafficking, receive adequate punishment, including time in prison; continue to strengthen the national coordination structures to combat trafficking in persons, including by drafting a national action plan; attempt to establish 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; consider allowing for the more robust participation of the attorney general's office in the investigation of potential trafficking cases; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for victims.

Prosecution

The Government of Malta demonstrated minimal progress in its efforts to prosecute and punish trafficking in persons offenders 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 did not begin any trafficking investigations this year. The government convicted one sex trafficking offender during the reporting period, but the court failed to impose a sentence of jail time on the convicted offender; instead, it delivered a two-year suspended sentence and a fine. The prosecutor has appealed the length of the sentence awarded. The government did not investigate or initiate prosecutions of any suspected trafficking offenses and several trafficking cases remain unresolved. The government did not conduct any trafficking-specific training for police, prosecutors, or judges during the reporting period.

Protection

The Government of Malta's efforts to protect trafficking victims decreased during the reporting period. 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 among vulnerable groups, such as foreign workers, women in prostitution, and irregular migrants, impaired the government's ability to ensure that trafficking victims were recognized and treated in accordance with international law. Accordingly, the government did not identify any victims of trafficking in 2010, despite credible reports that victims of trafficking had presented themselves to police. There were anecdotal reports that a Nigerian irregular migrant had been deported in 2010 after informing the police that she was a victim of trafficking; the police did not investigate her claim. Potential victims of trafficking were punished for unlawful acts committed in the course of trafficking. In July 2010, a Somali woman who was a possible victim of trafficking received a six-month suspended prison sentence after being found guilty of making a false declaration to immigration officials and being in possession of false documentation. The government allocated no funds to international organizations or NGOs for anti-trafficking protection work. The government continued to designate anti-trafficking victim care responsibility and funds to Appogg, a Government of Malta social services agency with some private participation. Under the terms of a rarely observed memorandum of understanding, Appogg was empowered

to provide shelter, psychological care, and other services to any identified victims of trafficking. Although Appogg has a 16-bed mixed-use shelter for women, only one trafficking victim was referred to this shelter; no trafficking victims were cared for at temporary shelters operated by NGOs and religious institutions. The Government of Malta did not establish any partnerships with international NGOs or organizations in relevant source countries to ensure the safe and voluntary return of victims. No victims reportedly received the 60-day reflection period provided for under Maltese law. Victims who agreed to testify could, in theory, receive resettlement to other countries under a new identity; however, the Maltese government did not offer this option or any other legal alternatives for identified trafficking victims to avoid removal to countries in which they would face retribution or hardship.

Prevention

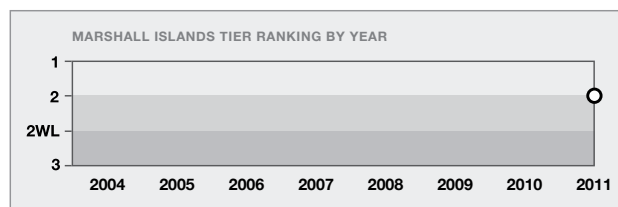
The government made some progress in advancing anti-trafficking prevention efforts during the reporting period by enhancing governmental anti-trafficking coordination. Senior government officials showed increased awareness of Malta's human trafficking problem. The government named a national coordinator to lead its efforts in combating trafficking and, in February 2011, appointed a Trafficking Monitoring Board to develop and implement a national trafficking action plan. The Monitoring Board will bring 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. This new structure should, when fully active, be able to set in place the necessary referral mechanism, victim identification protocols, and prosecution models to bring about change. However, the government's other prevention activities were minimal. The government continued to collaborate with an international cosmetics company in an agreement whereby the proceeds of products sold by the business would assist the government in developing an awareness campaign on child trafficking. Appogg, the social services agency, continued to run a social services hotline that could receive calls about human trafficking, but it was unclear whether they received any trafficking-related calls. The government did not report any specific measures to reduce the possible 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 have been recruited with the promise of legitimate work, and after having paid large sums of money in recruitment fees, were 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 proactively identify victims, 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, investigations, 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. The government acknowledged for the first time that human trafficking occurs in the Marshall Islands, and began prosecution of a forced prostitution case during the reporting period. However, there have been reports of attempted political interference in the investigation and prosecution, and this remains a serious concern that has not been appropriately addressed. The government did not take steps to proactively identify or protect victims of sex trafficking, investigate or prosecute foreign crewmen for the commercial sexual exploitation of trafficking victims within its territory, or educate the public about human trafficking. The government devotes few resources to addressing human trafficking.



Recommendations for the Marshall Islands: Draft and enact comprehensive anti-trafficking legislation; publicly recognize and condemn incidences of trafficking; increase efforts to investigate, prosecute, and punish trafficking offenders; take steps to criminally investigate and prosecute officials 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; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of the Marshall Islands made limited efforts to investigate and prosecute trafficking offenders during the reporting period. The Marshall Islands has no specific laws addressing trafficking in persons. Various laws such as the criminal code and the anti-prostitution law, which prescribe punishments of up to 10 years' imprisonment, can be used to prosecute some, but not all, forms of trafficking. The anti-prostitution law prescribes a \$10,000 fine or imprisonment of up to five years for the crime of promoting prostitution. The lack of a legal definition of sex or labor trafficking that identify the essential elements of a trafficking crime prevents law enforcement officers from rescuing victims or arresting trafficking offenders on most trafficking-related charges. The lack of explicit labor rights afforded to all workers in the Marshall Islands' labor code increases the vulnerability

to forced labor. Marshall Islands authorities investigated and the Attorney General's Office began efforts to prosecute one sex trafficking offender during the reporting period for the forced prostitution of two Chinese women, the first such prosecution of its kind in the country. The case has been rescheduled after having been delayed several times, and there were reports that senior officials attempted to interfere with the ongoing prosecution of the defendant, who reportedly has ties to senior government officials. The government failed to investigate or prosecute the reports of interference or trafficking-related complicity. The government provided no 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 a formal system of proactively identifying victims of trafficking among high-risk populations with whom they come in contact. They did not identify any victims during the reporting period. Two victims identified themselves to authorities, who extended their stay in the Marshall Islands for the duration of their trafficker's ongoing trial. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution. The government does not have any mechanisms in place to ensure that trafficking victims receive access to legal, medical, or psychological services, and has no reported plans to develop the capacity to do so. The Marshall Islands government did not make efforts to identify or reach out to international organizations or community groups to provide assistance to victims of trafficking.

Prevention

The government made no discernible efforts to prevent trafficking or raise public awareness of the dangers of trafficking. The government did not conduct any public awareness campaigns on trafficking. The government did not provide any training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period. The Marshall Islands is not a party to the 2000 UN TIP Protocol.

MAURITANIA (Tier 3)

Mauritania is a source and destination country for men, women, and children subjected to conditions of forced labor and sex trafficking. Women, men, 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, they are forced to work without pay as cattle herders and domestic servants. Boys from within

Mauritania and other West African countries – referred to as *talibes* – who are recruited to study at Koranic schools, are subsequently subjected to forced begging by some 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, and men from Middle Eastern countries used 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 and is not making significant efforts to do so. The government acknowledges that some forms of trafficking are a problem in the country, and during the year, it created a multi-stakeholder body to lead its efforts related to child trafficking, child smuggling, and child labor. Hereditary slavery was officially outlawed in 2007, but many officials do not recognize that the practice continues despite its prohibition, and instead apply the phrase “the consequences of slavery” to address the problem. There is no legal precedent to prove a case of slavery in court; civil society representatives believe the slavery law is nonoperational in practice. During the year, however, the government arrested – following significant pressure from civil society groups and a violent protest – an alleged slave-master and convicted her of the separate crime of child exploitation, signaling what some observers believe to be a new willingness, albeit tenuous, to punish trafficking offenders using other criminal statutes. The offender spent 12 days in prison before filing an appeal that led to her acquittal, while an anti-slavery activist spent one month in prison for his role in the events before receiving a presidential pardon. The government did not take proactive measures to identify trafficking victims or provide them with protective services, and it continued to jail individuals in prostitution and detain illegal migrants without screening either population for trafficking victims.



Recommendations for Mauritania: Increase efforts to investigate and prosecute trafficking offenses, including cases of traditional slavery, and convict and punish offenders using the 2003 Law Against Trafficking in Persons; 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 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 trafficking victims; increase efforts to coordinate with NGOs to arrange protective services for trafficking victims; formalize the structure of the multi-stakeholder group (TTTE) to coordinate anti-trafficking efforts related to children; 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; and increase efforts to raise public awareness about trafficking and traditional hereditary servitude.

Prosecution

The government demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. All forms of trafficking except hereditary slavery are prohibited through Mauritania's 2003 Law Against Trafficking in Persons, which prescribes penalties of five to 10 years' imprisonment; these penalties are sufficiently stringent and exceed those prescribed for rape. Slavery is prohibited by Law 2007-048, which was enacted in September 2007. This law defines slavery and prescribes a sufficiently stringent penalty of five to 10 years' imprisonment. The law's effectiveness, however, is impaired by its requirement that slaves file a legal complaint before a prosecution can be pursued, as well as 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 complaint.

The government provided no support for programs to assist victims to file complaints on slavery. In December 2010, the government initiated an investigation into an alleged case of slavery in which a woman in Nouakchott, an employee of a prominent government institution, was accused of enslaving two children as domestic servants. This arrest occurred after significant pressure from civil society groups and a violent protest, which led to the imprisonment of a prominent anti-slavery activist on charges of obstructing public order, assaulting law enforcement, and operating an unauthorized organization. The activist was pardoned after serving one month of a six month prison sentence. The government prosecuted the case of the alleged slave-master as a lesser crime of child exploitation, and in January 2011, it convicted and sentenced her to six months in prison. However, due to a technical error, the cause of which is not known, the necessary documentation to put her in jail — a *mandat de depot* — was not signed, and she was not sent directly to prison. The government succeeded in its initial appeal to have the *mandat de depot* signed and the offender spent 12 days in prison before being released. In March 2011, she was acquitted by the Court of Appeals of Nouakchott. NGOs report that this case represented the first time an alleged slave-master was prosecuted and convicted of exploitation in court. Additionally, the government convicted two women, the mothers of the two victims, who had received payment for their daughters' exploitation as domestic servants; each received a six-month suspended prison sentence. The government did not investigate or prosecute any additional cases during the reporting period, and NGOs report that slavery victims were often pressured to withdraw legal complaints. There is no evidence of government officials' complicity

in trafficking, though civil society representatives argue that judicial failure to pay due attention to slavery cases brought to their attention amounts to tacit complicity. No investigations were initiated or administrative sanctions applied to any government officials accused of complicity in trafficking. The government did not provide specialized training for law enforcement and immigration officials on identifying trafficking victims.

Protection

The Government of Mauritania demonstrated negligible efforts to protect victims of human trafficking, including traditional slavery. It continued to run two National Centers for the Protection and Social Integration of Children, which provided services to trafficking victims in previous years, but it is not known whether any received care from these shelters during the reporting period. Victim services, if any, were provided by NGOs, and the government did not play a role in coordinating these efforts. One NGO reported identifying 77 victims of traditional slavery and 277 other victims of trafficking during the year. The government did not employ a process of referring identified trafficking victims to institutions that provided short- or long-term care. The government also did not take steps to identify trafficking victims among vulnerable populations; illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou until their expulsion from the country, and women suspected of prostitution were often jailed without the government making any attempt to identify trafficking victims among either population. The government did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and there were no precedents of victims filing civil suits against trafficking offenders.

Prevention

The Government of Mauritania made limited efforts to raise awareness of trafficking during the last year. It took steps to coordinate anti-trafficking efforts by creating a multi-stakeholder group, TTTE, composed of representatives from government, NGOs, and international organizations, to lead the government's efforts related to child trafficking, child smuggling, and child labor. The group reportedly held informal meetings during the year and drafted a document to formalize its structure. In 2010, the government, in conjunction with civil society, conducted a campaign using television, radio, and print media to educate the public about human rights and the anti-slavery law. The government reauthorized \$3.4 million for the Program to Eradicate the Consequences of Slavery, but did not clearly define how these funds would be allocated, or whether any funds would support prosecution or victim protection efforts, as opposed to generalized anti-poverty programs. The government did not release the National Action Plan to Fight Trafficking in Persons that it began drafting with an international organization in the previous reporting period. The government made no efforts 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 within the country. Secondary school-age girls and, to a lesser extent, 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. Young girls are sometimes sold by a family member into prostitution or forced into the sex trade in exchange for food and shelter. Taxi drivers are known to 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 drug-addicted women are forced into prostitution by their boyfriends, who serve as their pimps. In 2010, two Mauritian trafficking victims were identified in Europe: a man in forced labor in the United Kingdom and a woman in domestic servitude in Belgium. Approximately 300 Malagasy women reportedly transited Mauritius during the first half of 2010 *en route* to employment as domestic workers in Lebanon, where some were subsequently subjected to conditions of forced labor. Mauritius' manufacturing and construction sectors employ approximately 30,000 foreign migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar. To date, there have been no confirmed reports of migrant workers subjected to conditions of forced labor within Mauritius.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its strong efforts to identify, investigate, and prosecute incidences of trafficking during the reporting period. The Mauritius Police Force maintained its offerings of anti-trafficking training programs for police officers and continued its awareness campaign in schools and villages. The government's efforts to coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims.



Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including those involving adult women exploited in pimp-controlled 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; increase protective services available to victims of child commercial sexual exploitation, particularly in regard to safe shelter and educational opportunities; provide increased funding and support to all branches of the Minors Brigade in the investigation of human trafficking

cases; to improve the timeliness in deciding whether to prosecute trafficking cases, provide anti-trafficking training to personnel of the Office of the Director of Public Prosecutions; 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 demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating and prosecuting cases of human trafficking throughout the year. The Combating of Trafficking in Persons Act of 2008 prohibits all forms of trafficking for 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.

From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve. The government did not report any successful prosecutions during the year. In early 2011, however, the Intermediary Court conducted two pre-trial hearings regarding the January 2008 case of a man and woman charged with inducing their 12-year-old niece into prostitution. In August 2010, police arrested a Mauritian man on charges of human trafficking for allegedly pimping a 15-year-old girl to a male client; the investigation remained ongoing at the end of the reporting period. In 2010, police concluded the investigation into a 2009 case of a male massage parlor owner suspected of pimping a 16-year-old girl and referred it to the Director of Public Prosecution (DPP) for action. A 2007 case of a grandmother who allegedly forced her granddaughter into prostitution, referred by the Minors Brigade to the DPP for action during the previous reporting period, remained under consideration by the DPP's office and had not been referred for trial. On Rodrigues Island, police referred seven alleged sex trafficking offenders to the DPP for prosecution in 2010. The Minors Brigade utilized a database for tracking criminal trafficking cases, as well as awareness campaigns carried out in the community; its work remains handicapped, however, by a lack of adequate funding and equipment. In 2010, the Minors Brigade provided basic anti-trafficking training to 359 police recruits as part of their entry-level police training curriculum.

Protection

The government sustained its protection of child trafficking victims during the reporting period, providing funding to NGOs running shelters for victims of abuse on a reimbursable basis – \$6 per day for the protection of each child, including victims of trafficking. CDU officials regularly referred abused and exploited children to these organizations for shelter and other assistance. The Minors

Brigade systematically refers all cases of identified children in prostitution to the CDU for victim assistance; in 2010, the brigade referred one such child, a boy, for protective services. The CDU did not, however, refer all cases of child prostitution identified by its officers to the Minors Brigade for possible investigation, as some victims or their relatives did not wish to press charges; however, the victims still received medical and psychological assistance provided by CDU. The government-funded, NGO-run drop-in center for sexually abused children, which provided counseling to five girls engaged in prostitution in 2010, advertised its services through a toll-free number and community outreach; its social worker continued to promote the services in schools and local communities. Nonetheless, due to the drop-in center's lack of shelter facilities and the often crowded conditions at NGO shelters, comprehensive protective services were not always readily available to all victims identified within the country.

Although the MOGE acquired land to build a residential center for victims of child prostitution in late 2008, fulfilling a requirement of the anti-trafficking statute, construction of the facility has not yet begun, as the MOGE awaits financial disbursement from the Ministry of Finance. As an interim measure, the MOGE completed the official paperwork to rent a house for use as a shelter until the construction is complete; this temporary shelter is scheduled to open in July 2011. The ministry operated a 24-hour hotline for reporting cases of sexual abuse; the hotline received three calls regarding cases of child prostitution in 2010. The Mauritian 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 work in conjunction with this officer to obtain a statement from the child victim. Medical treatment and psychological support were readily available at public clinics and NGO centers in Mauritius. The government encouraged victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that identified victims were not inappropriately incarcerated, 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. The Police Family Protection Unit and the Minors Brigade continued its widespread awareness campaign on child abuse and child rights at schools and community centers that included a session 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 28,643 persons in 2010, including parents, primary school children, high school students, and civil society members. Members of police units also discussed these topics on 19 radio programs during the year. Law enforcement and child welfare officials conducted surveillance at bus stops, night clubs, 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 in February 2011 began requiring that children under the age of 18 obtain a travel document from their local police station when traveling between the two islands, and vice versa. 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. Communication and coordination among the relevant government ministries, however, was insufficient and hindered effective partnerships. Inspections conducted by the Ministry of Labor's 30 labor officers and nine trainee officers in 2010 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 a Chinese interpreter to facilitate communication between the ministry and Chinese workers. In 2010, the government drafted Occupational Safety and Health (Employees' Lodging Accommodation) Regulations to set a minimum standard for lodging and other living conditions provided to migrant workers; the regulations entered into force in January 2011.

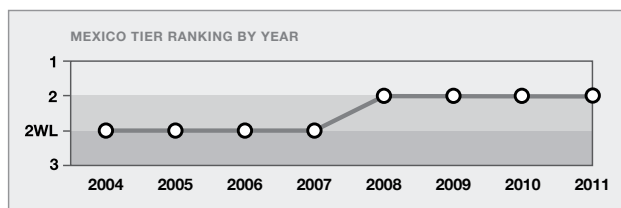
MEXICO (Tier 2)

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, and undocumented migrants. Mexican women, girls, and boys from poor rural areas are subjected to sexual servitude within the United States and Mexico, lured by fraudulent employment opportunities or deceptive offers of romantic relationships, including marriage. Mexican trafficking victims also are subjected to conditions of forced labor in agriculture, domestic service, construction, and street begging, in both the United States and Mexico. During 2010, the majority of trafficking victims identified within Mexico were from Chiapas, Veracruz, Puebla, Oaxaca, and Tlaxcala. The municipality of Tenancingo in Tlaxcala state was identified as a major source for Mexican sex trafficking victims exploited within Mexico and in the United States. In some parts of the country, public fear of criminal organizations impedes the ability of the government and civil society to effectively combat trafficking.

According to official and civil society sources, the vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico *en route* to the United States and, to a lesser extent, Canada and Western Europe. However, trafficking victims from South America, the Caribbean, Eastern Europe, Asia, and Africa also are found in Mexico, and some transit the country *en route* to the United States. Unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, fall victim

to human traffickers, particularly near the Guatemalan border. Mexican men and boys from southern Mexico are found in conditions of forced labor in northern Mexico, and Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and in northern border cities like Tijuana and Ciudad Juarez. Most child sex tourists are from the United States, Canada, and Western Europe, although some are Mexican citizens. In addition to Mexican drug cartels, organized crime networks from around the world are reportedly involved in human trafficking in Mexico.

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 increased anti-trafficking law enforcement efforts, achieved the first conviction and sentence for forced labor in the country, and adopted new protocols for the treatment of foreign victims. The Mexican Congress passed a national anti-trafficking action plan and designated \$4.2 million in funding to implement the plan. 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. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some local law enforcement officials tolerate and are sometimes complicit in trafficking, impeding implementation of anti-trafficking statutes.



Recommendations for Mexico: Increase federal and state efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; aggressively implement the National Program to Prevent and Combat Trafficking in Persons; pass the legislative reform to the 2007 Law to Prevent and Sanction Trafficking in Persons currently under review in the Mexican Congress to strengthen the anti-trafficking legal framework; continue to increase funding for victim services and shelters and ensure that victims of all forms of trafficking receive adequate protection; ensure effective protection for witnesses and victims testifying against traffickers; increase collaboration with NGOs to provide victim care; enhance formal procedures to identify trafficking victims among vulnerable populations, such as women in prostitution and irregular migrants; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and officials to more effectively respond to human trafficking cases through increased funding and staff dedicated to state-level efforts; and increase

training on human trafficking and victim identification and treatment for law enforcement officers, immigration officials, judicial officials, social workers and other government employees.

Prosecution

The Government of Mexico's overall law enforcement response to human trafficking increased during the reporting period, though efforts remain strongest at the federal level and in the capital, where four convictions and sentences were obtained during the year. In 2007, the government enacted federal legislation to prohibit all forms of human trafficking, prescribing penalties of six to 12 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. Under aggravated circumstances, such as when the victim is a child or lacks mental capacity, penalties increase to nine to 18 years' imprisonment; when the convicted offender is a public official, penalties increase by half. 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. A draft law currently under consideration by the Mexican Congress would address this issue, establish more robust victim protections through increased funding, and institute more concrete government responsibilities.

In Mexico's federal system, state governments investigate and prosecute trafficking cases that occur wholly within the country, with four specific exceptions. Federal jurisdiction is invoked in cases that involve organized crime, transnational trafficking cases, trafficking crimes involving government officials, and trafficking 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. Nine states have additionally passed specific state trafficking laws, which strengthen penal codes and institute state regulations for trafficking prevention, and other states also are reviewing draft laws. The inconsistency between state penal codes and laws on human trafficking could cause confusion among law enforcement and problems among inter-state prosecutions. Prosecutorial efforts remained weak at the state level outside of Mexico City. As many judges are not familiar with human trafficking laws, some cases of human trafficking continued to be prosecuted under other laws, such as rape or pimping statutes, under which penalties are sometimes lower, and judges sometimes reduce charges during the course of trials.

The federal police maintained a small unit in the capital 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.

Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors have jurisdiction, to the detriment of both the criminal case and the victim. However, authorities reported launching a small FEVIMTRA and SIEDO unit in March 2011 to investigate cases jointly. Resources and staff for these dedicated units remained limited. Some state-level attorney general's offices also have victims' or women's services units that focus on prosecuting human trafficking cases.

During the reporting period, FEVIMTRA investigated 76 trafficking cases, initiated 47 prosecutions, and achieved the first conviction and sentence for forced labor in Mexico. The trafficker received nine years' imprisonment and has appealed his sentence. Despite several prosecutions underway, SIEDO did not report any convictions or sentences for trafficking crimes during the reporting period. In March 2011, a federal judge sentenced a prominent Cancun businessman who forced numerous children into prostitution to 13 years' imprisonment under child pornography and rape statutes in a case dating to 2003. In 2010, Mexico City's Attorney General's Office initiated 47 new prosecutions and convicted four trafficking offenders, whose sentences ranged from four to 17 years' imprisonment. Numerous state attorney general offices also reported ongoing prosecutions for human trafficking, but none reported convictions or sentences during the year. During the previous reporting period, federal authorities achieved five convictions and Mexico City's Attorney General's Office achieved the first anti-trafficking sentence.

NGOs, members of the government, and other observers continued to report that 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, from traffickers; falsified victims' identity documents; discouraged trafficking victims from reporting their crimes; or failed to report child prostitution and other human trafficking activity in commercial sex sites. In December 2010, two former immigration officials who were arrested in August 2007 received sentences of 12 and eight years' imprisonment, respectively, for their role in operating a human trafficking and migrant smuggling ring. A high-level immigration official who was charged by SIEDO for alleged involvement in sex trafficking of Central American women was cleared by a federal judge in 2010. Prosecutors also investigated directors of a penitentiary in Mexico City for their alleged involvement in a network of forced prostitution of female inmates being operated out of a jail.

NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses and that many judges and police officers are not familiar with anti-trafficking laws. 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. During 2010, the National Institute for Migration (INM) trained officials on identifying and interviewing trafficking victims. The

Mexican federal government continued to partner with the U.S. government on cross-border trafficking investigations last year.

Protection

The Mexican government identified at least 259 trafficking victims during the reporting period, but maintained limited assistance to trafficking victims last year, with the majority of services available only to female sex trafficking victims. An international organization working with foreign trafficking victims in Mexico noted that over the past five years, 60 percent of the victims it identified, many of whom were men, had been subjected to forced labor. However, specialized services for male victims and victims of forced labor were generally lacking. Authorities continued to work in cooperation with NGOs, international organizations, and foreign governments to provide victim services, relying on them to operate or fund the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexican immigration agents continued to implement a system for identifying potential trafficking victims, particularly among unaccompanied children entering or exiting the country, and referring these victims to care providers, such as NGOs. The federal police identified six trafficking victims at checkpoints in high-risk areas, some labor inspectors along the southern border partnered with law enforcement officials to investigate possible cases and educate possible victims of forced labor, and the Mexico City Attorney General's Office rescued 112 victims of forced prostitution. Some NGOs, however, were critical of the government's ability to accurately identify trafficking victims, and most states lacked formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers and people in prostitution.

FEVIMTRA operated a high-security shelter in Mexico City dedicated to female victims of sex trafficking with a capacity for 70 individuals. This shelter coordinated medical, psychological, and legal services for victims. Mexico City's Attorney General's Office received funding to build a shelter for trafficking victims in the capital. Mexico's social welfare agency continued to operate general shelters for children who are victims of violence, which it reported was accessed by child trafficking victims, though statistics were not maintained on how many child victims were housed in these shelters during the reporting period. The government provided \$8.33 million to support a national network of 64 shelters and emergency attention centers for female victims of domestic violence, sexual violence, or human trafficking on an annual basis. This network provided emergency and long-term services. State and municipal governments also partially funded 27 of these facilities.

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 reluctant to house trafficking victims due to fear of retribution from organized crime. The majority of shelters that assisted trafficking victims did not restrict victims' movement during their stay. Some shelters, including FEVIMTRA's, accepted victims whose traffickers were suspected to be members of organized criminal groups. Due to the high security risk to their victims, these facilities limited victims' movements primarily to the shelter grounds. Some NGOs reported that these shelters faced challenges in balancing the high-security setting with the needs of trafficking victims, including the need of adult victims to leave the shelter.

The government did not provide specialized shelter services for male victims. Authorities reported providing some short-term housing for a few male victims during the year, as well as referring boys to social service shelters or NGOs and some men to homeless or migrant shelters. 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.

During the year, INM and FEVIMTRA began to interview potential foreign trafficking victims jointly. Despite former guidelines requiring foreign victims to participate in the prosecution of their traffickers to remain in the country, in 2010, INM issued a directive requiring immigration officials to offer foreign victims an unlimited "period of reflection" to decide whether they wish to participate in the prosecution of their trafficker. This directive also established that foreign victims can request to stay in the country without having to provide evidence against their traffickers. INM has since reported that 30 victims were approved for regularization in the county, and that no victims had been refused refuge under the new procedure. As of early 2011, the legal status of an additional 98 foreign victims was pending. This directive is only legally binding for INM employees, although officials are working to establish regulations obligating other government agencies to follow these directives, and these practices are incorporated into the draft reform on human trafficking. Despite these improved mechanisms, many foreign trafficking victims opted to return to their countries of origin after giving testimonies, in some cases due to a lack of adequate shelter. Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from trafficking offenders. While traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim testimony, during the year, federal prosecutors increased the number of trafficking cases pursued without the official complaint of a private citizen. 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. Mexican consulates abroad identified at least 25 cases of forced labor during the reporting period. The government provided

limited services to some repatriated Mexican trafficking victims upon request.

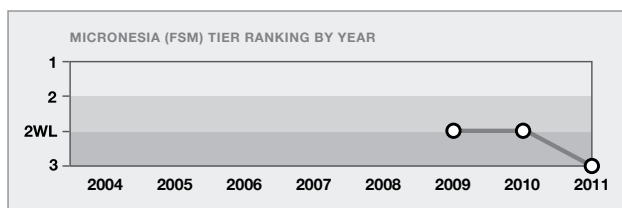
Prevention

Federal and state governments increased trafficking prevention efforts last year. An inter-agency commission on trafficking coordinated federal government efforts. During the reporting period, the commission drafted a national program to prevent and combat trafficking, which was approved by Congress, along with a \$4.2 million budget to implement the plan in 2011. Some members of civil society publicly criticized the plan for a perceived lack of effectiveness. The Government of Mexico did not publicly issue a comprehensive assessment of its anti-trafficking efforts, but did so privately, and the Attorney General publicly reported on efforts to combat trafficking in 2010. With funding from a foreign government, authorities also launched a beta version of a website to track trafficking cases and legislation in Mexico. 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, and the CNDH also established regional partnerships with NGO and government actors in 12 states. Authorities raised awareness of child sex tourism through media initiatives, and the government reported some prosecutions but no convictions of child sex tourists. Officials conducted awareness activities regarding child sexual exploitation. There were no reported efforts to reduce the demand for forced labor.

MICRONESIA, FEDERATED STATES OF (Tier 3)

The Federated States of Micronesia (FSM) is a source country for women subjected to sex trafficking. FSM women have been recruited to the United States and its territories with promises of well-paying jobs, and forced into prostitution upon arrival. Pohnpei State Police received reports that FSM women and children were prostituted to crew members on Asian fishing vessels in Micronesia or in its territorial waters. Local Micronesians reportedly facilitate trafficking by transporting girls to the boats for the purpose of prostitution. Foreign and Micronesian women and girls in prostitution and foreign men on fishing vessels in Micronesian waters are particularly vulnerable to trafficking. Little data on the scope of human trafficking in FSM is available, as the government has not conducted any inquiries, investigations, 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 and is not making significant efforts to do so. During the year, the government did not investigate or prosecute any trafficking cases, made no efforts to identify or assist victims of trafficking, and failed to make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year.



Recommendations for the Federated States of Micronesia: Publicly recognize and condemn incidences of trafficking; draft and enact a comprehensive anti-trafficking law applicable in all four states; make efforts to criminally investigate, prosecute, and punish trafficking offenders; adopt procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign workers in the FSM, including those on fishing boats and women in prostitution, as well as among FSM women migrating to the United States for work; train officials on human trafficking and how to identify and assist trafficking victims; conduct anti-trafficking public awareness campaigns; make efforts to notify foreign workers of their rights, protections, and ways they can report abuse; and, as required under the Compact of Free Association (Amended), establish a registration system for and monitor the practices of overseas employment recruiters; and investigate and prosecute recruiters who may be engaged in fraudulent recruitment that leads to trafficking.

Prosecution

The Government of the Federated States of Micronesia made no progress in its anti-trafficking law enforcement efforts. The government did not investigate, prosecute, or punish any trafficking offenders during the reporting period. The Federated States of Micronesia does not have a comprehensive federal anti-trafficking law. Section 701 of the federal criminal code ("Deprivation of Rights"), which prescribes penalties of up to 10 years' imprisonment, could be used to prosecute trafficking cases; however, the government has never used the law to prosecute a trafficking case. Additionally, each of the four states could prosecute some trafficking offenses under related laws, such as sexual assault, kidnapping, or criminal coercion, which provide penalties of five to 10 years' imprisonment, though no such efforts were reported during the year. While local law enforcement and the Transnational Crime Unit made limited investigations of night clubs in Pohnpei State suspected of engaging in prostitution, authorities did not report any investigations, prosecutions, or convictions for trafficking crimes. Law enforcement agencies operated under significant resource, personnel, and capacity constraints. The government made no official acknowledgement of sex or labor trafficking in the FSM. The government did not conduct or cooperate with any international organizations or NGOs to offer anti-trafficking training to government officials during the reporting period. There was no evidence of official complicity in trafficking crimes or government involvement in or tolerance of trafficking during the year.

Protection

The Government of the Federated States of Micronesia made no efforts to identify or protect trafficking victims during the reporting period. The government did not identify any trafficking victims during the reporting period, and the government has never identified a trafficking victim in the country. The government has not taken steps to develop or implement formal or informal procedures to guide officials in proactive identification of victims of trafficking among high-risk persons with whom they come in contact or to refer identified or suspected trafficking victims for appropriate services. The government reports that identified victims would have access to the very limited social services and legal assistance provided to any victims of crime. No NGOs provided services to any trafficking victims. The FSM has no laws specifically protecting trafficking victims or witnesses. Victims have the legal right to bring personal injury civil suits against traffickers; however, as no victims have ever been identified, no suits have ever been filed. The law does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government had no formal system to guide officials in proactive identification of victims of trafficking among high-risk persons with whom they come in contact.

Prevention

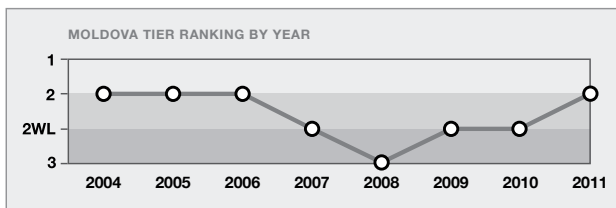
The Government of the Federated States of Micronesia did not make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year. The government did not conduct or support any anti-trafficking education campaigns. In October 2010, the government established a working group to assess the trafficking situation and make policy recommendations. However, the group only convened for one meeting during the year. The government did not conduct any campaigns aimed at reducing the demand for commercial sex acts. Micronesia is not a party to the 2000 UN TIP Protocol.

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, Bulgaria, the UAE, Kosovo, Israel, Indonesia, Malaysia, Lebanon, Italy, Greece, Ukraine, Czech Republic, and Romania. Men, women, and children are subjected to conditions of forced labor in Russia, Ukraine, Turkey, UAE, Israel, and Greece 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, and the Netherlands. Some 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. Victims from Azerbaijan are subjected to forced labor in Moldova. Men and women are subjected to forced labor within Moldova. Moldovan victims of trafficking have been subjected to re trafficking

after return to Moldova. 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, Turkey, and possibly Italy and Greece, traveling to Moldova for the purpose of 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, NGO representatives reported that the government's ability to identify and provide care for victims improved; it increased the participation of NGOs in the investigative process, including special provisions for child trafficking victims. The government expanded the National Referral System, 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. However, the government did not show sufficient progress in addressing complicity in trafficking by law enforcement and other government officials. Reports of widespread corruption in the police and judicial system persisted and no officials were prosecuted, convicted, or served time in prison for trafficking-related offenses. Furthermore, overall law enforcement efforts declined from the previous year and forced labor crimes were rarely investigated and prosecuted.



Recommendations for Moldova: Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal punishment of any guilty officials; ensure that convicted trafficking offenders serve time in prison; increase investigation, prosecution, and conviction of labor trafficking offenses; conduct awareness and prevention campaigns targeted at children living in orphanages – a population highly vulnerable to trafficking; 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; 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; continue efforts to improve data collection on trafficking cases through all stages of the penal process including investigations, prosecutions, convictions, and sentences prescribed for convicted trafficking offenders; continue to provide funding for victim assistance and protection,

paying particular attention to preventing any ongoing re-trafficking; continue efforts to identify and protect trafficking victims, including child and adult victims trafficked within Moldova; 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 minimal progress in its efforts to combat human trafficking during the reporting period. Of particular concern, it did not demonstrate significant efforts to prosecute, convict, or criminally punish government officials 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. The government reported 161 trafficking investigations in 2010, down from 206 reported in 2009. Authorities reported prosecuting 55 individuals for trafficking offenses and convicting 47 trafficking offenders during 2010. The government did not report prosecuting or convicting any labor trafficking offenders in 2010. During the year, data on 2009 prosecutions and convictions were clarified; 110 individuals were prosecuted and 68 individuals were convicted in 2009. Although the government continued its efforts to improve the collection of trafficking statistics, concerns remained regarding the accuracy of data reported. Sentencing for trafficking crimes represents a problem for Moldova as punishments often were not commensurate with the crime. In 2010, 31 convicted offenders were prescribed sentences ranging from one to 17 years' imprisonment. However, the remaining 16 convicted offenders received a suspended sentence or paid a fine and did not serve time in prison. The government's five dedicated anti-trafficking prosecutors investigated and prosecuted cases largely relating to sex trafficking. Although the government has recognized labor trafficking as an issue of growing concern, forced labor cases were rarely investigated. The government provided anti-trafficking training in the police academy curriculum that is mandatory for police officers and investigators; it also held four anti-trafficking workshops which trained more than 100 police officers. Government officials also received specialized anti-trafficking training in regions across Moldova from international and nongovernmental sources. Judicial misunderstanding of trafficking may have contributed to reduced sentences or overturned convictions. Judicial hindrance of trafficking cases can include changing the threshold for prosecutions and refusing to honor decisions by other judges. During 2010, law enforcement officials worked with counterparts in Georgia, Ukraine, Azerbaijan, Romania, Poland, and Lithuania to investigate transnational cases of human trafficking. Moldovan authorities uncovered a child sex tourism ring in 2010 operated by Moldovans, Greeks, and Italians.

Government complicity in human trafficking remained a significant concern and no government officials were prosecuted or convicted for trafficking-related complicity in 2010. Updates of cases involving police officers, a mayor,

a ministerial advisor, and employees of government-run institutions complicit in trafficking-related offenses illustrated weaknesses in the judiciary, including light sentences or fines given to convicted trafficking offenders. 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. Some defendants were not required to remain in custody during the trial or investigation and as a result fled the country or remained to harass victims. The police also harassed at least one journalist for reporting on trafficking in persons. One police officer reportedly was fired for trafficking-related activity; the criminal investigation is ongoing. In March 2011, the government re-opened a high-profile trafficking complicity case involving the former director of a government anti-trafficking agency; however, at the time of the report, he had not yet been arrested and was still receiving a pension from the anti-trafficking unit.

Protection

Moldova continued to improve its victim protection efforts during the reporting period. The government provided approximately \$48,000 in funding for a primary shelter operated jointly by the government and IOM for repatriated adult and child victims in 2010, compared with \$50,700 in 2009. In 2010, the center provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 104 trafficking victims. Victims are not detained in the shelter; they are permitted to freely enter and leave. 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. In total, 139 victims were identified by the government and assisted by IOM and government authorities. The majority of Moldovan labor trafficking victims were only identified after deportation to Moldova. The government encouraged all victims to assist law enforcement with trafficking investigations and prosecutions, and did not make assistance contingent upon their cooperation; however, some victims were questioned over the course of several days before being delivered to a shelter. 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; however, in rural areas some children were still subjected to an unnecessarily large number of interviews and extensive questionings. Although general mistrust of the police remained high, 169 victims cooperated with law enforcement in 2010, compared with 189 victims in 2009. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked. The government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship in the form of temporary residency permits, which can be extended as long as necessary.

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 in persons through visible high-level attention and media interaction on the issue. The government-operated National Referral System (NRS) expanded to five more regions, bringing the total to 28 out of 32 regions in the country. Operating on a local level, NRS commissions consist of NGO representatives, social workers, medical personnel, police, prosecutors, and local public administration officials. The commissions met on a regular basis, usually once a month, to deal with trafficking issues, including organizing public awareness events, discussing reintegration efforts for victims, as well as updating their information about any possible cases. IOM and NGOs working in the field praised this system's efforts to prevent trafficking and provide assistance to identified victims. Representatives from Belarus, Afghanistan, and Tajikistan traveled to Moldova in 2010 to learn how to implement a comparable system in their own countries. Additionally, efforts by border guards to identify potential victims were increasingly successful; in 2010, border guards reportedly identified 83 potential victims of trafficking. In 2010, members from the National Center for Combating Trafficking in Persons gave 22 interviews broadcast on radio and television, participated in five live television programs intended to increase trafficking awareness, and again conducted seminars on trafficking prevention in schools and universities. In September 2010, the government produced a national plan of action on human trafficking for 2010-2011 and in December 2010 produced a supplemental plan of action. The government did not conduct awareness activities that targeted potential consumers of prostitution or use other measures to reduce the demand for commercial sex acts.

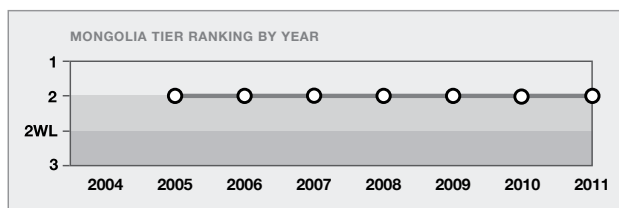
MONGOLIA (Tier 2)

Mongolia is a source country, and to a much lesser extent, a destination for men, women, and children who are subjected to sex trafficking and forced labor. Mongolian men, women, and children are found in these conditions in China, Macau, Malaysia, South Korea, and Hong Kong. Mongolian men and women are found in conditions of forced labor in Turkey, Kazakhstan, the Czech Republic, and Poland. One Mongolian victim was repatriated from Ireland during the reporting period. According to a leading anti-trafficking NGO in Mongolia, China was the primary source of repatriated Mongolian victims. Visa-free travel of Mongolians to Turkey has resulted in a significant increase in the number of both labor and sex trafficking cases involving Mongolian labor migrants in Turkey. There remain concerns about involuntary child labor in the informal construction, mining, and industrial sectors, where children are vulnerable to injury and face severe health hazards. The problem of Mongolian women subjected to conditions of involuntary servitude after engaging in brokered marriages – mainly to South Korean men – continues. There is mounting evidence of Chinese

laborers, usually in mining and construction work, being expelled from Mongolia for visa violations without being compensated for their work, an indicator of possible human trafficking. Approximately 525 North Koreans are employed in Mongolia as contract laborers, more than double the number reported last year, despite concerns that North Korean workers overseas do not appear to be free to leave their employment, have their freedom of movement and communication restricted, and receive only an unknown fraction of the money paid to the North Korean government for their work.

Many Mongolian victims originally sought employment through fraudulent newspaper or television advertisements, and traffickers continue to use technology like “TV Chat” to lure victims. Many victims are recruited by acquaintances, friends, and family, and victims often have their travel documents confiscated. 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. The government acknowledged a serious problem of the trafficking of Mongolian women and girls abroad and took tangible steps to address this, though it did not acknowledge or adequately address the problem of Mongolian women and children trafficked within the country, Mongolian men subjected to forced labor abroad, or North Korean, Chinese, and other foreign workers subjected to conditions of forced labor in Mongolia. The government’s lack of adequate guidance on the use of the amended anti-trafficking statute continues to cause courts to charge trafficking offenders under a lesser offense, resulting in shorter sentences for convicted offenders. Corruption among law enforcement personnel remains a key barrier to anti-trafficking progress.



Recommendations for Mongolia: Undertake legislative or policy reforms necessary to more effectively prosecute labor trafficking offenses – both those that occur within Mongolia and those that occur involving Mongolians abroad; improve coordination among government agencies involved in addressing human trafficking and expand coverage of the national action plan and associated coordination council to cover all forms of human trafficking; expand the new police anti-trafficking unit’s scope of responsibilities to cover all human trafficking investigations; improve protections for victims, including those who testify against their traffickers, possibly through legislative action; greatly increase efforts to investigate and prosecute government officials complicit in trafficking; create and implement formal victim identification procedures and train police and border officials to identify

trafficking victims and refer them to appropriate victim services; increase cooperation with NGOs providing victim assistance; cease the employment of North Korean contract laborers whose treatment by North Korean authorities prior to migration may constitute trafficking; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and make efforts to track law enforcement statistics on trafficking cases and trafficking victims identified and assisted by authorities.

Prosecution

The Mongolian government made significant, but uneven, efforts to enforce anti-trafficking laws during the reporting period. Mongolia prohibits all forms of human trafficking through Article 113 of its Criminal Code, which was amended in 2007 and prescribes penalties that are sufficiently stringent – up to 15 years’ imprisonment – and commensurate with those penalties prescribed for other serious offenses, such as rape. In spite of significant legal and technical assistance from foreign donors, Mongolia’s Supreme Court has interpreted the amended Article 113 in a way that has created ambiguities as to when prosecutors and judges should apply the law. In particular, the law is seldom used to prosecute cases of transnational labor trafficking and is never used for internal sex trafficking. Also of concern is the Supreme Court’s interpretation that Article 113 can be used only in cases in which persons did not consent to migration for commercial sex work. The Supreme Court’s interpretation continues to confuse judicial officials, causing trafficking offenders to be prosecuted under the lesser offense of “forced prostitution” (Article 124), which does not actually require the use of force or coercion. In July 2010, the government established an anti-trafficking police unit, consisting of four officers, within the Special Investigation Department of the Police. This unit’s coverage is limited to cases filed under Subsection 3 of Article 113 – those involving transnational sex trafficking – and it operated without adequate funding after its creation.

During the reporting period, the government investigated 13 cases filed under Article 113, three of which involved the forced labor of Mongolian nationals in the Czech Republic and Turkey. It prosecuted nine of these cases, resulting in the conviction of five trafficking offenders and the acquittal of four, all of whom were sex trafficking offenders, compared with nine convictions obtained during the previous reporting period. Police investigated 16 cases under Article 124 (forced prostitution) and the government prosecuted 11 of these, obtaining convictions of six offenders and the dismissal of charges against five suspected offenders. One case of alleged forced labor in Mongolia was investigated and referred to the prosecutor’s office, only to be dismissed. The special anti-trafficking unit of the State Investigation Department investigated and prosecuted eight sex trafficking cases under Article 113.3, resulting in two dismissals and convictions of six trafficking offenders, who were sentenced to between 10 and 15 years’ imprisonment. The Supreme Court’s narrow interpretation of Article 113 remains an impediment to the prosecution of labor trafficking cases that occur within Mongolia. Those convicted under Article 113 received sentences of six to 15 years’ imprisonment; in contrast, the

punishments given to five sex trafficking offenders who were convicted under Article 124 (forced prostitution) were considerably less severe: two were sentenced to one year's imprisonment and the remaining three have not yet been sentenced.

According to Mongolian law, criminal cases are only initiated upon a victim's complaint, and victims are required to assist in the prosecution of their traffickers. This requirement, along with the lack of mechanisms for protection of victims in Mongolia, including those who testify in court, causes many victims to refuse to report to police instances of trafficking out of fear of retribution from their traffickers, and restricts their ability to obtain restitution from courts. In partnership with local and international NGOs, the government provided anti-trafficking law enforcement and prevention training for judicial and law enforcement officials across the country. Using its own resources, the Mongolian government trained six police officers of Ulaanbaatar City on responding to reports of human trafficking, and also trained 50 staff of the General Agency for State Registration and Border Protection on prevention of trafficking. In October 2010, the government signed an agreement with Macau to share information and enhance law enforcement cooperation on human trafficking matters.

Corruption among law enforcement personnel remains a significant problem in Mongolia and a barrier to anti-trafficking progress. The government did not investigate or take disciplinary actions against law enforcement officers involved in this trafficking-related corruption.

Protection

During the reporting period, the government sustained modest efforts to protect victims of trafficking. Although government personnel did not employ formal and proactive victim identification procedures, they referred on an *ad hoc* basis 13 victims to an NGO shelter. The government provided \$14,400 in funding to this and several other NGOs during the year. The NGO reported assisting these victims, and identifying and assisting an additional 64 victims, most of whom were referred by friends and family members. During the year, the government reported cooperating with authorities in Turkey and China in the repatriation of Mongolian trafficking victims – five from Turkey and eight from China. The government did not provide specialized training to officials on victim identification. Victims were sometimes punished for unlawful acts committed as a direct result of their being trafficked, including children being arrested, detained, and prosecuted on prostitution charges. Officials sometimes did not refer trafficking victims to appropriate services. Foreign migrants who were not formally identified as trafficking victims were required to pay the fine for violation of their visa terms. Any foreigners formally identified as trafficking victims are not permitted to leave the country until conclusion of court proceedings, though no such cases were reported during the year.

During the year, the Mongolian consulate in Erlan, China – a key border crossing with Mongolia – opened a three-bed shelter with its own budget; the shelter reportedly

provided assistance to a number of Mongolian trafficking victims. The government did not run any other shelters for victims of trafficking, nor did it provide direct assistance to Mongolian trafficking victims repatriated from other countries or foreign victims of trafficking identified in Mongolia. Although the government encouraged victims to assist in the investigation and prosecution of trafficking offenders, Mongolian law continued to lack protection provisions for victims who served as prosecution witnesses, which put victims in danger. The Mongolian government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

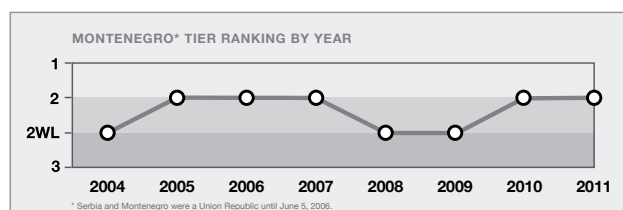
The Government of Mongolia continued modest trafficking prevention activities through partnerships with NGOs, international organizations, and foreign donors. Officials continued the distribution of NGO-sponsored passport and train ticket inserts on the dangers of trafficking and resources available for victims and expanded distribution of the pamphlet to all Mongolians traveling abroad. The government's National Plan of Action on Commercial Sexual Exploitation and Trafficking of Women and Children, first introduced in 2006, was updated to extend through 2012. The coordinating council mandated by the action plan met only annually and was generally ineffective; observers noted minimal coordination on anti-trafficking issues among agencies on a working level. In a new development, however, the government's National Security Council discussed human trafficking during a March 2011 meeting. The government sustained its production of public service announcements to raise public awareness about trafficking, in partnership and with funding from NGOs, and broadcast them on television channels. During the reporting period, the Mongolian government sustained partnerships with Kazakhstan and the OSCE to host an international workshop on trafficking. It did not however, make significant progress in registering the stateless ethnic Kazakh population in the western provinces of Mongolia. Also, the government did not take any measures during the reporting period to reduce the demand for commercial sex acts or address the problem of child sex tourism in the country. The government provided anti-trafficking training to Mongolian troops before their deployment on international peacekeeping missions.

MONTENEGRO (Tier 2)

Montenegro is a source, transit, and destination country for men, women, and children who are 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 subjected to sex trafficking in Montenegro. Roma children are coerced into street begging in the country; many of these children come from Albania, Kosovo, Serbia, and from within Montenegro. In prior years, there were reports that mainly foreign men and boys are subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are vulnerable to sex trafficking in other Balkan countries; at least one

Montenegrin girl was subjected to conditions of sex trafficking in Serbia during the reporting period. There were reports that some foreign women were forced to work in Montenegro.

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. Montenegro increased its law enforcement efforts and charged police officers for abuse of power in connection with a human trafficking case. Victim identification, however, remained weak; the government did not identify any trafficking victims this year. The government also deported large numbers of children caught begging without fully examining whether any were victims of trafficking.



Recommendations for Montenegro: Vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes in Montenegro, and convict and sentence trafficking offenders, including public officials complicit in trafficking; increase efforts to identify potential victims among vulnerable groups, such as 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; continue to ensure that the rights of trafficking victims are respected while victims are given care in shelters; improve protections for potential victim witnesses to empower more victims to testify against their traffickers; improve specific protections for child victims of trafficking, ensuring that the best interests of potential trafficking victims guide the care.

Prosecution

The Government of Montenegro continued to improve its law enforcement response to human trafficking in 2010, including by prosecuting three officers for complicity in human trafficking and engaging in robust trainings of officials. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment, or 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 and began the prosecutions of 22 trafficking suspects, an increase from 14 trafficking offenders investigated and prosecuted in 2009. In 2010, the government convicted 12 trafficking offenders, in contrast to 11 offenders convicted in 2009. These offenders were sentenced to between two and seven years in prison. Five of the offenders were convicted for sex trafficking and seven were convicted for labor trafficking. The Montenegrin authorities investigated and began the prosecutions of

three police officers who served as security guards in bars that facilitated human trafficking; the officers were charged with abuse of office in relation to human trafficking and facilitation of prostitution. The government conducted a wide variety of trainings this year. In July and September, Montenegrin authorities trained 48 labor inspectors and other officials on identifying labor trafficking. The police academy incorporated anti-trafficking training as a mandatory subject for all new trainees. In September 2010, the National Trafficking Coordinator's office held a regional training for judges and prosecutors. During the reporting period, the Montenegrin government extradited a trafficking suspect to Slovenia. The Montenegrin government collaborated with the governments of Serbia and Kosovo to investigate trafficking offenses.

Protection

The government displayed mixed protection efforts during the reporting period. The Coordinator fully funded an NGO shelter providing a range of services, including housing, medical, and psychological care to trafficking victims. The government provided \$152,000 to cover the operation of the trafficking shelter, an increase from \$109,200 funded in 2009. The government-funded shelter was a closed shelter; for their protection, victims may leave only if accompanied by chaperones. The government reported that one victim accepted the assistance program and stayed in the government shelter for several months. The government had continuing problems identifying victims of trafficking. The government did not proactively identify any trafficking victims this year, although an NGO identified one sex trafficking victim. Although the government conducted a large police operation aimed at suppressing child begging, in which it removed 192 children from the street, the government failed to identify any trafficking victims among them. The children collected in this operation were temporarily detained in a center for children and then deported, raising concerns about whether the potential victims were fully screened for trafficking indicators. Montenegro's Law of Foreigners allowed victims of trafficking to receive a temporary residence permit in Montenegro between three months and one year, though no victims received such a permit during the reporting period. In practice, victims of trafficking were not offered long-term legal alternatives to their removal to countries where they may face retribution or hardship. Under the government program, Montenegro encouraged victims to participate in prosecuting human trafficking cases by providing free legal aid to victims; NGOs report that, thus far, all victims have given statements to the police.

Prevention

The Government of Montenegro engaged in some prevention activities during the reporting period. The government declared October as anti-trafficking month and engaged in several awareness raising activities during that time, including sponsoring an anti-trafficking art contest for children, lectures in all primary and secondary schools in the country, and lectures and workshops on anti-trafficking at the Konik refugee camp. The government fully funded an NGO-run anti-trafficking hotline and aired an advertisement on commercial television for the hotline.

In February 2011, the Montenegrin government established a working group to monitor the implementation of the national strategy to combat trafficking in persons. The government had adopted a national action plan for 2010-2011; the National Coordinator established a group to develop a strategy for 2011-2016, soliciting advice from all stakeholders, including NGOs. The National Coordinator began increased monitoring and reporting; it published anti-trafficking law enforcement statistics on its website. The government provided anti-trafficking training to all Montenegrin troops prior to their deployment abroad on international peacekeeping missions.

MOROCCO (Tier 2)

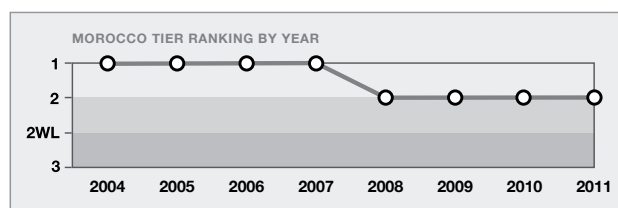
Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Children are trafficked within the country from rural areas to urban centers to work as maids, laborers, or beggars, or in prostitution. Moroccan girls as young as 6 or 7 years old from rural areas are recruited to work as child maids in cities, but often experience conditions of forced labor, such as nonpayment of wages, threats, and physical or sexual abuse, and restrictions on movement. 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 from sub-Saharan Africa, South Asia, and the Philippines 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. Most sub-Saharan African migrants reach Oujda, Morocco, generally via Algeria. Some migrant females are forced to become pregnant and beg in Oujda, as a pregnant woman or a woman with a baby is less likely to be deported; the traffickers are the "chairmen", or leaders, of *tranquillos*, which are abandoned dwellings where groups of the Sub-Saharan diaspora have taken residence, organized by tribe or nationality. Some of the female migrants in Oujda are subsequently forced into prostitution once they reach Europe. Sometimes, female migrants are transported to *tranquillos* in other cities, including Casablanca and then sold into prostitution networks. There is some domestic sex tourism in Morocco with sub-Saharan African victims in major cities. Trafficking and smuggling are organized in the country of departure, often with the assistance of family members, and some networks in Africa have linkages in Europe. Most female sex trafficking victims are Nigerian. Filipina women are increasingly working as maids in Morocco, with confiscated identity documents; this is one indication of domestic servitude.

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 significant efforts to do so. The government convicted one person who subjected a 12-year-old child domestic servant to forced labor, and continued offering protective services to Moroccan children who may have been trafficked. However, the government continued to lack overall progress in the following areas: convicting and adequately punishing trafficking offenders; proactively identifying trafficking victims among vulnerable groups; and ensuring that foreign trafficking victims are not subject to arrest and deportation. The government is not addressing the forced prostitution and forced labor of undocumented migrants in Morocco, and continues to conflate migrant smuggling with human trafficking.



Recommendations for Morocco: Draft and enact comprehensive anti-trafficking legislation that increases prescribed penalties for forced labor; significantly increase prosecutions and convictions of trafficking offenders, including convictions with more stringent penalties; 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; train judges 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; conduct public awareness campaigns, encompassing child sex tourism; and heed the recommendations of the IOM and UNHCR's 2010 report on human trafficking in Morocco.

Prosecution

The Government of Morocco made little progress in investigating trafficking offenses and punishing trafficking offenders during the reporting period. There is no comprehensive anti-trafficking law. Its Penal Code prohibits forced child labor through Article 467, and forced prostitution and child prostitution through Articles 497-499. 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.

In a well-publicized case, a 12-year-old child was found wandering the streets of Casablanca after escaping from a year of abuse and torture in domestic servitude, including bites, burns on her genitals, lacerations, and beatings. In August 2010, a court sentenced the perpetrator – a mother with two children – to one year of imprisonment and an approximate \$60 fine for aggravated assault and abuse of a child. Additionally, the Ministry of Justice reported that it convicted seven individuals for exploitation of children in begging and 80 individuals (including “clients”) for facilitating child prostitution in 2009 (the most recent year in which data was available); this is in comparison to the prosecution of 138 individuals for exploitation of a child for begging and 203 individuals for facilitating the prostitution of a child in 2008. It is unclear, however, how many, if any, of these prosecutions involved human trafficking offenses. The government did not report sentencing information. The government reported that it broke up 96 trafficking or smuggling “rings” in 2010, compared with 130 rings in 2009. However, the government made no distinction between migrant smuggling and trafficking, so it was unclear how many, if any, of these actions truly involved human trafficking. The Ministry of Social Development, Family, and Solidarity and the Ministry of Employment and Professional Training submitted two separate draft laws to the Secretary General of the government for consideration in early 2010 which address the issue of child domestic workers. The first bill would criminalize the employment of child domestic workers with high fines and prison sentences, criminalizing the family that employs the child, but also the family that sends the child, and any neighbors aware of the crime. The second bill would extend labor code coverage to all domestic workers, and would empower labor inspectors to enforce child labor laws in private residences. Neither bill has been introduced into Parliament.

The government provided a variety of trafficking training to law enforcement and judicial officials. For instance, judges and public prosecutors received trafficking-specific training during their initial training period. One government official noted that a reason for low levels of prosecutions is because judges are not well informed about human trafficking. There is no evidence of national government complicity in human trafficking, though some Moroccan policemen reportedly are directly involved in smuggling networks.

Protection

While the government continued to make some progress in protecting Moroccan child victims of trafficking found within the country, it made little efforts to protect Moroccan victims overseas and continued to treat foreign victims in Morocco poorly. Law enforcement personnel did not employ procedures to proactively identify trafficking victims among high-risk persons with whom they came in contact, nor did it have a referral process to transfer identified trafficking victims to protective services. Undocumented foreign trafficking victims were treated as

undocumented migrants, and therefore arrested, detained, and deported. These detained migrants, some of whom may have been trafficking victims, were usually left at the Algerian border, often without food or water, and were susceptible to being robbed, assaulted, and sexually abused by criminal gangs that operate in the area. There were no government-operated protective services for foreign trafficking victims, and civil society groups were prohibited from operating any such shelters because they would be considered to be harboring undocumented migrants. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. Morocco did not encourage victims to participate in investigations against their traffickers. Sub-Saharan African women who are forced into prostitution in Morocco were not likely to report crimes for fear of being treated as undocumented migrants and deported. The government disbursed approximately \$187,500 to 10 NGOs that worked against child labor in fiscal year 2010, compared to \$125,000 in fiscal year 2009. Some of these NGOs provided protective services to trafficking victims. 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 extent to which these entities helped trafficking victims, if at all, was not reported. The government did not provide medical and psychological care for undocumented migrants.

Prevention

The Moroccan government made few efforts to prevent human trafficking over the last year. The government did not undertake campaigns to raise awareness about human trafficking. An inter-ministerial group on trafficking met on a quarterly basis during the reporting period. Authorities made no discernible effort 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 birth certificates for all nationals, including children in isolated rural areas, and issued national identity cards for all citizens on their 18th birthday. The Moroccan government provided training on the issue of sex trafficking to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions. There has been no indication that the Moroccan government has implemented the legislative and policy recommendations enshrined in the IOM and UNHCR report on transnational human trafficking, which the government validated last year, as noted in the 2010 TIP Report. Morocco is not a party to the 2000 UN TIP Protocol.

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 laborers 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 forced domestic service and the sex trade. Young Mozambican men and boys are subjected to conditions of forced labor in South African farms and mines, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Women and girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude. In early 2010, police discovered a network trafficking 30 to 40 African, Asian, and Eastern European women and girls each month through Mozambique to South Africa; Chinese women trafficked as part of this ring arrived in Mozambique on container ships and were later sold for \$1,000. 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. The government prosecuted and convicted trafficking offenders for the first time under its 2008 anti-trafficking law. The government reported the arrests of 21 suspected trafficking offenders and 32 others on kidnapping and possible trafficking charges. The government increased prevention efforts, placing billboards in high-visibility locations, distributing 8,000 posters, and training local officials about legal remedies provided under the anti-trafficking law in the provinces of Sofala and Nampula. Despite these efforts, the government made minimal efforts to address official complicity in human trafficking and protect trafficking victims.



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; make greater efforts to prosecute, convict, and punish trafficking offenders, particularly those perpetrating forced labor and forced prostitution offenses; develop a formal system to proactively identify trafficking victims among vulnerable populations and a mechanism to refer victims to care; continue to build the capacity of the police anti-trafficking unit and victim support 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; develop a national action plan to coordinate government 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. Enacted in 2008, the Law on Preventing and Combating the Traffic in People prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, involuntary debt servitude, or the removal of body parts. Article 10 prescribes penalties of 16 to 20 years' imprisonment, penalties which are sufficiently stringent and exceed those for other serious crimes, such as rape. In 2010, the Provincial Court of Manica convicted six offenders in three separate cases under the anti-trafficking law for the attempted sale of three children into forced labor or commercial sexual exploitation. In one case, the court convicted and sentenced a trafficking offender to eight years' imprisonment for purchasing a child with the intent of subjecting the child to forced labor; the court also convicted the child's father and sentenced him to six years' imprisonment for selling his 7-year-old daughter in December 2009. In another case, the court sentenced three offenders to four, eight, and 12 years' imprisonment, respectively, for selling a foreign child into commercial sexual exploitation in May 2010. Another case involved the attempted labor trafficking of an elementary school-aged boy for which his trafficker was sentenced to two years' imprisonment.

The Criminal Investigative Police (PIC), a seven-member unit specialized in handling trafficking cases nationwide, reported the arrest of 21 alleged trafficking offenders and 32 others on kidnapping and possible trafficking charges; all of these cases have been sent to the Attorney General for trial. In 2010, the anti-trafficking brigade in Maputo, established in 2008 under the National Police, became operational, collaborating closely with the PIC in the arrest of suspected traffickers.

The government continued partnerships with NGOs to provide anti-trafficking seminars for new police officers throughout the country. Mozambique's Center for Judicial Training in Matola included a session on trafficking in all its provided trainings; during the reporting period the government provided 95 judges with such training. During the reporting period, there were reported cases of government officials facilitating trafficking and trafficking-related crimes. Traffickers commonly bribed law enforcement officials to allow their movement of trafficking victims internally and across national borders into South Africa and Swaziland, sometimes without passports. In February 2011, two policemen were arrested and investigated for allegedly accepting bribes and facilitating the movement of illegal migrants, some of whom were likely victims of human trafficking. The government did not report additional efforts to investigate, prosecute, convict, or sentence officials complicit in trafficking crimes.

Protection

The Mozambican government continued to show little progress in its efforts to protect victims. Implementing regulations for the non-criminal portions of the anti-trafficking law have not yet been issued, hindering the application of its protection and prevention provisions. Recognizing these gaps, the Minister of Justice in October 2010 tasked the Office for Technical Legal Reform to issue the necessary regulations. The government provided no funding to NGOs or international organizations assisting in 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. The government continued to lack formalized procedures for identifying potential victims of trafficking and referring them to organizations providing protective services. Women and Children's Victim Assistance Units (GAMCs), established by the National Police, continued to operate in police stations throughout the country and provided temporary shelter for and worked with regional social workers to counsel an unknown number of trafficking victims; during the reporting period, the National Police established 27 new units, with a total of 231 now in existence. Additionally, the Ministry of Interior, in collaboration with UNODC and the Southern African Regional Police Chiefs Organization, established a "train the trainer" program, placing 20 trainers across the country who will train GAMC staff on victim identification and referral to NGO services; this training has increased authorities' understanding of the scope of human trafficking, including the potential for men to be victims of trafficking. The Ministry for Women and Social Action (MMAS) provided reintegration assistance to three Mozambican trafficking victims who were repatriated from South Africa. The government encouraged victims to assist in the investigation and prosecution of traffickers. However, the government continued to deport foreign trafficking victims without screening them for possible victimization, and the lack of formal identification procedures impaired the government's ability to ensure that all trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. 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.

Prevention

The government demonstrated increased trafficking prevention efforts during the reporting period. There is no single national coordinating body and no national action plan to guide the government's anti-trafficking efforts. In May 2010, the GAMC, funded by IOM and the National Police, placed anti-trafficking billboards in high visibility locations such as Ressano Garcia and around Maputo's downtown bus terminal, both departure points for travelers bound for South Africa. In December 2010, in partnership with NGOs, the GAMC designed and published brochures warning against the dangers of trafficking for distribution in schools.

In January 2011, in Quelimane (Zambezia Province), the GAMC director launched a modest campaign to increase

public awareness by distributing 8,000 anti-trafficking posters to schools and community leaders, to direct presentations on trafficking. In November 2010, the Women's Caucus of the national legislature led a team of parliamentarians to the provinces of Sofala and Nampula to conduct training for local officials and to raise awareness about legal remedies provided under anti-trafficking, spousal protection, and family laws. Also in November, MMAS held its second annual National Conference on Women and Gender, which featured a session on trafficking. In July 2010, the Provincial Court of Zambezia convicted two offenders under the anti-trafficking law and sentenced them each to 20 years' imprisonment, a fine of \$13,200, and payment of court costs for the transport and kidnapping of a young boy whose eyes and genitals were later removed for use in a ritual practice in Malawi. Inspectors with the Ministry of Labor took little initiative to prevent or combat child labor and were unable to monitor child labor in outlying areas. Additionally, there were no mechanisms in place for making complaints regarding forced child labor. The Ministry of Tourism, in May 2010, co-hosted an international conference with an NGO on the dangers of child sex tourism; following this conference, several hotels and restaurants adopted a code of conduct on prevention of child sex tourism. The government did not take any significant measures to reduce the demand for commercial sex acts during the year.

NAMIBIA (Tier 2)

Namibia is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. Victims are lured by traffickers to urban centers and commercial farms with promises of legitimate work for adequate wages, but instead are forced to work long hours and carry out hazardous tasks; victims may also be beaten or raped by traffickers or third parties. Traffickers exploit Namibian children, as well as children from Angola, Zambia, and possibly Zimbabwe, through exploitative, and in some cases, forced labor in agriculture, cattle herding, domestic service, charcoal production, and in prostitution in Namibia. In some cases, Namibian parents unwittingly sell their children to traffickers. Other adults subject the children of their distant relatives to forced labor or sex trafficking. Small business owners and farmers may also commit trafficking crimes against women or children. Unconfirmed reports indicate that truck drivers recruit and transport Namibian women and children to South Africa, who may later be subjected to forced prostitution. Among Namibia's ethnic groups, San girls are particularly vulnerable to be trafficked for domestic servitude; during the reporting period, for example, a 22-year-old San girl – lured six years earlier with promises of education – was discovered in a situation of domestic servitude, suffering physical, sexual, and psychological abuse.

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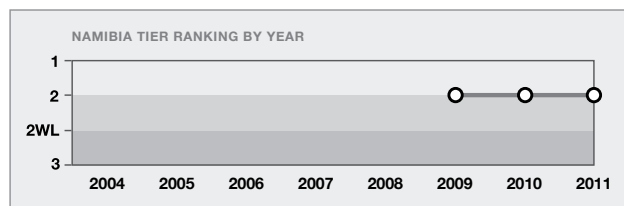
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it did not convict any suspected traffickers. The government also opened two shelters and a one-stop shop for victim services and began renovating three other similar facilities, which will provide care for victims of gender-based violence, as well as trafficking, and raised public awareness via media campaigns and regional visits by a parliamentary delegation.



Recommendations for Namibia: Greatly increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders under the Prevention of Organized Crime Act (POCA); continue to train law enforcement officials on the anti-trafficking provisions of the POCA; improve the formal victim identification mechanism and train law enforcement and social service personnel on its application; continue to dedicate adequate time and resources to complete ongoing shelter and safe house renovations; conduct additional national anti-trafficking public awareness campaigns, particularly in the border areas; and collect data and maintain databases on trafficking cases, including forced labor cases.

Prosecution

The Government of Namibia increased its anti-trafficking law enforcement efforts during the year by investigating suspected human trafficking offenses and related labor violations. In May 2009, the government enacted the Prevention of Organized Crime Act (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 \$133,000, penalties which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government, however, has not yet prosecuted or convicted a trafficking offender under the POCA. The Namibian Police Force's Woman and Child Protection Unit (WACPU) investigated three trafficking cases in 2010, all involving females who were promised an education, though were instead subjected to domestic servitude and sexual abuse. Although one victim chose not to press charges against her employer, investigations remain ongoing in the other two cases. In 2010, the Ministry of Labor and Social Welfare (MLSW) investigated five cases of suspected child labor in violation of the 2007 Labor Act; in all instances, offenders were issued compliance orders in accordance with the Act, though otherwise not penalized. Labor inspectors also removed 10 children from cattle herding and domestic work in the Caprivi region, several of whom were reportedly trafficked from Zambia; offenders were issued compliance orders, though otherwise not penalized. During the reporting period, the MLSW followed-up on 111 cases of child labor discovered in 2009; police opened criminal investigations in nine instances

where employers failed to obey compliance orders received in 2009, charging them with hazardous child labor for the trafficking of nine children for the purposes of cattle herding. The government cooperated with the Zimbabwean police in the investigation of one trafficking case identified during the reporting period. In partnership with IOM, the government provided training for 90 law enforcement, social services, customs, and immigration officials on the identification of trafficking victims and the management of trafficking cases. In June 2010, in partnership with a foreign government, the Namibian government trained 35 members of the Namibian police force, officials from the Office of the Prosecutor General, and representatives from other ministries on the investigation and prosecution of trafficking cases. WACPU cooperates with police units nationally and locally, as well as with MLSW labor inspectors and Ministry of Gender Equality and Child Welfare (MGEWCW) social workers as they investigate trafficking cases and refer victims; however, there is a need for better data sharing between these entities.

Protection

The government maintained modest efforts to protect victims and ensure their access to appropriate services offered by non-governmental entities. Police have been previously trained to contact WACPU if they discover a woman or child victim, and WACPU police are subsequently responsible for referring victims to temporary shelter and medical assistance provided by NGOs or other entities. The government identified 27 trafficking victims; one was referred to the care of an NGO. The MGEWCW provided social workers to assist police in counseling victims of violent crimes, including trafficking; 12 trafficking victims received this care during the reporting period. The Namibian government has begun to provide long-term shelter and services designed to meet the specific needs of trafficking victims. The government continued its renovation of buildings to be used as shelters for women and child victims of gender-based violence and human trafficking; two were renovated during the reporting period, in addition to several government-subsidized shelters that are already operational. In addition to two one-stop shops for trafficking victim protection in Windhoek and Oshakati, WACPU opened a third in Rundu in 2010, featuring overnight accommodation, a private room for medical examinations, and space for social workers to provide counseling and psychosocial support; however, this facility did not provide care to trafficking victims during the reporting period. The MGEWCW began use of a national database on gender-based violence, which includes statistics on trafficking and child labor victims.

The Namibian legal system provides protection to victims who wish to testify against their abusers, and, on a case by case basis, offers a legal alternative to foreign victims' removal to countries where they may face hardship or retribution; however, such benefits were not provided during the reporting period. Given the weaknesses in Namibia's formal victim identification process, trafficking victims may have been jailed or prosecuted for violating laws related to immigration and prostitution before they were identified as victims; however, there were no reports that this occurred. During the reporting period,

there were no reports of trafficking victims being fined or jailed for unlawful acts committed as a direct result of their being trafficked. In 2010, Ministry of Home Affairs and Immigration officials began working with social workers and psychologists to interview illegal immigrants and screen them for human trafficking indicators. The government cooperated with Zambian authorities on the repatriation of several children. Following repatriation, Namibian victims were reunited with their families, entitled to counseling, and provided medical care – in some cases free of charge. During the reporting period, at least four Namibian victims were repatriated from other countries.

Prevention

The Namibian government increased efforts to raise awareness of human trafficking throughout the country during the reporting period. The deputy chairperson of the National Council advocated for the rights of gender-based violence and trafficking victims in nine of Namibia's 13 regions by educating parents about the dangers of trafficking, particularly for young people sent abroad to study or work. The Inter-Ministerial Committee, which coordinates government activities on gender-based violence and trafficking, developed a national action plan, covering April 2010 through April 2011, for prevention of gender-based violence and trafficking and the protection of victims. The MGEW led a multi-stakeholder working group and began drafting a national action plan on gender-based violence and trafficking. The government also continued the Zero Tolerance Against Gender-Based Violence and Trafficking in Persons media campaign from July to December 2010, in which it encouraged victims and members of the public to report suspected trafficking offenders and assist in investigations and prosecutions. From May to December, the MGEW also participated in weekly radio shows to raise awareness on gender-based violence and trafficking. In August 2010, the MLSW organized a nationwide public awareness campaign on child labor and labor inspections, which featured television and radio spots. The government made no efforts to reduce the demand for commercial sex acts during the reporting period.

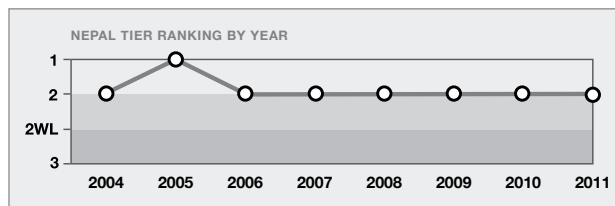
NEPAL (Tier 2)

Nepal is mainly a source country for men, women, and children who are subjected to forced labor and sex trafficking. Some 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 entertainment industry, including in circuses and in pornography. They are subjected to sex trafficking and forced labor in other Asian destinations, including Malaysia, Hong Kong, and South Korea. Nepali boys also are exploited in domestic servitude and – in addition to some Indian boys – are subjected to forced labor in Nepal, especially in brick kilns and the embroidered textiles industry. One NGO is concerned that China is an emerging sex trafficking hub for Nepali girls. There were reports of traffickers in the remote Karnali region who deceive families into sending their children to urban areas

with false promises of schooling. Many of these children, however, are never sent to schools and some end up in forced labor, including forced begging. Bonded labor exists in agriculture, brick kilns, and the stone-breaking industry. Particularly in agriculture, this is often based on caste lines, where traditional landlord castes use debt bondage to secure unpaid labor from Dalit laborers. Traffickers generally target uneducated people, especially from socially marginalized and traditionally excluded groups. However, a growing number of victims are relatively well-educated and from traditionally privileged groups.

Many Nepali migrants seek work in domestic service, construction, or other low-skilled sectors in Gulf countries, Malaysia, Israel, South Korea, Afghanistan, and Libya with the help of Nepal-based labor brokers and manpower agencies. They travel 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. Some 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. Many workers migrate via India; this is illegal, due to the 2007 Foreign Employment Act that requires all workers to leave for overseas work via the Kathmandu airport. Many migrants leave by land because it is easier and cheaper than traveling by air, and to avoid legal migration registration requirements, the scrutiny of a labor migration desk in the airport, and bribes that some officials reportedly require at the airport to secure migration documents. A recent survey of returned migrants served by the NGO *Maiti Nepal* assessed that 67 percent of female Nepali workers who returned from the Gulf were unhealthy; most disorders were psychological illnesses. Nepali officials have reported a large increase of Bangladeshis transiting through Nepal in recent years due to increasing migration restrictions of Bangladeshis by foreign countries. Officials believe many Bangladeshis illegitimately obtain Nepali visas and work permits for employment in the Gulf, and noted, because these Nepali documents are often produced fraudulently, the Bangladeshis 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, despite limited resources. During the year, the government established the Central Crime Investigative Bureau's special unit to investigate trafficking and increased its direct financial support for protective services in Nepal and abroad. Incidents of trafficking-related complicity by government officials were not documented by the government, but reported by civil society. The lack of proactive victim identification remained a serious problem in Nepal.



Recommendations for Nepal: Increase law enforcement efforts against all types of trafficking, including labor trafficking, and against government officials who are found to be complicit in trafficking, while respecting the rights of victims and defendants; institute a formal procedure to identify victims of trafficking and refer them to protection services; ensure that sex trafficking victims are not punished for involvement in prostitution; improve protection services available for victims of all forms of trafficking; promote legal awareness programs to potential trafficking victims and government officials; 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 remedies; consider increasing avenues for female migrant workers to migrate legally and safely to the Gulf; and provide disaggregated data under the Human Trafficking and Transportation Control Act.

Prosecution

Nepal prohibits most 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). 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. Defendants in trafficking cases are not assumed innocent, violating fair trial standards. According to the Office of Attorney General, 174 offenders were convicted in 119 cases tried in court under the HTTCA; 71 cases resulted in convictions and 47 cases resulted in acquittals in Nepal's 2009-2010 fiscal year. This compares with 172 offenders convicted in 138 cases tried in court, with 82 cases resulting in convictions and 56 case acquittals, in the previous fiscal year. It is not known how many of these cases were for human trafficking, since the HTTCA also prohibits other offenses that do not constitute human trafficking, such as people smuggling. Government statistics did not include information about punishments and did not disaggregate whether convictions were for sex trafficking, labor trafficking, or non-trafficking offenses. The much lower number of convictions reported in the 2010 Report represented only convictions obtained from the Supreme Court, while the numbers offered above represent convictions obtained from district courts. Some Foreign Employment Tribunal case convictions under the Foreign Employment Act may have involved human trafficking. The tribunal is based in Kathmandu without branch offices, which restricts victims outside of the capital from filing cases. In 2010, the government established a special unit to investigate human trafficking within the Central Crime Investigative Bureau. One government source noted a decrease in victims' confidence in the prospect of justice in Banke district – a western district of Nepal – because very few labor traffickers of migrant workers have been punished in the district. This is believed to have negatively affected the number of trafficking cases filed with police in the district.

The incidence of trafficking-related complicity by government officials remained a problem. Anecdotal evidence suggests that traffickers use ties to politicians, business persons, state officials, police, customs officials, and border police to facilitate trafficking. Although in the past it was reported that many dance bars, "cabin restaurants," and massage parlors in Kathmandu that facilitate sex trafficking were co-owned by senior police and army officials, some security officials report that recently adopted police and army rules prohibit officials from running businesses without approval, and that this has decreased the practice; this has not yet been confirmed by civil society groups. Some Nepali officials may work with traffickers in providing false information in genuine Nepali passports. Politically-connected perpetrators enjoy impunity from punishment. There were no trafficking related investigations, prosecutions, or convictions of government officials for complicity in trafficking during the reporting period. Between January and March 2010, according to official statistics, the Maoists discharged the 2,973 child soldiers they recruited during the 10-year conflict, some of whom may have been trafficking victims. However, no Maoist official has been charged in connection with the conscription of child soldiers. Government officials who participated in counter-trafficking training-of-trainers programs led workshops in their various districts.

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. Some police officers made arrests during raids on commercial sex establishments but did not identify victims. As a result, child trafficking victims were arrested, jailed, and then charged "bail" which the police and court allowed traffickers to pay; this further indebted the girls before they were handed back to their traffickers. A 2009 Supreme Court ruling which ordered police to not arrest females in these establishments was largely unheeded, but some NGOs recently filed successful contempt of court cases which released some girls from detention. Police arrested some Bangladeshi migrant workers during raids in 2010 while they were allegedly trying to fly overseas with fake Nepali passports, and did not make attempts to identify whether they were trafficking victims.

During the last year, the Ministry of Women, Children and Social Welfare (MWCSW) fulfilled a commitment reported in the 2010 TIP Report to open and partially-fund five NGO-run shelter homes for female victims of trafficking, domestic violence, and sexual assault; a total of eight NGO shelters are now given some funding by the government. As of February 2011, 77 victims were in those shelters. During the year, the MWCSW fulfilled a second commitment to open 15 emergency shelters across the country for victims of trafficking and other forms of abuse. 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. The Nepal Police Women's Cells reportedly sustained partnerships with NGOs to ensure that victims were provided with available shelter; however,

it is unknown how many survivors received assistance. There were not sufficient facilities to meet the needs of all survivors, nor were there any protective services for males. The Government of Nepal allocated approximately \$7,000 for rescue efforts by the Nepal Embassy in India in the 2010 to 2011 fiscal year, a 55 percent increase compared to the previous fiscal year. The government continued to run emergency safehouses in Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates. While the Foreign Employment Promotion Board collected fees from departing registered migrant workers for a welfare fund, most of the funds remain unused and are inaccessible to migrants who did not register with the Board; these irregular migrants may be most at risk to trafficking.

Limited protections for victims negatively affected law enforcement efforts. Victims were often intimidated in their communities not to pursue a case, and they did not want to prosecute due to concerns for personal and family safety, particularly as their traffickers may have been family members. Many victims were unaware that legal recourse was available against traffickers. The government did not encourage trafficking victims to participate in investigations against their traffickers. Judges reportedly often took an adversarial, rather than impartial, stance when dealing with trafficking victims.

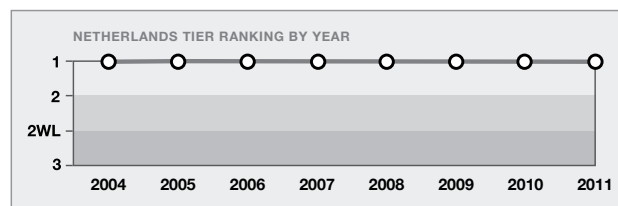
Prevention

The Government of Nepal improved efforts to prevent human trafficking during the reporting period. The government organized rallies and distributed posters and pamphlets to mark the fourth annual National Anti-Trafficking Day. The National Human Trafficking Task Force was more active in the reporting period; it met more times than in previous years, secured more funds for rescue, and helped repatriate a Nepali victim from a rehabilitation home in Bangladesh. The MWCSW established District Committees on Controlling Human Trafficking in 49 districts this past year. While all districts are now covered, a number of those in rural areas are not active. According to the Foreign Employment Promotion Board, during the year the Board conducted safe migration radio programs on more than 50 stations throughout the country; this is twice as many stations as was reported in the previous year. In January 2011, the Ministry of Labor formed a Committee to Hear the Issue of Undocumented Workers. The committee met once during the reporting period, and includes an NGO. Chapter 9 of the 2007 Foreign Employment Act 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. Despite national registration drives and committees responsible for registering births, the Central Child Welfare Committee in 2008 reported that only 40 percent of children had birth registration certificates. All Nepali military troops and police assigned to international peacekeeping forces were provided some 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 primarily a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Women from the Netherlands, Nigeria, Hungary, Bulgaria, Romania, and Sierra Leone were the top six countries of origin for identified female victims of forced prostitution in 2010. Approximately 113 victims identified last year in the Netherlands were male; these men and boys were subjected to sex trafficking and various forms of forced labor, including in agriculture, horticulture, catering, food processing, cleaning, and illegal narcotics trafficking. These male victims were primarily from Nigeria, Slovakia, India, the Netherlands, and Ghana. 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 are often involved in forced prostitution and forced labor involving foreigners, while those involved in forced prostitution of Dutch residents work independently, often recruit through the Internet, and exploit one to two victims at a time. The head of the national police force reported in 2010 that human traffickers increasingly took their victims to customers staying in hotels.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government again showed regional and international leadership on anti-trafficking reforms. The Dutch national anti-trafficking rapporteur and other officials continued to take a pragmatic, self-critical approach to assessing its response to human trafficking, resulting in concrete improvements in its overall anti-trafficking efforts. The government sustained a strong effort to proactively identify and assist trafficking victims and improved its response to forced labor. Sentences for convicted traffickers, however, remained consistently low.



Recommendations for the Netherlands: Continue to improve capacity to investigate and prosecute forced labor and improve outreach to victims of this crime; ensure convicted trafficking offenders receive sentences commensurate with the gravity of the crime committed; continue to build capacity to improve identification of victims and prosecution of traffickers in the Caribbean islands of Bonaire, Saint Eustatius, and Saba (BES islands); continue to self-monitor and critique anti-trafficking efforts to advance the government's response; and expand the government's international leadership role to share best practices with other countries, in particular on victim identification and assistance, protection of unaccompanied

foreign minors, and establishment of a self-critical approach to enhance global anti-trafficking efforts.

Prosecution

The Dutch government continued to aggressively prosecute sex trafficking offenders and it increased prosecution of labor trafficking cases, however, the average sentences imposed on convicted traffickers continued to be less than two years. 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 2009, the last year for which final trafficking statistics were available, police completed and referred for prosecution 141 human trafficking investigations, compared with 215 in 2008. In 2009, court verdicts were handed down in 91 cases, of which 69 were convictions, compared with 79 in 2008. There were 20 acquittals (33 acquittals in 2008), and nine trafficking offenders received community service or a fine as punishment. The average sentence for convicted trafficking offenders was approximately 21 months, the same average for sentences imposed in 2008 and 2007. In the period between October 2009 and June 2010, the National Rapporteur identified 18 labor exploitation cases, of which nine ended in a conviction. Before October 2009, Dutch courts handled 12 labor exploitation cases, of which four ended in a conviction. The National Rapporteur attributed this increase to an October 2009 Supreme Court precedent ruling which annulled a lower court decision that acquitted a Chinese restaurant owner of labor exploitation. The appellate decision rejected the lower court's finding that the Chinese were working in the restaurant voluntarily, emphasizing the vulnerable position of the Chinese migrants.

In December 2010, an appeals court sentenced *in absentia* a leader of a major Turkish-German human trafficking organization, to seven years and nine months' imprisonment for having forced at least 120 women into prostitution. The defense attorney filed an appeal to the Supreme Court; the appeal is still pending. Another court sentenced the same individual to an additional eight years' imprisonment for his involvement in two other trafficking cases and attempted murder. This case is also in appeal; prosecutors subsequently demanded more than \$3.9 million from him in a separate asset seizure trial. However, the defendant fled to Turkey in September 2009 after a Dutch court released him on temporary parole. In September 2010, the Dutch Human Trafficking Task Force publicly presented its second progress report and singled out Chinese massage parlors, nail studios, and restaurants as target areas for trafficking investigations in the coming year. In January 2011, the Judiciary Council adopted a taskforce proposal to limit litigation of trafficking cases to four specialized courts in the country in order to build necessary expertise among judges and to promote a uniform interpretation of the law. There are no reported cases of the involvement of government officials in or tolerance of trafficking at the national, local, or institutional level; there were no prosecutions for trafficking-related complicity in 2010.

Protection

The Government of the Netherlands made appreciable progress in its efforts to proactively identify and assist trafficking victims. In 2010, Comensha, the government-funded national victim registration center and assistance coordinator, registered 993 trafficking victims, an increase from 909 victims in 2009, and 826 victims in 2008. The majority of these 993 victims were identified by the police. The Government of the Netherlands has 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 (in facilities that also serve victims of other crimes), medical care, social security benefits, and education financing. Victims in government shelters were not detained involuntarily. 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, based on particular conditions. In 2009, the government granted 280 out of 299 requests for temporary residency for trafficking victims. Since January 2008, the government has provided unaccompanied children seeking asylum with intensive counseling in secure shelters that protect them from traffickers; it extended this pilot project until the end of 2011 during the reporting period. The government encouraged victims to assist in the investigation and prosecution of traffickers; 39 percent of trafficking victims filed charges against their traffickers in 2010. Nevertheless, victims were often reluctant to assist law enforcement, personnel, due to fear of reprisals from traffickers, fear of law enforcement and lack of understanding of the criminal justice system in the Netherlands.

In June 2010, the Justice Minister officially launched a pilot project to house trafficking victims in three specialized shelters located in different parts of the country to determine whether doing so would increase victim cooperation; the pilot project provided assistance to 40 women, 10 male victims, and their children. There were no reports that any identified victims were punished for unlawful acts committed as a direct result of being trafficked. 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 take proactive steps to prevent trafficking and address demand for commercial sex acts and forced labor during the reporting period. In December 2010, the Rotterdam police launched an information campaign to warn girls at 25 high schools about the ongoing trend of young men of Moroccan and Turkish descent who seduce vulnerable women and girls, and force them into prostitution. In November 2010, national police closed the websites of two escort businesses due to possible involvement in trafficking, some of which involved illegal hotel prostitution. Police simultaneously sent out text messages to approximately 1,300 mobile phone users who had contacted the sites, urging potential

clients to report possible human trafficking victims. The Justice Ministry continued to fund a multimedia awareness campaign about trafficking targeted at people in, and clients of, prostitution, as well as residents, shopkeepers, and taxi-drivers in areas where prostitution occurs. In December 2010, the City of Amsterdam re-launched a targeted campaign intended for tourists entitled, "Appearances Can be Deceptive;" the campaign was also put on special websites that are visited by clients of prostitution.

The government-funded, autonomous, Office of the Dutch National Rapporteur on Trafficking monitored the government's anti-trafficking efforts and, during the reporting period, published its eighth public report. In June 2010, the Social Affairs Ministry launched an awareness campaign informing citizens and certain target groups, including trade unions and work councils, about the existence of labor exploitation in the Netherlands. During the reporting period, the government subsidized a training film, called "Shockingly Forced," to raise awareness among labor inspectors and other officials about labor exploitation and forced labor. The government continued efforts to undertake efforts to prevent and identify child sex tourism; estimating it convicts approximately 12 child sex tourists every year. The Dutch military provided training to all military personnel on the prevention of trafficking and additional training on recognizing trafficking victims for Dutch troops being deployed abroad on missions as international peacekeepers.

Bonaire, St. Eustatius, and Saba

In October 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 Criminal Code of the BES islands was adjusted to reflect the new structure. The Criminal Code thus includes an article prohibiting 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 Dutch criminal code, although prescribed penalties are lower, ranging from six years' imprisonment for a single offense to 15 years' imprisonment in the case of a trafficking victims' death. The BES islands are a transit and destination area for women and children who are subjected to sex trafficking and for men and women who are in conditions of forced labor. The women in prostitution in the BES islands' regulated and illegal sex trades are highly vulnerable to human trafficking, as are unaccompanied children on the islands. Local authorities believe that men and women have also been subjected to domestic servitude and other forms of forced labor in the agriculture and construction sectors. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

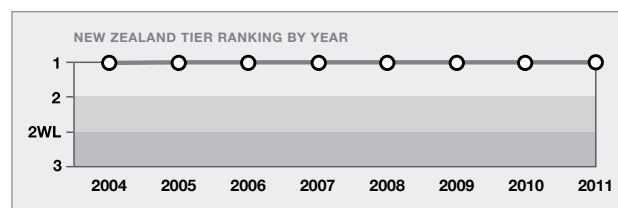
Although formal interagency anti-trafficking working groups operated in the BES islands, neither local authorities nor the Government of the Netherlands reported the identification of any potential trafficking victims. Moreover, no trafficking prosecutions or convictions were initiated on these islands during the reporting period. The government

continued to provide in-kind support for human trafficking hotlines in St. Maarten and Bonaire, though 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 sex trafficking within the country, and a destination country for foreign men and women in forced labor. New Zealand is reportedly a destination country for women from Asian countries, such as Hong Kong, Thailand, Taiwan, and China, and Eastern Europe trafficked into forced prostitution, though no new substantive information about such cases was discovered in the past year. According to a press report during the year, women, including some from Malaysia, are recruited by labor agents, but upon arrival in New Zealand, are handed over to brothel owners, who confiscate their passports and force them into prostitution for up to 18 hours a day to repay the "loan" of recruitment and transportation costs. Child trafficking victims are found engaging in prostitution illegally in brothels and off the street, some being closely controlled by local gangs. Asians and Pacific Islanders migrate to New Zealand voluntarily to work legally or illegally in the agricultural sector, and women from the Philippines migrate legally to work as nurses. Some foreign workers report being charged excessive and escalating recruitment fees, experiencing unjustified salary deductions, restrictions on their movement, confiscation of passports, and altered contracts or working conditions without their permission – all indicators of human trafficking. According to a press report and the United Nations Inter-Agency Project on human trafficking, there were concerns that some fishermen from Indonesia, Vietnam, and elsewhere in Southeast Asia are allegedly victims of forced labor in New Zealand waters; these men may have experienced conditions including passport confiscation, significant debts, physical violence and abuse, and are often forced to work a seven-day work week. No independent research has been conducted to determine the full extent of the trafficking problem in New Zealand.

The Government of New Zealand fully complies with the minimum standards for the elimination of trafficking. The government has in the past prosecuted traffickers under a range of laws; however, the government did not prosecute or convict any offenders of trafficking during the year, nor did it identify or assist any trafficking victims during the reporting period. The government did, however, make efforts during the year to raise public awareness of human trafficking through an anti-trafficking website and trafficking brochures.



Recommendations for New Zealand: Make efforts to study sex and labor trafficking occurring in New Zealand; significantly increase efforts to investigate and prosecute both sex and labor trafficking offenders; make efforts to proactively screen vulnerable populations, including women in prostitution, foreign workers, and illegal migrants, in order to identify and assist trafficking victims, through the routine employment of formal victim identification measures; identify and assist child trafficking victims engaged in commercial sexual activity; make proactive efforts to identify victims of labor trafficking, particularly among populations of vulnerable foreign laborers; investigate and prosecute employment recruiting agencies or employers who subject foreign workers to involuntary servitude or debt bondage; and develop and implement a visible anti-trafficking awareness campaign directed at clients of the legal and illegal sex trades.

Prosecution

The Government of New Zealand continued efforts to train front-line officers on trafficking, but did not make overall progress in its anti-trafficking law enforcement efforts during the past year. Authorities did not arrest or prosecute any sex or labor trafficking offenders during the past year, nor did it cooperate on any international trafficking investigations. The police did not report any prosecutions of “sellers” of sex services who profited from the labor of children in prostitution. New Zealand does not have a comprehensive anti-trafficking law and the Government of New Zealand does not feel that such a law is necessary, relying instead on a definition of trafficking that focuses on the transnational movement of people in prostitution. Part 5 and various amendments of the Crimes Act of 1961 prohibit transnational sex and labor trafficking. Laws against sexual slavery, the receipt of financial gain from exploiting children in prostitution, and labor exploitation prohibit forms of internal trafficking. Such crimes are not specifically included within the anti-trafficking provisions of the Crimes Act and therefore cases of internal trafficking are not recognized or tracked by the government as trafficking crimes. A press report during the year described cases of Asian women who were victims of forced prostitution in New Zealand, including a case of a Malaysian woman reportedly forced into prostitution for 16 hours a day who had her passport confiscated by the brothel owner. Authorities reported an initial investigation but the woman departed the country immediately upon having her passport returned to her, after police intervention. The Department of Labor investigated this case and reported that the woman was interviewed and found to be working willingly. The government trained staff from Customs, Immigration, Labor, and Police on People Trafficking on identifying victims of trafficking and victim interview techniques. Compliance inspectors who inspect sex industry premises use interview templates to determine whether individuals are willingly and voluntarily in New Zealand’s legal sex industry; the template has questions related to trafficking indicators.

Protection

The Government of New Zealand offers an extensive network of protective services to both internal and

transnational trafficking victims, regardless of whether they are officially recognized as trafficking victims. The government, however, did not report identifying or assisting any trafficking victims during the year, despite reports of children exploited in the commercial sex trade and foreign workers subjected to passport confiscation, debt bondage, threats of financial harm, and other internationally-recognized indicators of forced labor. The government did not have formal procedures for referring victims to NGOs and service providers. Authorities did not report the number of children under 18 found to be in prostitution during the year. Press reporting indicated authorities identified at least 13 girls under the age of 16 in prostitution in Auckland and put them in Child, Youth, and Family custody, but the government asserted that children under 18 identified in prostitution were not victims of trafficking, as they did not cross an international border and were not compelled into prostitution. There are currently no shelters specifically dedicated to trafficking victims. Authorities reported that were they to be identified, victims would receive food and shelter and would be informed of available physical and mental health services, legal services, and social welfare. The law allows foreign victims temporary legal residence and relief from prosecution for immigration offenses. However, as the government claims to have never identified a trafficking victim, this provision has never been offered. The Department of Labor developed a policy to allow police-certified trafficking victims, were they to be identified, to remain in New Zealand and work for up to one year on a temporary visa; however, this provision has never been utilized. It is possible that trafficking victims were deported as immigration violators instead of being investigated as possible trafficking victims.

Prevention

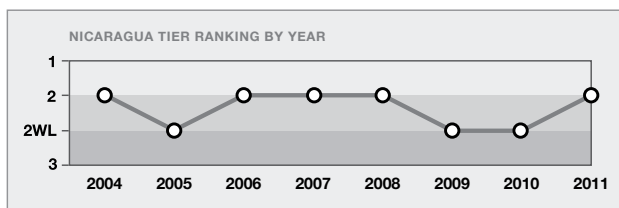
The Government of New Zealand made some efforts to increase public awareness of trafficking during the year. The Ministry of Social Development distributed brochures on trafficking indicators in six languages to regional departments, who distributed them to community groups around the country. In June 2010, the Department of Labor partnered with ECPAT to convene a forum on trafficking for representatives from government agencies and non-government organizations. Fraudulent employment and recruiting practices are prohibited under the Crimes Act of 1961 and the Wages Protection Act of 1983. New Zealand has never prosecuted trafficking offenders under these laws. Sufficiently stringent penalties of up to 20 years’ imprisonment and/or a fine of \$250,000 under the above statutes are commensurate with those prescribed for other serious crimes. The Immigration Act prohibits retention or control of a person’s passport or any other travel or identity document, but there were no prosecutions for passport confiscation during the year. During the year, the Department of Labor launched an anti-trafficking Internet website to raise awareness of trafficking. The government’s Inter-Agency Working Group on trafficking, led by the Department of Labor, met once during the year. The government did not make efforts to address the demand for commercial sex acts in the decriminalized commercial sex industry. The government gave \$22,800 to ECPAT to raise awareness about child sex trafficking. The Department of

Labor reported over 1,500 labor inspection visits during the year – an increase over the previous year, including 424 compliance inspections of horticulture and viniculture businesses. It did not report the number of brothel compliance inspections conducted during the year. In August 2010, authorities arrested one New Zealand citizen for organizing and promoting child sex tours; his case remains pending. The government provided anti-trafficking training to military personnel prior to their deployment abroad on international peacekeeping missions.

NICARAGUA (Tier 2)

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 to Guatemala, Costa Rica, El Salvador, Honduras, 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. 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. Nicaragua is a destination country for a limited number of women and children recruited from neighboring countries for 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, and some travel agencies are reportedly complicit in promoting child sex tourism. Nicaragua is a transit country for migrants from Africa and East Asia migrating to the United States; some may fall victim to human trafficking.

The Government of Nicaragua does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Over the last year the government increased its anti-trafficking law enforcement efforts, specifically through increased prosecutions, five convictions of trafficking offenders, and the establishment of dedicated anti-trafficking police units. The anti-trafficking coalition increased its training and prevention efforts and began to establish working groups at the regional level. While officials identified a location for a future shelter for trafficking victims, the Government of Nicaragua provided no specialized victim services and relied on civil society organizations to provide most victim care.



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 such as women and children in prostitution; increase training and resources for government officials in order to identify and provide services to victims of forced prostitution and forced labor; dedicate resources to specialized services for trafficking victims, including a shelter; provide increased services for adult trafficking victims; provide foreign victims with legal alternatives to deportation; strengthen mechanisms at the regional level to raise awareness and to identify and respond to trafficking cases; and continue to raise awareness of all forms of human trafficking.

Prosecution

The Government of Nicaragua increased 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 10 years' imprisonment. 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. In September 2010, the Government of Nicaragua passed an organized crime law typifying human trafficking as a form of organized crime, allowing officials to employ enhanced investigation methods such as undercover agents, preventive detention, and the right to seize property and funds used or earned in trafficking crimes. Officials reported using these methods for all trafficking investigations conducted after the law went into effect. In October 2010, authorities announced the creation of anti-trafficking units within the intelligence and judicial police forces, as well as a trafficking department within the Women's Police Commission.

During the reporting period, the government investigated 19 potential cases of sex trafficking and initiated five prosecutions, compared with nine investigations and three prosecutions initiated during the previous reporting period. The government achieved five convictions during the reporting period, with sentences ranging from seven to 37 years: this represents an increase from the two convictions secured during the previous reporting period. Nicaraguan authorities collaborated with the governments of neighboring countries and the United States to jointly investigate trafficking cases and repatriate returning trafficking victims from abroad. Authorities provided specialized training on trafficking to over 500 officials, including law enforcement officials, diplomats, and immigration agents along the border, often in partnership with NGOs. In 2010, the National Police Academy included a human trafficking component in their permanent curriculum. The government investigated three police officials in Granada for possible complicity in human trafficking, but the case was dismissed due to lack of sufficient evidence.

Protection

The Nicaraguan government made limited efforts to protect trafficking victims during the last year, and NGOs and international organizations continued to be the principal providers of victim services. There was no formal system for identifying trafficking victims among high-risk populations, such as adults and children in prostitution. Police reported identifying 18 trafficking victims in 2010, all but three of whom were children; an NGO reported working with 16 trafficking victims, five of whom were referred by government officials. The government could provide basic shelter and services to some child trafficking victims through its one temporary shelter for children who are victims of domestic or sexual abuse, although it was unclear if any trafficking victims were assisted at the shelter during the reporting period. There were no government-operated shelters for trafficking victims, though NGOs operated shelters for children subjected to commercial sexual exploitation and for female adult victims of domestic abuse, and officials referred trafficking victims to these shelters. Adult trafficking victims were largely unable to access any government-sponsored victim services, although the government provided limited legal, medical, and psychological services to some victims. During the reporting period the Government of Nicaragua identified a location to serve as a future shelter for victims of trafficking. The government encouraged victims to participate in trafficking investigations and prosecutions, though many were reluctant to do so due to social stigma and fear of retribution from traffickers. The new anti-organized crime law contained provisions establishing protection services for those who testify against traffickers, but procedures to implement this law were still under development. While the rights of trafficking victims are generally upheld, some victims may not have been identified as victims of human trafficking by authorities. Although there is no legal alternative to the removal of foreign victims to countries where they may face hardship or retribution, authorities and NGOs reported that victims were allowed to remain in the country temporarily before voluntary repatriation.

Prevention

The Nicaraguan government significantly increased its efforts to prevent trafficking during the last year. The government-run anti-trafficking coalition, which is composed of government and civil society actors, was responsible for coordinating anti-trafficking efforts, and conducted various awareness-raising events and launched a strategic plan for 2010-2012 during the reporting period. In 2010 the coalition began to organize regional working groups to address trafficking at the local level. The understaffed government hotline on child welfare, which takes calls on human trafficking, received 6,000 calls in 2010, 31 of which related to potential trafficking cases and were referred to the police. Transparency in the government's anti-trafficking measures was limited; it did not publicly report on the effectiveness of its own efforts during the year, although it assessed its efforts internally. The government did, however, partner with civil society organizations on several prevention efforts, including an initiative to map which regions of the country are most vulnerable to trafficking. In collaboration with NGOs,

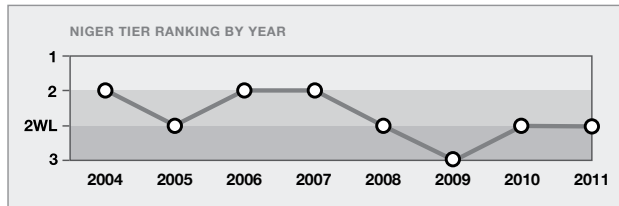
the National Police estimated that its brochures, posters, and videos educated over 50,000 people about trafficking. Teachers who had been trained on trafficking by the Ministry of Education in 2009 trained other teachers during 2010. In conjunction with an NGO, the Government of Nicaragua began printing information about trafficking on the back of all entry and exit forms used by immigration at land borders. There were no reported investigations of child sex tourists during the reporting period. The government made limited efforts to reduce the demand for commercial sex acts by working with an NGO to educate high school students in Managua. The government undertook no other initiatives to reduce demand for commercial sexual acts, and it did not report any efforts to reduce demand for forced labor.

NIGER (Tier 2 Watch List)

Niger is a source, transit, and destination country for children and women subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country. Nigerien children are subjected to forced begging within the country, as well as in Mali and Nigeria, by religious instructors known as *marabouts*. They also are subjected to domestic servitude, prostitution, and forced labor in gold mines, agriculture, and stone quarries within the country. Nigerien children, primarily girls, also are subjected to prostitution along the border with Nigeria, particularly along the main highway in the towns of Birni N'Konni and Zinder. Nigerien girls reportedly entered into "marriages" with citizens of Nigeria, Saudi Arabia, and the United Arab Emirates, whereby they were forced into domestic servitude upon arrival in these countries. In the Tahoua region of Niger, girls born into slavery were reportedly forced to marry men who bought them and subsequently subjected them to forced labor and sexual servitude. Niger is a transit country for 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 and welders, or laborers in mines and on farms. To a lesser extent, Nigerien women and children are recruited from Niger and transported to Nigeria, North Africa, the Middle East, and Europe for domestic servitude and sex trafficking.

The Government of Niger 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 overall increased efforts to address human trafficking over the previous year; therefore Niger is placed on Tier 2 Watch List for a second consecutive year. The government acknowledges that trafficking, including slavery, is a problem in the country. The country was led by a transition government during the reporting period; this regime, appointed following the February 2010 coup, lacked a budget and constitutional authority for much of the year. In December 2010, the transitional government enacted the country's first specific law to address trafficking; however, the government's few efforts to investigate and prosecute trafficking offenses during the year came only after

receiving complaints from NGOs, and efforts to prosecute cases of traditional slavery and to provide assistance to victims remained weak.



Recommendations for Niger: While continuing to respond to legal complaints filed by NGOs, increase efforts to initiate investigations and prosecute and punish trafficking offenders, particularly those guilty of slavery offenses; prescribe adequate sentences for individuals convicted of committing trafficking crimes, and enforce the judgments of the court; in coordination with NGOs and international organizations, train law enforcement officials to proactively identify trafficking victims among vulnerable populations, such as women in prostitution or children in worksites, and refer them to protective services; increase efforts to rescue victims of traditional slavery practices; allocate sufficient funds to establish the National Agency to Combat Trafficking in Persons and the National Commission to Coordinate Efforts to Combat Trafficking in Persons, as mandated by the 2010 anti-trafficking law, and establish a clear division of responsibilities among the two bodies and the National Commission against Forced Labor and Discrimination; complete and adopt a National Action Plan to combat trafficking; and implement an initiative to raise public awareness about the new anti-trafficking law and encourage victims to exercise their rights under the law.

Prosecution

The Government of Niger demonstrated limited progress in its anti-trafficking law enforcement efforts, seen largely through its enactment of a law prohibiting all forms of trafficking, including slavery and practices similar to slavery. The government demonstrated weak efforts to investigate and prosecute trafficking cases using existing laws. In December 2010, the transitional government enacted Order No. 2010-86 on Combating Trafficking in Persons, a comprehensive anti-trafficking law that 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 includes a specific provision prohibiting exploitative begging. Existing statutes prohibited some forms of trafficking: the country's penal code prohibits slavery, procurement of a child for prostitution, and the encouragement 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 \$48 to \$598 and from six days' to one month's imprisonment, are not sufficiently stringent. The government arrested three suspected trafficking offenders during the year — all of whom were brought to its attention through complaints filed by NGOs — and obtained two convictions. In June 2010, a court in Madaoua convicted two individuals under a statute prohibiting the corruption of minors for prostituting five girls under the age of 15; the traffickers each received a sentence of six months' suspended imprisonment and a fine of approximately \$100. In May 2010, a Nigerien man was arrested and detained for allegedly re-enslaving two of his former slaves; at the end of the reporting year, he remained in detention without a trial date. The same man is awaiting trial on both an appeal of a fine imposed upon him in the previous year and on charges filed by an NGO that this sentence was inadequate. The status of five other women whom he had allegedly enslaved is unknown. In July 2010, he was awarded custody of two children he fathered with one of his former slaves. Also during the year, a Nigerian man — arrested during the previous reporting period for allegedly trafficking his nephew in Nigeria — spent four months in pre-trial detention, but fled the country when he was granted provisional release. A man was convicted during the previous reporting year of holding a woman in slavery remained in prison, though he did not pay the \$24,000 in fines ordered by the court. There were no reported developments in a slavery case that has been pending since 2006. Nigerien authorities collaborated with officials from Nigeria and, in April 2010, they provided information to the Nigerian National Agency for the Prohibition of Trafficking in Persons that led to the arrest of two Nigerien men suspected of trying to sell a 5-year-old Nigerien girl, possibly for the purposes of exploitation. The government did not provide specialized training to law enforcement officers on the investigation of trafficking cases, but in May 2010, the Ministry of Justice provided a one-day training for an unknown number of law enforcement officers on trafficking prevention and victim protection. In September 2010, representatives from the Ministries of Defense and Justice spoke at the opening and closing ceremonies of a capacity-building training held by an NGO for 30 officials from the police, gendarmerie, and National Guard, which included training on investigating trafficking offenses and protecting victims. There were no reports of government officials being investigated, prosecuted, or convicted for involvement in trafficking or trafficking-related criminal activities during the reporting period.

Protection

The transition government demonstrated limited efforts to protect child trafficking victims during the year, but did not provide the same care to adult trafficking victims or victims of traditional slavery practices. Authorities did not take proactive measures to identify trafficking victims among vulnerable populations, such as women in prostitution or children at worksites. NGOs reported rescuing 95 child trafficking victims without government involvement. The government did not have a system for referring victims to protective services, but it reportedly provided medical assistance and temporary shelter in social

service facilities to an unknown number of child victims and referred them on an *ad hoc* basis to local NGOs for care. The government assisted in repatriating 89 children to Mali, Nigeria, Burkina Faso, Benin, Cameroon, and Liberia, as well as returning trafficked Nigerian children to their villages. The regional government of Agadez continued to operate a committee comprised of police and local officials to assist undocumented Nigerian migrants expelled from North Africa to return to their countries or communities of origin, though it did not make efforts to identify trafficking victims among this population. 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 law violators. The anti-trafficking law includes provisions allowing victims to file civil suits against trafficking offenders, though none exercised this right in 2010. Victims' participation in the investigation of trafficking offenses was neither encouraged nor discouraged, but they were often reluctant to cooperate with law enforcement.

Prevention

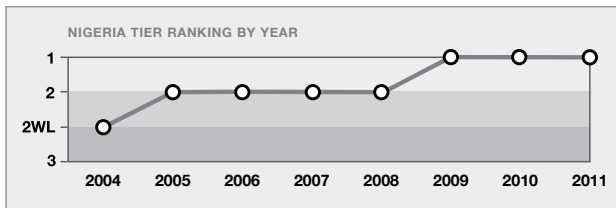
The Transition Government of Niger sustained modest efforts to prevent human trafficking during the year, primarily through campaigns to educate the public about trafficking, though it did not make efforts to prevent traditional slavery. The multi-stakeholder National Commission against Forced Labor and Discrimination continued to meet sporadically during the year. In April 2010, the Ministry of Labor, with support from an international organization, held a workshop to educate 22 performing artists expected to play a role in future campaigns about the worst forms of child labor, including labor trafficking. In August, the government, with support from an international organization, held a town hall meeting to raise awareness about child trafficking among community members in Agadez. Subsequently, local authorities created vigilance committees assigned to track and report any cases of child trafficking to local law enforcement agencies, though they did not report identifying any cases during the year. In June 2010, during a regional conference in Chad, the government signed the N'Djamena Declaration denouncing the use of children in armed conflict, though there were no reports that the government used children in its armed services. By-laws governing Niger's armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though the government did not confirm the implementation of this training.

NIGERIA (Tier 1)

Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerian women and children are recruited from rural, and to a lesser extent urban, areas within the country's borders – women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic servitude, mining, stone

quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, including Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, the Central African Republic, and The Gambia, as well as South Africa, for the same purposes. During the year, reports indicated significant numbers of Nigerian women are living in situations of forced prostitution in Mali and Cote d'Ivoire. Children from West African countries, primarily Benin, Togo, and Ghana, 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 taken to Italy for forced prostitution, and others are taken to Spain, the Netherlands, Germany, Turkey, Belgium, Denmark, France, Sweden, Switzerland, Norway, Ireland, Greece, and Russia for the same purposes. Nigerian women and children are recruited and transported to destinations in North Africa and the Middle East, including Saudi Arabia, the United Arab Emirates, Lebanon, Egypt, Libya, and Morocco, where they are held captive in the sex trade or situations of forced labor. During the reporting period, traffickers decreasingly relied on air travel to transport trafficking victims, and more often utilized land and sea routes, for example by forcing victims to cross the desert on foot to reach Europe.

The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the Nigerian government sustained a modest number of trafficking prosecutions as well as the provision of assistance to several hundred trafficking victims, but did not demonstrate an increase in its anti-trafficking law enforcement efforts. Although the government claimed to have increased its budget allocation to the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP), which was forecasted to receive an estimated \$7 million last year, the government did not disclose actual disbursements to NAPTIP. An apparent increase in referrals to NAPTIP of cases involving non-trafficking crimes against children – such as pedophilia and baby selling – appears to have burdened the organization. Longstanding plans to relocate NAPTIP's flagship shelter for victims – in a Lagos building abandoned by the national security service – were not fulfilled. Other victims' shelters operated below their full capacity, offered limited reintegration services, and were not always well maintained. Despite the documented magnitude of the problem of Nigerian trafficking victims in countries around the world, the government inconsistently employed measures to provide services to repatriated victims, and did not make public the number of victims it repatriated during the year. In September 2010, senior NAPTIP officials traveled to Mali where they investigated reports that 20,000 to 40,000 Nigerian women were being held there in forced prostitution; despite identifying a considerable number of such victims, officials took no apparent action to engage Malian government counterparts to rescue victims or arrest traffickers in the subsequent six months before the close of the reporting period. It is of concern that senior NAPTIP officials' regular travel abroad during the year did not yield discernible results in terms of arrests of traffickers or rescues of victims.



Recommendations for Nigeria: Ensure that the activities of NAPTIP are adequately funded, particularly for protection of victims; increase investigations, prosecutions, and convictions of labor trafficking offenses; 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; ensure that NAPTIP officials' foreign travel for fact-finding and training does not detract from the agency's core mission of investigating and prosecuting trafficking offenders and protecting victims; vigorously pursue investigation of cases to ultimate prosecution; provide Nigerian-led specialized training to all NAPTIP counselors and make this training mandatory before assigning an individual to a position in a shelter; increase the provision of educational and vocational training services to victims at government shelters; complete the long-promised relocation of the shelter in Lagos; develop a formal system to track the number of victims repatriated from abroad; in cooperation with Malian officials, initiate an operation to rescue Nigerian trafficking victims in Mali, and prosecute their exploiters; 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 progress in its anti-trafficking law enforcement efforts to combat trafficking during the last year. 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's prescribed penalties of five years' imprisonment, a \$645 fine, or both for labor trafficking, are sufficiently stringent, but the law is written to allow 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 10 to 15 years' imprisonment for sex trafficking offenses; these penalties are sufficiently stringent, and commensurate with penalties prescribed for other serious crimes, such as rape. NAPTIP reported initiating 262 new investigations—but did not specify how many of these were trafficking cases—which led to 12 prosecutions and convictions for trafficking crimes, all prosecuted under articles within the Trafficking in Persons Law Enforcement and Administration Act. Only three of the successful prosecutions involved forced labor, although more than half of the victims identified during the year were victims of forced labor. Sentences that imposed prison time ranged from two months' to 14 years' imprisonment. Four offenders – three convicted of attempted sex trafficking and one convicted of forcing

three children with disabilities to beg for money in Saudi Arabia—paid only fines and did not serve a prison sentence. Despite a reported government appropriation of more than \$7 million in funding to NAPTIP, the organization's inadequate operational capacity suggested a significant disparity between projected funds and actual disbursements to the agency. Throughout the year, investigators often were not provided funding for travel or access to a vehicle to investigate trafficking cases, and the agency relied almost entirely on foreign donor funding for training its staff.

Although NAPTIP demonstrated a sustained, strong ability to obtain convictions from the prosecutions it initiated, less than nine percent of investigations conducted during the year resulted in prosecutions, suggesting a need for increased specialized investigation skills among NAPTIP officials. The government did not provide specialized training to its officials on how to recognize, investigate, and prosecute trafficking cases. Fact-finding trips did not result in investigations or prosecutions. International donors provided training to judges and shelter staff counselors during the year, with support from NAPTIP in the form of logistics, staff, and other in-kind contributions, but expressed concerns that the frequency with which officials were reassigned to positions outside their area of expertise undermined the effectiveness of this training. During the year, the government signed two memoranda of understanding – one with Italy's chief organized crime prosecutor, and one with the Swiss justice system – to collaborate on investigations of trafficking cases, but did not report conducting any such collaborative investigations with foreign governments.

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 in previous years.

Protection

The Government of Nigeria did not demonstrate appreciable progress in its efforts to protect trafficking victims during the year, despite the government's considerable resources. The government continued to lack a formal system for identifying victims among vulnerable populations, such as women in prostitution, and authorities outside of NAPTIP – such as police and immigration officers assigned to other units – were not well-trained to identify victims. Furthermore, some police reportedly extorted women in prostitution for money. The government maintained a database of trafficking victims identified by the government and NGOs; it reported a total of 932 trafficking victims identified by NGOs and the government during the year. Of this total, 540 were victims of forced labor and 392 were victims of sex trafficking; approximately half were children. In September 2010, senior NAPTIP officials traveled to Mali to investigate reports that 20,000 to 40,000 Nigerian women were being held there in forced prostitution. Despite identifying significant numbers of such victims, and pledging a commitment to pursue action, Nigerian authorities have not taken steps to rescue these victims.

The government paid stipends to NGOs and other organizations that provided protective services to trafficking victims, but did not report its expenditures on shelter facilities and victim protection services. NAPTIP continued to operate eight shelters for victims, which reportedly assisted 1,047 women and children victims of trafficking during the year. Although NAPTIP shelters offered capacity for 470 victims at a time, observers reported most operated well under capacity during the year, and did not have the capability to respond to sizeable influxes of victims. The government did not have a formal procedure in place to repatriate and reintegrate Nigerian victims subjected to trafficking abroad, and it did not provide information on the number of such victims cared for during the year; it reportedly received all such victims at its inadequate facility on Ikoyi Island in Lagos, and undertook efforts to renovate a new facility, though this was not completed during the year. NGOs sometimes picked up repatriated victims from Lagos' international airport when NAPTIP did not arrive to meet the victims. Since 2009, NAPTIP has regularly reported imminent plans to move this shelter to a more adequate structure in nearby Ikeja, and to the detriment of victims, has moved slowly to accomplish this plan. All victims in shelters received counseling, legal services, and basic medical treatment, and victims who required specialized care received treatment from hospitals and clinics through existing NAPTIP agreements with these institutions. The government did not always require individuals assigned to work in shelters to have previous professional experience or training for assisting victims, and it did not provide any such specialized training, though it made in-kind contributions to foreign donors who provided training to 38 NAPTIP counselors during the year. Observers reported shelters at times severely lacked resources, and staff members were sometimes forced to use personal funds to purchase food for victims or to pay for transportation to return victims to their families.

Victims were able to decide whether to remain in a shelter after undergoing initial counseling and an interview for their legal cases. 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 who could provide additional services, though few long-term options were available for adult victims. Victims were not allowed to leave shelter premises for the duration of their stay, unless they were escorted by an NGO or other organization on a supervised trip or to receive specialized medical treatment or testify in court. Government officials appeared to adhere to the explicit provision of the 2003 Trafficking in Persons Law Enforcement and Administration Act which protects trafficking victims from punishment for offenses committed as a result of being trafficked. Trafficking suspects continued to be questioned in detention areas a considerable distance from victims' quarters. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTIP reports that one victim served as a witness in each case of the 12 trafficking prosecutions that resulted in convictions during the year. However, cases took significantly longer

to be prosecuted than the six weeks during which victims remained in government shelters, and victims had often returned to villages outside this jurisdiction before the conclusion of the trial. The government did not consistently provide adequate services to enable victims to return to participate in cases, such as transportation and lodging; this may have negatively affected investigators' ability to build cases sufficient for initiating prosecutions. No victims obtained redress through civil court complaints during the year. All victims were eligible to receive funds from the Victims' Trust Fund, which was financed primarily through confiscated assets of convicted traffickers; in February 2011, the first distributions were made from the fund in the amount of approximately \$1,131 to each of 10 victims, proceeds of the seizure of brothels in the first quarter of 2010. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution.

Prevention

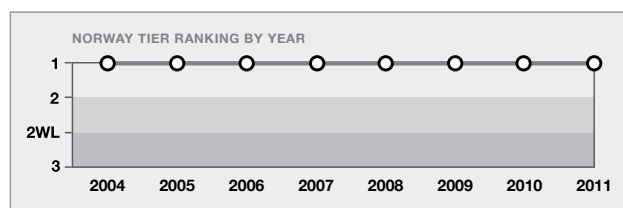
The Government of Nigeria sustained its efforts to prevent human trafficking through campaigns to raise awareness and educate the public about the dangers of trafficking. NAPTIP's Public Enlightenment Unit continued to conduct national and local programming, through radio and print media, in all regions of the country to raise awareness about trafficking, including 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. The Stakeholder Forum, with participants from law enforcement agencies, government ministries, NGO groups, and other countries' diplomatic missions, continued to meet quarterly to foster collaboration, share information, and update the National Plan of Action. NAPTIP's budget and programming follows the National Plan of Action, which sets forth program priorities and cost estimates through 2012. The Nigerian Immigration Service did not systematically monitor emigration and immigration patterns for evidence of trafficking, but some officers who had received training reported suspected trafficking activity to NAPTIP; an unknown number of arrests resulted from this information. The government provided training to groups of citizens embarking on government-sponsored religious pilgrimages, to warn them against trafficking. In June 2010, the Minister of the Federal Capital Territory made a declaration ordering women in prostitution to leave Abuja, the capital; officials subsequently initiated raids on brothels and arrested women in prostitution without screening for trafficking victims among them. The government took no discernible steps to decrease the demand for forced labor. 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. Foreign children are subjected to forced begging and forced criminal activity, such as shoplifting and drug sales. Most trafficking victims identified in Norway in 2010 originated in Nigeria, while others came from Algeria, Lithuania, Romania, Bulgaria, China, the Philippines, Ghana, Eritrea, Cameroon, Kenya, Somalia, and the Democratic Republic of Congo. These victims usually travel to Norway on Schengen visas issued by other European countries, and transit several countries, such as Italy, Spain, and Morocco. Approximately 25 percent of all trafficking victims in Norway in 2010 were children. Criminal organizations are often involved in human trafficking in Norway, and trafficking schemes varied by victims' countries of origin. Children in Norwegian refugee centers and migrants who are denied asylum are vulnerable to human trafficking in the country; unofficial reports indicated that 47 children disappeared from refugee centers during the 2010 calendar year.

The Government of Norway fully complies with the minimum standards for the elimination of trafficking. The government increased the number of trafficking convictions and lengthened the sentences imposed on convicted trafficking offenders, although Norwegian authorities did not prosecute any labor trafficking cases this year. The government approved a new permanent residency permit to trafficking victims who face retribution and hardship in their home country, even in the absence of court testimony, if the victim testifies to police. NGOs reported, however, that a child trafficking victim was deported in 2010 despite identification as a victim.



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; continue training efforts for immigration authorities and refugee reception centers to ensure that trafficking victims are identified and not punished or deported before investigation; consider establishing procedures by which deportation orders could be revoked once issued if it is discovered that trafficking occurred; ensure that male and child trafficking victims also receive adequate protection services and that all governmental anti-trafficking efforts are structured to address male as well as female victims of trafficking; improve partnerships among anti-trafficking authorities, local police, and child welfare officers; ensure that front-line responders understand the reflection period and offer it to identified victims; fund a national anti-trafficking awareness campaign; and establish a national anti-trafficking rapporteur to draft critical assessments of Norway's anti-trafficking efforts.

Prosecution

The Norwegian government improved its law enforcement efforts during the reporting period, though many of its labor trafficking investigations failed to result in prosecutions. Norway prohibits all forms of trafficking in persons through Criminal Code Section 224, which prescribes a maximum penalty of 10 years' imprisonment in aggravated cases – a penalty sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. Norwegian authorities initiated 26 sex trafficking investigations and 11 labor trafficking investigations in 2010, compared with 31 sex trafficking and seven labor trafficking investigations initiated in 2009. The government prosecuted 11 trafficking offenders under Section 224 for sex trafficking, an increase from seven sex trafficking offenders in 2009. International organizations and the specialized police unit reported that forced labor victims were less likely to be identified than victims of sex trafficking and no investigations of forced labor this year resulted in prosecution. Eight trafficking offenders were convicted in 2010, compared with six offenders convicted in 2009. As during the prior year, all of the trafficking offenders received jail sentences; there were no suspended sentences. Seven of the eight trafficking offenders convicted in 2010 received terms of imprisonment between nine months and four years, with an average sentence of two years in prison. At least two of these cases involved the sex trafficking of children. One sex trafficking offender, who exploited two boys, received a sentence of 10 years. This was an increase in the terms of imposed sentences, as offenders convicted in 2009 received an average of 30 months' imprisonment. The government also investigated labor crimes involving children. In 2010, the Bergen police placed in custody six Romanians on charges of trafficking five children from Romania to Norway to steal, beg, and peddle illegal drugs. In addition to the Government of Norway's specialized anti-trafficking unit housed in the Police Directorate, the government operated specialized anti-trafficking investigators in its two largest cities, Oslo and Bergen. Norwegian authorities collaborated with several European governments to investigate trafficking cases, including the governments of Lithuania, Bulgaria, Romania, Slovakia, the Czech Republic, Italy, and Spain.

Protection

The Government of Norway sustained strong victim protection efforts, although an NGO reported that a child trafficking victim was penalized and deported for crimes that he or she committed as a result of being trafficked. The government empowered and trained a diverse set of actors to proactively identify and refer victims of trafficking; municipalities, police, international organizations, NGOs, and other Norwegian authorities made 531 referrals of potential victims to the National Coordination Unit for official victim identification. In 2009, the government referred approximately 292 victims to care. In September 2010, the coordination unit for victims of human trafficking conducted a two-day national seminar on identifying trafficking victims. The 200 participants included representatives from the police, immigration authorities, asylum centers, child protective services, and NGOs. The government provided

some services directly to victims and other services through an NGO-operated project. In 2010, the Norwegian government reported providing services for 319 trafficking victims, including 194 sex trafficking victims, 105 victims of labor trafficking, and 20 victims of both sex and labor trafficking. The government gave trafficking victims in Norway shelter in domestic violence centers, medical care, vocational training, stipends, Norwegian classes, and legal assistance. Although the formal mandate of the government's anti-trafficking program covers only women, government-funded NGOs provided care to men as well during the reporting period. There were no state-funded shelters providing specialized services to child victims of trafficking. 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. Under new regulations adopted in 2010, the Norwegian government approved a new permanent residency permit for victims facing retribution or hardship in their countries, 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. Inter-governmental organizations observed that very few people outside of the active anti-trafficking circles were aware of the reflection period. A child victim of trafficking reportedly was detained and deported for criminal activity because the immigration authorities had not identified the child as a trafficking victim. When immigration authorities were informed of the child's status as a victim of trafficking, they reportedly continued with the deportation.

Prevention

The Norwegian government improved its trafficking prevention efforts this reporting period. In December 2010, the government issued its new anti-trafficking action plan for 2011-2014, which focuses on the protection of children and the monitoring of illegal capital flows from human trafficking. Senior government officials visited asylum centers that care for unaccompanied foreign children to study this potential trafficking problem and raise its profile. The national action plan also set forth new strategies to prevent forced begging. The national coordinating unit for victims of human trafficking collected annual statistics on trafficking and published its results in public reports; the new national action plan required annual reports on trends, challenges, and research needs on trafficking. The government also commissioned two other major studies from research institutions on the reflection period and on collaboration with intergovernmental institutions. The coordination unit for victims of human trafficking operated a national trafficking hotline. The government did not, however, fund any national trafficking awareness campaigns targeting labor or sex trafficking. The government continued its leadership role as an international donor to anti-trafficking initiatives, providing approximately \$12.8 million to international efforts and bilateral cooperation against human trafficking. This was a significant increase from the approximately \$9.3 million awarded in foreign assistance for anti-trafficking efforts in

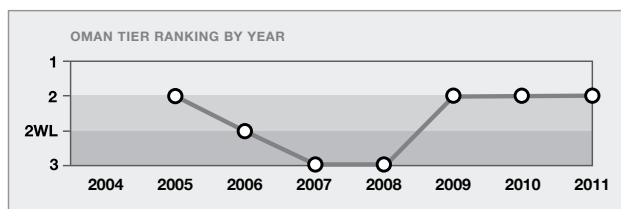
2009. The Norwegian government made efforts to combat the demand for prostitution by charging approximately 280 individuals with the crime of purchasing or attempting to purchase sexual services. In 2010, the government funded a small-scale education campaign carried out by an NGO and targeting 18-year old students to increase their awareness of prostitution issues. In February 2011, the government funded a project to reach out to prospective purchasers of sexual services and counsel against the illegal practice. The government provided anti-trafficking training to Norwegian troops before their deployment overseas 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, some of whom are subjected to conditions indicative of forced labor and, to a lesser extent, forced prostitution. Most of these migrants travel willingly 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 of them 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. 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 in some instances constitutes forced labor. Many of these agencies provide false contracts for employment either with fictitious employers or at fictitious wages and charge workers high recruitment fees (often exceeding \$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, Uganda, Kenya, and other parts of South Asia who may be forced into commercial sexual exploitation, generally by nationals of their own countries. 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 sex trafficking offenders and sentence convicted traffickers to imprisonment; the number of convictions, however, declined from the last reporting period and did not include any criminal punishment of labor trafficking offenses. The government improved its victim protection efforts by opening a permanent shelter for victims of trafficking and began assisting victims there. The government also created a criminal division within its court system specifically to address trafficking cases and appointed specialized judges and prosecutors to oversee these cases. During the reporting period, the Public Prosecution and Royal Oman Police received training in trafficking victim identification.

Nonetheless, Omani authorities continued to lack comprehensive 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.



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; institute formal procedures for identifying trafficking victims among all vulnerable populations, such as illegal immigrants; enact and enforce penalties for employers who withhold their employees' passports as a measure to prevent labor trafficking; increase and enforce legal protections for domestic servants, 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

Royal Decree No. 126/2008, the Law Combating Human Trafficking, prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment, in addition to financial penalties. These punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. A legally enforceable government circular prohibits employers' withholding of migrant workers' passports, a practice contributing to forced labor; the circular, however, does not specify penalties for noncompliance. The Government of Oman failed to adequately enforce its prohibition on the withholding of passports and this practice remains widespread among employers in Oman, including among government officials. The government reported that it resolved 202 cases of withholding workers' passports through Ministry of Manpower mediation and referred 40 cases to courts for resolution; the government did not, however, report launching investigations for potential trafficking situations resulting from these complaints. During the reporting period, the Government of Oman convicted four individuals for sex trafficking offenses, a decrease from the nine convictions for sex trafficking reported last year. One trafficking offender received a sentence of imprisonment of one year and the other three were sentenced to three to 15 years' imprisonment. These traffickers also paid fines ranging from \$160 to \$130,000; of these fines, \$75,400 was used to provide restitution to their victims. The government reported

resolving numerous labor complaints through mediation and its court system, but did not identify trafficking cases among these complaints and consequently did not report arresting, prosecuting, convicting, or sentencing any individuals for forced labor. In May 2010, an assistant public prosecutor specializing in trafficking trained judges, other public prosecutors, police officers, and officials from the Ministries of Manpower, and Social Development, and other security agencies on trafficking in persons. In October 2010, the Ministry of Manpower, in conjunction with ILO, hosted a training session for government officials on labor forms of trafficking. In addition, in January 2011, the Muscat Court of Appeals created a new criminal division consisting of two judges and two to three support staff to hear human trafficking cases. The government did not report any law enforcement efforts against the trafficking complicity of Omani public officials.

Protection

In January 2011, the Royal Oman Police officially opened a permanent shelter for victims of trafficking; this shelter 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 can readily access shelter employees to accompany them offsite. During the reporting period, Omani authorities assisted 24 victims of trafficking with shelter, six of whom were in the permanent shelter; two women had been victims of sex trafficking and four were domestic servants who had been abused by their employers. Nonetheless, the government continued to lack formal procedures to proactively identify victims of trafficking among all vulnerable groups, including migrants detained for immigration violations. Omani authorities reportedly made some efforts, however, to identify victims among particular groups and provided training to police officers on victim identification. For example, Ministry of Manpower representatives interviewed all employees who ran away from sponsors and immigration officials interviewed all departing migrant workers to determine if they experienced a labor violation; however, the government did not report any victims identified through this process. Government authorities also report that victims can be identified either through the government's 24-hour hotline or during the course of prosecution by trained prosecutors and police. Due to a lack of comprehensive victim identification procedures, the Government of Oman may not have ensured expatriates subjected to forced labor were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government reportedly encourages potential trafficking victims to assist in the investigation and prosecution of crimes against them, but does not provide a standard legal alternative to removal to countries in which they may face hardship or retribution; some victims may be permitted to stay in Oman on a case-by-case basis. Victims are not permitted to work pending trials, but they may leave the country or switch sponsors if their employer is found in violation of labor law provisions.

Prevention

The government sustained modest efforts to prevent human trafficking during the reporting period. In January 2011, the Ministry of Manpower issued regulations requiring Omani labor recruitment agencies to provide all workers with a copy of their contract and repatriate the worker at its own expense if, within six months, it is found that the work to be performed by the employee is different from the work specified in that contract. Oman 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 at airports, recruitment agencies, and in their places of work. The government continued to operate an anti-trafficking hotline, but did not report the number of calls it received during the reporting period. The government also continued its public awareness campaign, which included placement of at least one article or editorial each week in the press about trafficking issues, including forced labor. In addition, the government's decision to segregate massage facilities not associated with hotels by gender resulted in the closure of 18 massage parlors, which may have been fronts for prostitution.

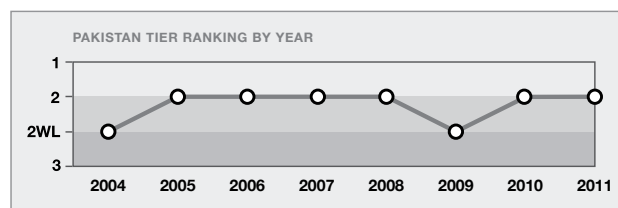
PAKISTAN (Tier 2)

Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The country's largest human trafficking problem is bonded labor, 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. 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 the population – are bonded laborers. In extreme scenarios, when bonded laborers attempt to seek legal redress, landowners have kidnapped them and their family members. Boys and girls are also bought, sold, rented, or kidnapped to work in organized, forced begging rings, domestic servitude, and prostitution. Recent press stories reported on the 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 subject to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. Disabled children and adults are forced to beg in Iran. Girls and women also are sold into forced marriages; in some cases their new "husbands" move them across Pakistani borders and force them into prostitution. NGOs and police reported markets in Pakistan where girls and women are bought and sold for sex and labor. Non-state militant groups kidnap children or coerce parents with fraudulent promises into giving away children as young as 12 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 they commit are justified. News organizations, NGOs,

and international organizations reported that the 2010 floods contributed to increased trafficking in Pakistan.

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 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 in the Middle East. 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. Many traffickers who force Pakistanis into prostitution or labor abroad know their victims personally.

The Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking, but is making significant efforts to do so, despite the severe floods the country experienced in 2010. The government continued its programs to prevent and combat bonded labor, but did not criminally convict any bonded labor offenders or officials who facilitated trafficking in persons. The government continued to lack adequate procedures to identify trafficking victims among vulnerable populations and adequate protection for these victims.



Recommendations for Pakistan: Significantly increase law enforcement activities, including imposing adequate criminal punishment for labor and sex traffickers, as well as labor agents who engage in illegal activities; 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, including bonded labor; strengthen counter-trafficking legislation, including by amending the Prevention and Control of Human Trafficking Ordinance (PACHTO) to include all forms of transnational and internal trafficking; raise awareness and increase enforcement of the provisions of the Bonded Labor System (Abolition) Act (BLSA) among law enforcement officers; sensitize government officials to the differences between human trafficking and smuggling; improve methods for identifying victims of trafficking, especially among vulnerable persons; in light of the

ongoing devolution process, strengthen provincial labor departments' capacity to combat bonded labor through training, awareness-raising, improving communication between provincial and district offices, and improving transportation for inspectors in remote districts with high levels of bonded labor; in light of the devolution process, ensure that the federally-run Shaheed Benazir Bhutto Centers continue to be managed as places where victims can receive assistance; 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 less progress in law enforcement efforts to combat human trafficking than in the previous year. On July 29, 2010, floods of unprecedented proportions began in Pakistan, affecting approximately 20 million people. During this period, most government officials focused their entire attention on disaster relief and recovery; as a result, the government's ability to prosecute counter-trafficking crimes and provide data was hampered. Several sections in the Pakistan Penal Code, as well as provincial laws, criminalize 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. Pakistan prohibits all forms of transnational trafficking in persons, and appears to cover some non-trafficking offenses as well, through PACHTO; the penalties range from seven to 14 years' imprisonment. Government officials and civil society reported that judges have difficulty applying PACHTO and awarding sufficiently stringent punishments, because of confusion over definitions and similar offenses in the Pakistan Penal Code. In addition, the BLSA prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both. Pakistani officials have yet to record a single conviction under this law. Prescribed penalties for above offenses vary widely; some are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Other penalties are not sufficiently stringent.

During 2010, the government reported that it convicted 310 offenders under PACHTO – 75 fewer than in 2009. The majority of these cases resulted in penalties of either no jail time or imprisonment of less than six months, which are far less than PACHTO's prescribed minimum penalties. However, at least five cases resulted in six months' to two years' imprisonment; nine cases resulted in two to 10 years' imprisonment, and one case resulted in 10 to 14 years' imprisonment. The Federal Investigation Agency (FIA) reported that in 2010, a human trafficker who was wanted to stand trial in Pakistan for 30 cases filed under PACHTO was extradited from Italy. Government officials sometimes conflated human smuggling and human trafficking. Furthermore, the FIA's anti-trafficking cells dealt with undocumented migration and smuggling, in addition to human trafficking. The government reported that it also took law enforcement actions against traffickers under the vagrancy ordinances. Under various sections in the penal code, the government prosecuted at least 68

traffickers in 2010: six for sex trafficking and 38 for labor trafficking, and 24 for either labor or sex trafficking. In a publicized case, an additional sessions judge in November 2010 acquitted the former Lahore Bar Association president and his two family members of torturing their 12-year-old maid to death, ruling that the girl's death was the result of an infection.

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. Furthermore, police lacked the personnel, training, and equipment to confront landlords' armed guards when freeing bonded labors. Additionally, media and NGOs reported that some police received bribes from brothel owners, landowners, and factory owners who subjected Pakistanis to forced labor or prostitution, to ignore these illegal human trafficking activities. In 2010, 70 officials were disciplined and 26 were given minor sentences, including: restrictions on conducting immigration work; compulsory retirement; removal from service; and demotion. Eight officials were either removed from the service or given compulsory retirement; some of these officials may have facilitated human trafficking.

In Sindh province, individuals had the opportunity to report labor problems to district vigilance committees (DVC) for resolution, though none did. Landlords and brick kiln owners often had seats on the DVCs, however, preventing the committees' effectiveness in providing remedies. In other cases, DVCs were dormant. The FIA trained 214 officials to address transnational trafficking issues at the FIA Academy. The FIA also lectured on transnational trafficking at the police training colleges.

Protection

The Government of Pakistan made some limited progress in its efforts to protect victims of human trafficking. The government 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 and children in prostitution, and agricultural and brick kiln workers. According to the FIA, the majority of the 16,530 Pakistani nationals who were deported from other countries during 2010 were identified as victims of trafficking.

The FIA has a process to refer trafficking victims to protective services, although universal application of this process remains problematic. There is no coordinated process to refer victims of internal trafficking to protective services, and access to protective services varies within the country. There were reports that women were abused in some government-run shelters. Shelters faced resource challenges and were sometimes crowded and understaffed. While female trafficking victims could access 26 government-run and funded Shaheed Benazir Bhutto Centers and the numerous provincial government "Dar-ul-Aman" centers offering medical treatment, vocational training, and legal assistance, the majority of the women assisted by these facilities were not trafficking victims. The quality of the Dar-ul-Aman facilities vary from district to district within the provinces. The quality and level of

service in Punjab is stronger than in other provinces. Since 2009, the government, with the support of a local NGO, has operated a rehabilitation center for boys who have been recovered from militant or extremist groups in the Malakand district. As of March 2010, 150 boys were staying at the facility. In 2010, a second similar facility for girls was opened; as of March 2010, five girls were staying in that facility. In 2010, the FIA reported that in partnership with NGOs, it provided some medical support, transportation, shelter, and limited legal services to some Pakistani victims of trafficking who were deported to Pakistan.

The federal government, as part of its National Plan of Action for Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers, continued to provide legal aid to bonded laborers in Punjab and Khyber Pakhtunkhwa, and expanded services to Balochistan and Sindh provinces. The Sindh provincial government continued to implement its \$116,000 project (launched in 2005), which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded laborer families. The government encouraged foreign victims to participate in investigations against their traffickers by giving them the option of early statement recording and repatriation or, if their presence was required for the trial, by permitting them to seek employment. The government did not provide foreign victims with legal alternatives to removal to countries where they may face hardship or retribution. In some instances, trafficking victims were detained at police stations, borders, or in airport receiving facilities. Identified foreign victims of trafficking reportedly were not prosecuted or deported for unlawful acts committed as a direct result of being trafficked; however, not all trafficking victims were identified and adequately protected. Pakistani adults and children who were deported from other countries, some of whom may have been trafficking victims, were detained and fined up to \$95, higher than one month's minimum wages. Due to insufficient shelters, police sometimes placed freed bonded laborers in a police station for one night before presenting them to a judge. In July 2010, the Regional Police Office in Hyderabad and an NGO established Pakistan's first anti-bonded labor cell in Mirpukhas, Sindh. The cell is in its nascent stage, but will permit bonded laborers to file police reports and obtain legal advice. In January 2011, the federal Ministry of Labor and Manpower hosted several provincial-level training seminars for local labor officers, designed to increase the effectiveness of labor officers in registering violations against landowners and brick kiln owners who use bonded, forced, or child labor.

Prevention

The Pakistani government made limited progress in its efforts to prevent human trafficking. The Punjab provincial government continued implementation of its project to eliminate bonded labor in brick kilns (launched in 2008). There were reports that this project helped 3,237 bonded laborers obtain identity cards and 1,906 bonded laborers obtain no-interest loans in the reporting period. The government also reported the establishment of 110 more on-site schools, for a total of 170. During the reporting period, the Sindh Department of Labour registered 710 brick kilns, a first step in guaranteeing that labor laws

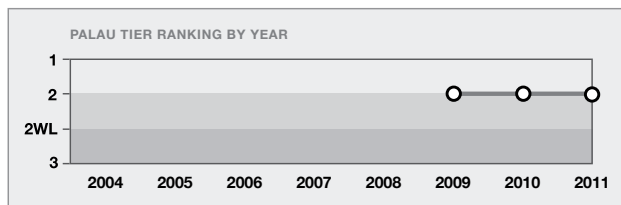
are applied to work sites, and a labor officer from district Larkana in Sindh registered 127 of these kilns. The government's inter-agency task force on human trafficking met a few times in the reporting period. The FIA met with NGOs and international organizations during the year to discuss trafficking and smuggling prevention. Some FIA officials participated in NGO-run awareness campaigns, and the government donated radio air time for the FIA to broadcast public service announcements on human trafficking and human smuggling. In November 2010, the Ministry of the Interior (MOI) designed a plan to monitor and track human trafficking cases, as well as to provide victims with identification and services. The MOI is in the process of rolling out the plan to the district level police officers and the FIA. According to UNICEF, only 27 percent of children are registered at birth, as of 2009. The National Database and Registration Authority continued campaigns to register women in rural areas and internally displaced people to receive ID cards. In 2010, all 250 Pakistani UN Peacekeeping Mission forces received training from various government training academies that included combating human trafficking. The government took measures to reduce the demand for commercial sex acts by prosecuting, but not convicting, 74 clients of prostitution. The FIA continued its quarterly meeting with civil society organizations and the anti-trafficking units to discuss best practices for trafficking victim identification and to increase the links between law enforcement and civil society organizations. Pakistan is not a party to the 2000 UN TIP Protocol.

PALAU (Tier 2)

Palau is a destination country for women from countries in the Asia-Pacific region who are subjected to forced prostitution and people from the Philippines, China, and Bangladesh who are subjected to conditions of forced labor. The foreign population including workers and dependents is an estimated 5,000 — more than one-third of the county's population of 14,000 — with the majority from the Philippines, China, and Bangladesh. Some reports indicate that employers recruit foreign men and women to work in Palau through fraudulent representation of contract terms and conditions of employment. Some foreign workers pay thousands of dollars in recruitment fees and willingly migrate to Palau for jobs in domestic service, agriculture, or construction but are subsequently coerced to work in situations significantly different than what their contracts stipulated. Excessive hours without pay, threats of physical or financial harm, confiscation of their travel documents, and the withholding of salary payments are used as tools of coercion to obtain and maintain their compelled service. Some women from China and the Philippines migrate to Palau expecting to work as waitresses or clerks, but are subsequently forced into prostitution in karaoke bars and massage parlors. Non-citizens are officially excluded from the minimum wage law, and new regulations make it extremely difficult for foreign workers to change employers, 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. The government has a comprehensive anti-trafficking law, though it did not investigate or prosecute any trafficking cases during the year, including neither of two reported trafficking cases brought to their attention, one for the forced labor of a Filipina domestic worker, and one for the forced prostitution of several Filipina women recruited for waitressing. In the past, the government worked with the local Catholic Church to offer victim protection services, but did not assist any victims through this mechanism during the reporting period year. The government made some efforts to raise awareness of or prevent trafficking during the year.



Recommendations for Palau: Continue publicly to highlight the issue and to recognize and condemn incidences of trafficking; significantly increase efforts to proactively investigate, prosecute, and punish trafficking offenders; 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 the exploitation 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; forge effective partnerships with local or regional NGOs or international organizations to provide additional services to victims; and continue to develop and implement anti-trafficking information and education campaigns.

Prosecution

The Government of Palau did not report any efforts to investigate, prosecute, and convict trafficking offenders during the reporting period. 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 up to \$500,000; these are commensurate with penalties prescribed for other serious crimes, such as rape. The government did not report investigating, prosecuting, or convicting any offenders of trafficking during the year, despite a case of forced prostitution that was brought to the attention of senior officials. The government again failed to investigate allegations of labor recruiters, facilitators, and employers involved in the recruitment and exploitation of foreign trafficking victims. 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.

There were reports of corruption among labor officials related to the regulation and permits of foreign workers. As cited during the previous reporting period, two government officials were charged with corruption in 2009. Both individuals allegedly participated in a scheme to assist irregular migrants in avoiding standard immigration procedures; these migrants were from populations which had been identified as trafficking victims in Palau in the past. In April 2011, one of these two officials, the former Chief of the Division of Labor, pled guilty to misconduct in office and a violation of the Code of Ethics; he was sentenced to three years' probation for the charge of misconduct in office; the sentencing hearing on charges for the violation of the Code of Ethics had not yet taken place as of the date of publication. The prosecution of the other individual charged in 2009, the former Director of the Bureau of Immigration, is still before the court.

Protection

The Government of Palau made inadequate efforts to identify and protect victims of trafficking during the reporting period. The government did not develop or implement a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact and referring victims to available services; they did not proactively identify any victims during the reporting period. The government worked with the local Catholic Church to offer victim protections including shelter, food, and housing to trafficking victims; however, no victims were assisted through this mechanism during the year. The government did not have any formal or informal arrangements or mechanisms in place to provide trafficking victims with access to legal or psychological services, and had no plans to develop the capacity to do so. Two Filipina victims who were recruited for waitressing and subsequently forced into prostitution came forward and were brought to the attention of authorities, who worked with the Philippines Embassy to repatriate the victims to the Philippines; the government provided health services to the victims, but did not provide shelter, counseling, legal, or any other assistance to the victims. The government did not encourage the victims to assist in the investigation and prosecution of their traffickers, nor did it provide legal alternatives to the removal of victims to countries where they may face hardship or retribution. The Palau government did not make efforts to identify international organizations or community groups to provide assistance to victims of trafficking.

Prevention

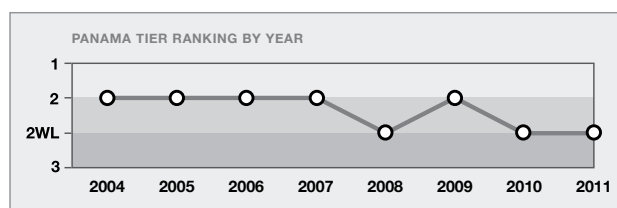
The government made some efforts to prevent human trafficking through public awareness efforts during the year. Palau's president made public statements against human trafficking that were widely covered in the media. In April 2011, the President established an anti-trafficking task force to examine the trafficking problem, and develop recommendations for fighting trafficking in Palau. During the year, Palau hosted two human rights forums that included human trafficking. In response to public complaints of foreign workers changing employers, the government passed a new law to restrict foreign workers in Palau from changing employers, except under three

circumstances – if their employer died, if the company they were employed at dissolved, or if the worker left Palau for a duration of five years and returned. This law, combined with a lack of labor rights for foreign workers, increased the vulnerability of foreign workers to involuntary servitude and debt bondage. A draft bill to end the restrictions on foreign labor movement is currently being considered for congressional approval. The government did not provide any training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. The government made no discernible efforts 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 Watch List)

Panama is a source, transit, and destination country for women and children subjected to sex trafficking and forced labor. Although some Panamanian women and girls are subjected to sex trafficking in other countries in Latin America and in Europe, most Panamanian trafficking victims are exploited within the country. Both NGOs and government officials anecdotally reported that the commercial sexual exploitation of children was greater in rural areas, the Darien region, and in the city of Colon, than in Panama City, though NGOs report that some Panamanian children, mostly young girls, are subjected to domestic servitude. Most foreign trafficking victims are adult women from Colombia, neighboring Central American countries, and the Dominican Republic; some victims migrate voluntarily to Panama to work but are subsequently forced into prostitution or domestic servitude. During the reporting period, some Chinese citizens were smuggled into the country to work in grocery stores and laundries, apparently in situations of debt bondage. Weak controls along Panama's borders make the nation a transit point for irregular migrants, from Latin America, East Africa, and Asia, some of whom may fall victim to human trafficking *en route* to the United States.

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 reporting period authorities established a commission which drafted comprehensive anti-trafficking legislation to bring anti-trafficking laws in line with the 2000 UN TIP Protocol. Authorities identified at least 43 trafficking victims and prosecuted five sex trafficking offenders, and in partnership with civil society and foreign governments, provided training to Panamanian officials. However, Panama continued to lack prohibitions against forced labor in its penal code, and authorities did not convict any trafficking offenders during the year. Specialized victim services, particularly for adult victims, remained limited, and authorities did not report using proactive procedures to identify trafficking victims among detained migrants.



Recommendations for Panama: Enact anti-trafficking laws to prohibit forced labor, including domestic servitude; intensify law enforcement efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; enhance training for police officers, immigration officials, social workers, and other government officials in anti-trafficking laws and victim identification and care; dedicate additional resources for victim services, including specialized services for adult victims, which could include construction of a shelter; increase staff and funding for anti-trafficking police and prosecutors, and consider establishing a dedicated prosecutorial unit; strengthen interagency coordination and referral mechanisms; and develop a formal system for identifying trafficking victims among vulnerable populations, particularly women in prostitution and irregular migrants.

Prosecution

The Government of Panama maintained efforts against sex trafficking crimes during the reporting period; while authorities investigated a number of cases and prosecuted five trafficking offenders, they reported no convictions for trafficking crimes during the year. Article 178 of the Panamanian penal code prohibits the internal and transnational movement of persons for the purpose of sexual servitude. The prescribed penalties for convicted offenders of this crime is four to six years' imprisonment, which is increased to six to nine years if offenders use deceit, coercion, or retention of identity documents, and further increased to 10 to 15 years' imprisonment if the victim is under 14 years of age. Article 177 prohibits sexually exploiting another person for profit. Under aggravated circumstances of threat, force, or fraud, this constitutes human trafficking, and carries a sentence of eight to 10 years. Article 180 prohibits the internal and transnational trafficking of minors for sexual servitude, prescribing prison terms of eight to 10 years' imprisonment, and Article 179 prohibits subjecting an individual to sexual servitude using threats or violence. Prosecutors may also use other statutes, such as anti-pimping laws, to prosecute sex trafficking crimes. Punishments are sufficiently stringent and commensurate with those prescribed for or other serious crimes, such as rape. Panamanian law, however, does not specifically prohibit forced labor, including forced domestic service. In September 2010, a presidential decree established an interagency commission to draft a law that would bring Panama's anti-trafficking legislation in line with international standards and prohibit forced labor. The commission presented a draft law to the Minister of Security, who approved it and sent it onto the Cabinet in March 2011. The draft law would formalize the nascent national action committee, which has been working since September 2010, and contains a proposed

budget for providing victim services and conducting trafficking investigations.

During the reporting period, authorities investigated a number of trafficking cases and initiated the prosecution of five trafficking offenders under sex trafficking and pimping statutes; the offenders remain incarcerated. Authorities did not report convicting any trafficking offenders during the year. In comparison, during the previous reporting period, authorities achieved one conviction under a statute prohibiting pimping. Authorities maintained a small law enforcement unit to investigate sex trafficking and related offenses, but the unit was reportedly understaffed. Authorities fired six immigration officials and initiated prosecutions for their role in smuggling Chinese citizens who were subsequently handed off to Chinese-run laundries and grocery stores to work in debt bondage, reflecting a notable commitment to address official complicity in human trafficking crimes. Officials participated in trafficking awareness training provided by NGOs, international organizations, and foreign governments in collaboration with Panamanian authorities. Additionally, in partnership with an international organization, the Foreign Ministry provided training for 30 consular officials on victim identification and assistance.

Protection

The Panamanian government maintained efforts to assist trafficking victims during the reporting period, though overall victim services remained inadequate, particularly for adult victims. Authorities did not employ systematic procedures for identifying trafficking victims among vulnerable populations, such as detained undocumented migrants. Panamanian law requires the National Immigration Office's trafficking victims unit to provide assistance to foreign trafficking victims. However, for the second year in a row the Immigration Office indicated that there were no foreign victims of trafficking over the past year, and the unit was reportedly not being used to identify victims. Law enforcement officials reported identifying at least 43 trafficking victims during the reporting period, including 27 Panamanian children in prostitution. The authorities collaborated with NGOs to provide victims with food, clothing, and shelter. The government continued to provide partial funding to an NGO-operated shelter with dedicated housing and social services for children subjected to commercial sexual exploitation. This shelter, another NGO shelter working with at-risk youth, and the government's network of shelters for victims of abuse and violence were equipped to provide services to child victims of trafficking. There was no shelter care available exclusively for adult victims of trafficking. The government could house adult victims in hotels on an *ad hoc* basis. Victims identified by law enforcement officials received a psychological evaluation, as well as medical, psychological, and legal services. Authorities reported referring victims to NGOs and other institutions providing care services on an *ad hoc* basis. There were no long-term services available to trafficking victims. Panamanian authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, though officials reported difficulties in obtaining victim participation in investigations. There

was no information on how many victims assisted with investigations during the year. The government reported that foreign sex trafficking victims could remain in the country by judicial order during investigations and judicial proceedings, but did not report if any foreign trafficking victims did so during the reporting period. Trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked; however, due to the lack of victim identification strategies, not all foreign victims may have been identified before deportation.

Prevention

The Government of Panama maintained efforts to prevent human trafficking during the reporting period. Most of these efforts focused on the commercial sexual exploitation of children. The government is in the process of formalizing a permanent interagency mechanism to coordinate Panama's anti-trafficking efforts. Transparency in the government's anti-trafficking efforts was limited; it shared some information on anti-trafficking measures with the media and foreign governments, though it did not publish assessments of its own anti-trafficking policies or efforts during the year. In partnership with an international organization, the government launched a multimedia campaign raising awareness about the commercial sexual exploitation of children. Child sex tourism is prohibited by law, though there were no reported investigations of sex tourists during the reporting period. During the reporting period, various government agencies continued to implement the National Plan for Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents, through working with the tourism sector to combat child sex tourism. The government undertook no initiatives to reduce demand for forced labor.

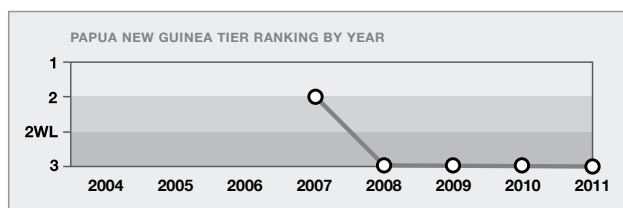
PAPUA NEW GUINEA (Tier 3)

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; trafficked men are forced to labor in logging and mining camps. Children, especially young girls from tribal areas, are most vulnerable to commercial sexual exploitation or subjected to forced labor by members of their immediate family or tribe. Families traditionally sell girls into forced marriages to settle their 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 servitude 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 businessmen arrange for some women to voluntarily enter Papua New Guinea with fraudulently issued tourist or

business visas. Subsequent to their arrival, smugglers turn many of the women over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites where they are exploited in forced prostitution and domestic servitude. Foreign and local men are exploited for labor at 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 foster workers' greater indebtedness to the company by paying the workers sub-standard wages while charging them artificially inflated prices at the company store; employees' only option becomes to buy food and other necessities on credit. 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 the government's acknowledgement of trafficking as a problem in the country, the government did not investigate any suspected trafficking offenses, prosecute or convict any trafficking offenders under existing laws, address allegations of officials complicit in human trafficking crimes, or identify or assist any trafficking victims during the year.



Recommendations for Papua New Guinea: Complete drafting, passage, and enactment of legislation prohibiting and punishing all forms of trafficking; investigate, prosecute, and punish officials who facilitate or directly benefit from trafficking; develop and institute a formal procedure to identify victims of trafficking among vulnerable groups, such as children in prostitution and foreign women arriving for work in Papua New Guinea; train law enforcement officers to proactively identify and protect victims; ensure 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; and increase collaboration with civil society, religious, and tribal leaders to raise awareness of and reduce demand for forced labor and commercial sex acts.

Prosecution

The Government of Papua New Guinea failed to show progress in its anti-trafficking law enforcement efforts during the year. Authorities did not report efforts to investigate any trafficking crimes or arrest or prosecute any trafficking offenders during the year. Furthermore,

the government did not systematically monitor its anti-trafficking efforts. Papua New Guinea does not have a comprehensive anti-trafficking law, and the penal code does not prohibit all forms of trafficking. Its criminal code prohibits forced labor and slavery, though the legal definition for "forced labor" may exclude victims who initially agreed to a particular job, only to be subsequently held through coercion. While it prohibits trafficking of children for commercial sexual exploitation and slavery, it does not prohibit the trafficking of adults. 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 for the forced prostitution of women. Low fines or sentences of up to two years' imprisonment for these offenses, including holding a woman in a brothel against her will, are not sufficiently stringent. 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 purposes of forced prostitution are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. There is no indication that any of these statutes have been used to prosecute trafficking cases. The Ministry of Justice continued deliberations on a comprehensive anti-trafficking law for another year. Trafficking-related crimes in rural areas were referred to village courts, which administered customary law, rather than criminal law, and adjudicated cases through restitution paid by the trafficking offender to the victim rather than criminal penalties assigned to the offender. Survivors of internal trafficking sometimes reportedly received customary compensation payments from the offender and were reluctant to notify police or bring additional criminal charges against their traffickers. The government did not train any police officers or front-line officials on trafficking during the year. Wealthy business people, politicians, and police officials who benefit financially from the operation of commercial sex establishments were not prosecuted. Most law enforcement and other government offices remained weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage. While government officials made public statements recognizing corruption, such as border control officials allowing foreigners to enter the country without documentation and to conduct illegal activities, the government made no discernible efforts to investigate or prosecute trafficking-related complicity, and some provincial officials expressed frustration at the lack of efforts to address trafficking-related corruption.

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, and did not regularly refer victims to NGO service providers. It did not operate any victim care facilities for trafficking victims. Due to resource constraints, the government relied on NGOs to assist victims of crime, though none of these organizations reported identifying or assisting any victims of trafficking during the year. The government has yet to provide funding to any international

organizations or NGOs to work with 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. While laws 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. 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

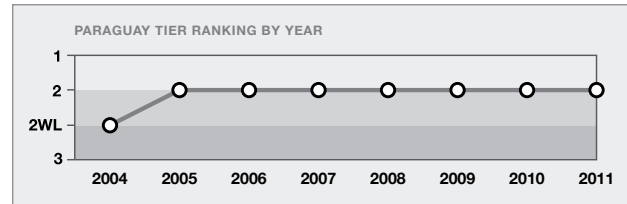
During the past year, the Papua New Guinean government made no significant efforts to prevent human trafficking. In November 2010, the government participated in a foreign-funded workshop in the Solomon Islands to share information with the Solomon Islands government on human trafficking. Officials took modest steps to reduce the demand for commercial sex acts through public awareness campaigns against prostitution and the country's growing HIV/ AIDS epidemic. The Papua New Guinean Department of Justice and Attorney General led the Interagency National Human Trafficking Committee with the support of IOM, and provided comments on the draft human trafficking law, though it reported doing little else during the year. While some government offices agreed to be members of the Committee, attendance was often poor. 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, as well as a source country for men, women, and children subjected to forced labor. Many Paraguayan trafficking victims are found in Argentina, Chile, Bolivia, and Spain; smaller numbers of victims are exploited in Brazil. In one case last year, 32 Paraguayan women were identified in forced prostitution in the Spanish province of Cuenca and, in two other cases, over 50 Paraguayan women were rescued from forced prostitution in brothels in Argentina. Domestic servitude and sex trafficking of adults and children within the country remain a serious problem. Indigenous persons are particularly at risk of being subjected to forced labor or forced prostitution, and during the reporting period the local media highlighted cases of indigenous girls in prostitution at the behest of family members. Poor children from rural areas are subjected to forced commercial sexual exploitation and domestic servitude in urban centers such as Asuncion, Ciudad del Este, and Encarnacion, and a significant number of street children are trafficking victims. To a lesser extent foreign trafficking victims from Bolivia and Peru have been identified in situations of forced labor within Paraguay. Many undocumented migrants, some of whom could be trafficked, travel through the Tri-Border Area of Paraguay, Argentina, and Brazil.

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 sustained modest anti-trafficking law enforcement efforts and significantly increased funding for victim services and awareness efforts during the year. However, the government did not convict any trafficking offenders during the reporting period. The current legal framework failed to adequately prohibit internal cases of forced labor or forced prostitution and authorities had no formal system to proactively identify trafficking victims.



Recommendations for Paraguay: Address deficiencies in anti-trafficking laws to prohibit forced labor and forced prostitution occurring within the country's borders; intensify efforts to investigate and prosecute trafficking offenses, including forced labor crimes, as well as efforts to convict and punish trafficking offenders, including officials who are involved in or facilitate human trafficking; increase training for government officials, including law enforcement officials and judges, on how to identify and respond to trafficking cases; provide access to comprehensive assistance for victims of all forms of trafficking; and strengthen efforts to raise public awareness about human trafficking, particularly among those seeking work abroad.

Prosecution

The Paraguayan government's anti-trafficking law enforcement actions diminished during the past year, as no convictions of trafficking offenders were reported, despite a significant number of prosecutions. Paraguay's penal code does not sufficiently prohibit all forms of trafficking in persons. Articles 129(b) and (c) of the new 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 and kidnapping statutes, as well as other penal code provisions, to prosecute internal trafficking crimes, and reported doing so in a few cases during the year. During 2010, police anti-trafficking units in Asuncion, Puerto Elisa, Colonel Oviedo, Encarnacion, Caaguazu, and Ciudad del Este investigated 136 potential trafficking cases, conducted 17 raids on establishments suspected of trafficking, and arrested 32 suspected trafficking offenders.

The dedicated anti-trafficking unit in the Attorney General's Office had a total of two prosecutors and 10 assistants, and this unit worked with prosecutors at the local level to investigate and prosecute human trafficking cases. In 2010, Paraguayan prosecutors opened investigations into at least 107 possible trafficking cases, compared with 138 possible

cases opened in 2009, almost all of which involved sex trafficking. Authorities indicted 38 suspected trafficking offenders but reported no convictions for human trafficking in 2010, as compared with two convictions for trafficking crimes under other statutes in 2009. During the past year, some government officials, including police, border guards, judges, and elected officials, reportedly facilitated trafficking crimes by accepting payments from trafficking offenders. Prosecutors investigated and charged a police officer and a public registry employee in separate cases of possible trafficking-related complicity in 2010; these cases had not gone to trial by the end of the reporting period. Paraguayan officials continued to work closely with foreign governments in their law enforcement efforts, cooperating with Argentine, Bolivian, Brazilian, Chilean, and Spanish authorities on trafficking investigations, some of which resulted in convictions of trafficking offenders in Chile and Argentina. In February 2011, the police adopted a new mandatory training manual containing material on human trafficking.

Protection

The Government of Paraguay increased efforts to protect victims of trafficking during the reporting period, but victim assistance remained inadequate. Authorities did not employ a formal system for proactively identifying trafficking victims among vulnerable populations such as prostituted women, domestic servants, or street children, and did not employ a formalized process for referring any such victims to care services. The Women's Secretariat (SMRP) ran one shelter for female trafficking victims in Asuncion that did not detain adult victims involuntarily. SMRP also funded other assistance programs, including three drop-in centers, for female victims of violence which could provide some short-term services, such as medical, psychological, and legal assistance. Anti-trafficking funds for SMRP increased almost five-fold during the reporting period to reach a total of approximately \$110,000. In partnership with another government entity, the secretariat opened two businesses — a beauty shop and an agricultural plot — designed to provide trafficking victims with employment. The Paraguayan government did not offer shelter facilities for male victims. In 2010, the SMRP provided services to 27 trafficking victims in its shelter, 17 of whom were children, as well as to 11 trafficking victims who did not stay at the shelter. The interagency anti-trafficking roundtable reported identifying 80 international victims of trafficking, including six children. Government-funded care services for foreign and Paraguayan trafficking victims remained limited, however, especially outside of the capital, and most victim assistance is funded at least in part by NGOs and international donors. 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

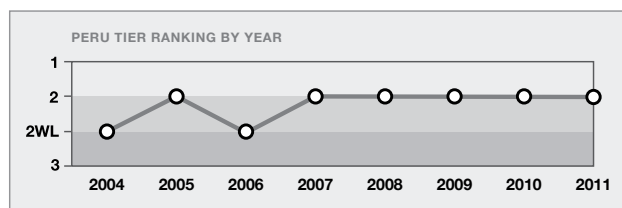
The Paraguayan government increased prevention activities during the reporting period. Government agencies and civil society participated in a government-run anti-trafficking roundtable, which consisted of five sub-committees. The roundtable began drafting comprehensive legislation as well as a national anti-trafficking plan in 2010. A separate plan to combat forced and child labor went into effect last year. In partnership with NGOs and an international bank, the government launched an anti-trafficking awareness campaign targeted at educating at-risk populations with radio and television ads in Spanish and Guarani. The SMRP continued to conduct regional workshops focused on improving the local government response to human trafficking, with a total of over 1,500 participants during the year. The government reported no efforts to reduce demand for commercial sex acts or forced labor. The government issued little public reporting on its anti-trafficking activities but collaborated significantly with NGOs in addressing human trafficking issues. Paraguay was not a known destination for child sex tourists, though foreign citizens from neighboring countries are reported to engage in commercial sexual exploitation of children in Ciudad del Este. The government provided human rights training, which included a human trafficking component, to troops deployed 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. Several thousand persons are estimated to be subjected to conditions of forced labor within Peru, mainly in mining, logging, agriculture, brick making, and domestic service. Peruvian women and girls are recruited and coerced into prostitution in nightclubs, bars, and brothels 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 Peruvian 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, and in cocaine production and transportation. There are reports that the terrorist group *Sendero Luminoso*, or Shining Path, recruited children to serve as combatants and in the illicit narcotics trade. There were also reports that a smaller number of adolescents were serving in the Peruvian Armed Forces: however, while there were 150 complaints to the Human Rights Ombudsman about underage soldiers, authorities reported only 20 such complaints made in 2010. Most trafficking is carried out internally, but Peruvian women are also, to a lesser extent, subjected to forced prostitution in Ecuador, Spain, Italy, Japan, and the United States, and forced labor in Argentina, Chile, Ecuador, and Brazil. Peru also is a destination country for some Ecuadorian, Bolivian, and Chinese women and girls subjected to sex trafficking, and some Bolivian nationals in conditions of forced labor. Child sex tourism is present in areas such as Cuzco and Lima. Traffickers reportedly operate with impunity

in certain regions where there is little or no government presence.

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. Authorities sustained law enforcement efforts against sex trafficking and maintained strong public awareness efforts, including launching the first national anti-trafficking campaign. However, the government again failed to make sufficient efforts to address the high incidence of forced labor in the country and has never reported successfully prosecuting a forced labor offense. Furthermore, authorities did not provide adequate victim services for victims of all forms of trafficking, and a draft national plan to combat trafficking created in 2006 has yet to be formalized.



Recommendations for Peru: Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, especially for forced labor crimes, including corrupt officials who may facilitate trafficking activity; initiate proactive investigations of forced labor crimes through enhanced partnerships between law enforcement officials and labor officials; fund shelters and specialized services for all victims of trafficking or fund NGOs with capacity to provide these services; create and implement formal mechanisms to identify trafficking victims among vulnerable populations; offer enhanced anti-trafficking training for local prosecutors, judges, social workers, and law enforcement personnel; increase funding for specialized anti-trafficking police and prosecutorial units; enact and implement the draft national plan to combat trafficking; 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 continued to combat forced prostitution through law enforcement measures last year but again demonstrated weak efforts to investigate and prosecute forced labor offenses. Law 28950 of 2007 prohibits all forms of trafficking in persons, 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 reported that law enforcement investigators, prosecutors, and judges often opt to classify human trafficking cases as less serious criminal offenses that prescribe lower penalties. During the reporting period, police investigated 83 potential trafficking cases; of these, two involved forced labor, and 25 involved sex trafficking. Authorities brought forth 18 trafficking cases to the judiciary and secured the convictions of 12 sex trafficking offenders, who received sentences of up to 30

years' imprisonment, in addition to fines. Authorities did not report how many sentences were suspended. In comparison, Peruvian authorities prosecuted 78 cases and convicted nine sex trafficking offenders the previous year. For the fifth consecutive year, there were very few prosecutions and no convictions reported for forced labor offenses, despite an estimated high incidence of forced labor in the country, and previous efforts to proactively investigate forced labor at mining sites in the Amazon were discontinued.

The government's dedicated anti-trafficking police unit consisted of 32 officers and was based in the capital. Police maintained and expanded the use of an electronic case tracking system for human trafficking investigations, although this system did not track judicial activity, such as prosecutions and convictions. Furthermore, NGOs reported that the system is not always used efficiently, as police in some areas do not enter investigations into the system in a timely fashion or at all. Prosecutors are supposed to accompany police on raids on brothels and other locations where trafficking is suspected; NGOs reported that sometimes poor coordination led to delayed action.

The government did not provide data on its investigation, prosecution, conviction, or sentencing of government employees complicit in human trafficking. Corruption among low-level officials enabled trafficking in certain instances, and individual police officers tolerated the operation of unlicensed brothels and the prostitution of children. In one case during the reporting period, NGOs and the media reported that local authorities protected the owner of a bar frequented by police officers and prosecutors where victims were subjected to forced prostitution. One of the main witnesses in this case died when she was run over by the accused trafficker, reflecting a need for better witness protection. In partnership with civil society, the government provided training on human trafficking to police officers, immigration officials, and social workers, among others. The government collaborated with the Argentine and Chilean government in several anti-trafficking investigations.

Protection

The government provided limited assistance to trafficking victims last year. The government did not employ a formal mechanism for identifying trafficking victims among vulnerable populations, such as adult women in prostitution or children in the informal mining sector. The government had no formal process for referring trafficking victims for treatment. Authorities reported referring child victims of trafficking to the network of 39 government-run children's homes for at-risk youth. Some adult female victims received services through the government's network of over 100 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 minors where some child victims of trafficking were temporarily housed before being referred to other shelters for services. NGOs provided care and shelters to sexually exploited women; however, specialized services and shelter for adult trafficking victims remained largely unavailable and there

were no dedicated shelters for trafficking victims in the country. In at least one case during the reporting period, an adult victim was housed in police facilities as no other shelter was available, and in some cases victims housed in police facilities had to sleep on the floor and did not receive proper assistance, including food. Law enforcement officials reported identifying 191 potential trafficking victims, and Peruvian prosecutors reported providing 27 victims with legal, social, and psychological services. The government did not provide financial assistance to anti-trafficking NGOs and adequate victim services remained unavailable in many parts of the country. Military officials pledged to NGOs in 2009 and to the Interamerican Commission on Human Rights in 2010 to discharge 1,000 child soldiers – some of whom might be trafficking victims – though authorities did not publicly report on how many children were actually demobilized from the ranks of the military during the reporting period.

Victim participation in the investigation or prosecution of traffickers remained limited, although several victims under government protection chose to testify against their traffickers during the reporting period. As of 2010, victims are allowed to pursue civil suits against their traffickers free of charge, though no victims were offered assistance in doing so during the reporting period. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked. Trafficking victims were eligible for temporary and permanent residency status under Peruvian refugee law, and at least one victim was granted such permanent residency, although victims generally preferred to return to their countries of origin. However, some NGOs noted that authorities did not adequately screen irregular migrants before deportation to verify if they were trafficking victims.

Prevention

The Government of Peru continued strong anti-trafficking prevention efforts. The government's interagency committee continued to meet to coordinate anti-trafficking efforts and published an extensive annual report on government efforts over the past year. The government, however, has yet to formalize the draft national plan to combat trafficking that committee members drafted in 2006. During the reporting period, authorities launched the first national campaign against trafficking, in partnership with civil society and with financial support from a foreign government and an international organization. The government continued to advertise its anti-trafficking hotline, which received 31 reports of trafficking in 2010. The Madre de Dios region created a regional action plan against human trafficking, modeled on the draft national plan, with funding for implementation, and three other regions reported strengthened anti-trafficking networks during the reporting period. Some areas of the country are known child sex tourism destinations, and Peruvian laws prohibit this crime; during the reporting period, Peruvian authorities arrested an American tourist for pedophilia. The government provided training to 610 officials and tourism service providers about child sex tourism, conducted a public awareness campaign on the issue, and promoted codes of conduct for tour service providers; to date, 325 businesses have signed

code of conduct agreements nationwide. 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 who are subjected to sex trafficking and forced labor. A significant number of Filipino men and women who migrate abroad for work are 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 women in domestic servitude abroad also face rape and violent physical 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, South Korea, and Japan and in various Middle Eastern countries. Internal trafficking of men, women, and children 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 to cities in Mindanao, as well as within 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 complicit law enforcement officers, regularly operate through local recruiters sent to villages and urban neighborhoods to recruit family and friends, often masquerading as representatives of government-registered employment agencies. Fraudulent recruitment practices and the institutionalized practice of paying recruitment fees often left workers vulnerable to forced labor, debt bondage, and commercial sexual exploitation. There were 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. Recruiters took on new methods in attempts to get potential victims past immigration officers 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. One NGO estimated that there are over 900,000 undocumented Filipinos in the country, mostly based in Mindanao; the lack of official documentation is widely recognized as contributing to a population's vulnerability to trafficking. The Moro Islamic Liberation Front, a separatist group, and the New People's Army (NPA) 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, there were continued reports to the United Nations that the Abu Sayyaf Group targeted 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. During the year, the Philippine Department of Justice and Supreme Court issued directives to expedite the disposition of backlogged trafficking cases. The government convicted 25 trafficking offenders – an increase from nine convictions in the previous year – including two convictions in cases involving forced labor, the Philippines' first-ever labor trafficking convictions. Additionally, authorities made notable efforts to address trafficking-related corruption, and several criminal cases against Philippine officials were initiated and remain ongoing. The government enacted numerous measures and policies to improve institutional responses to human trafficking for this year and in future years, such as increased training of judicial, law enforcement, and diplomatic officials on trafficking issues; the creation and funding of anti-trafficking task forces in airports, seaports, regions, and localities; and an increase in dedicated staff to combating trafficking. Nevertheless, the government needs to further its efforts to address significant obstacles to anti-trafficking progress, including the remaining substantial backlog in trafficking cases pending in Philippine courts; the lack of vigorous efforts to pursue criminal prosecution of labor traffickers, including labor recruitment companies involved in the trafficking of migrant workers abroad; rampant corruption at all levels that enables traffickers and undermines efforts to combat trafficking; and uneven and insufficient efforts to identify and adequately protect victims of trafficking – particularly those who are assisting with prosecutions.



Recommendations for the Philippines: Sustain the intensified effort to investigate, prosecute, and convict effectively an increased number of both labor and sex trafficking offenders involved in the trafficking of Filipinos both within the country and abroad; continue to fund and strengthen the Inter-Agency Council Against

Trafficking (IACAT) and provide full-time staffing and management for the IACAT Secretariat; 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 and those under trial in the courts; strictly enforce anti-corruption laws and expedite adjudication of cases filed by the Ombudsman's anti-trafficking task force; 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, line officers, and police investigators; make efforts to improve collaboration between victim service organizations and law enforcement authorities with regards 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 to 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 Department of Justice'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; develop and implement programs aimed at reducing demand for commercial sex acts; and assess and improve methods to measure and address domestic and international labor trafficking.

Prosecution

The Government of the Philippines achieved its first ever conviction of a labor trafficking offender in February 2011. 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 25 trafficking offenders in 19 cases – compared with nine traffickers convicted in six cases during the previous year – including the conviction in February 2011 of a labor trafficker who sold two women into domestic servitude in Malaysia, where they were enslaved for nine months without pay. The labor trafficker was sentenced to 28 years' imprisonment and fined over \$28,000. Sentences for the other 24 convicted offenders ranged from six years' to life imprisonment. 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. Ten of the 25 convictions were results of cases filed and prosecuted by an NGO on behalf of victims in a system whereby the Philippine government allows private attorneys to prosecute cases under the direction and control of public prosecutors. Under this arrangement, NGO lawyers were responsible for much of the prosecution workload. In June 2010, the Department of Justice ordered prosecutors to make trafficking cases a priority, and in October, the Supreme Court issued

a circular calling courts to expedite the disposition of trafficking cases and requiring that cases be decided within 180 days of arraignment. At the same time, widespread corruption and an inefficient judicial system continue to pose very serious challenges to the successful prosecution of trafficking cases. Philippine courts have 338 pending or ongoing trafficking cases.

In 2010, the Department of Justice designated 36 prosecutors in various national, regional, and airport task forces to work on anti-trafficking cases. In this task force model, for the first time, prosecutors are assigned to assist law enforcement in building cases against suspected trafficking offenders. The government ran a mandatory training session on trafficking at a judges' conference attended by over 400 judges and also expanded anti-trafficking training efforts to several hundred police and law enforcement officers, in partnership with NGOs and foreign donors. Nevertheless, NGOs continue to report a lack of understanding of trafficking and the anti-trafficking law among many judges, prosecutors, social service workers, and law enforcement officials, and this remains an impediment to successful prosecutions. Prosecutors continue to have difficulty distinguishing labor trafficking crimes from labor contract violations, which may be one cause for the lack of a greater number of criminal forced labor cases 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. There continued to be reports that officials in government units and agencies assigned to enforce laws against human trafficking permitted trafficking offenders to conduct illegal activities, including allowing traffickers to escape during raids, extorting bribes, accepting payments or sexual services from establishments known for trafficking women and children, and conducting fake raids on establishments known for trafficking women and children to extort money from their traffickers. Allegations continued that police officers at times conducted indiscriminate 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 began to take steps to identify and prosecute officials complicit in trafficking and temporarily suspended officials suspected of involvement in trafficking, but no public officials were convicted for trafficking or trafficking-related corruption during the reporting period. The Department of Justice filed criminal cases against eight officials for trafficking-related offenses and administrative cases against an additional 21 officials, 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.

Protection

The Department of Social Welfare and Development (DSWD) continued to operate 42 temporary shelters for victims of all types of abuse. There are no reliable

statistics on the total number of trafficking victims identified or assisted by the government during the year. The government did not report identifying or assisting any foreign victims of trafficking during the reporting period. The government referred victims to both government and private short- and long-term care facilities, though the government's capacity to provide shelter and protection remained very limited, due to insufficient budgets for victim protection provided to shelters by the government. Government shelters did not detain victims against their will. The government, through the Philippines Overseas Labor Offices, provided emergency shelter, medical care, and legal assistance to Filipino trafficking victims in several countries abroad, including the UAE, Kuwait, Saudi Arabia, Qatar, Jordan, Singapore, and Malaysia. Identification of adult trafficking victims remained inadequate, which left victims vulnerable to being charged, fined, and imprisoned for vagrancy. 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. During the year, the Department of Justice's program for the protection of witnesses assisted three trafficking victims. The lack of adequate witness protection and shelter remained a significant deficiency in the government's response to victims' need for protection and assistance. The government reported that it filed and tried civil and criminal cases on behalf of victims concurrently, unless the victims opted to pursue a civil case independently. The government sustained partnerships with local NGOs that provide shelter and assistance to trafficking victims. Local social welfare officers are not adequately trained on how properly to assist rescued trafficking victims, particularly children and male and female labor trafficking victims. The government allocated \$1.84 million in its 2011 budget to the Department of Foreign Affairs (DFA) for emergency assistance to Filipinos overseas, including trafficking victims, a decrease from \$3.15 million allocated for the previous year. The Department of Labor and Employment continued to deploy 51 labor attachés who serve in 38 overseas labor offices around the world to assist Filipino migrant workers.

Prevention

Authorities increased training and public awareness efforts on trafficking, including for judicial officials, diplomats, civil society groups, and overseas foreign workers. The Philippine Overseas Employment Agency (POEA) conducted 1,344 pre-deployment orientation seminars and 863 pre-employment seminars for over 100,000 prospective and outbound Filipino overseas workers. POEA and the Department of Labor and Employment also conducted anti-illegal recruitment and trafficking seminars in the country, attended by local prosecutors, law enforcement personnel, local government units, NGOs, recruitment agencies, and community members. The government conducted training seminars in Malaysia and Jordan for regional Philippine embassy personnel in Southeast Asia, the Middle East, and North Africa on victim identification, reporting of trafficking cases, victim-centered interview techniques, and discussion of options for filing trafficking cases or related criminal charges against traffickers in the destination

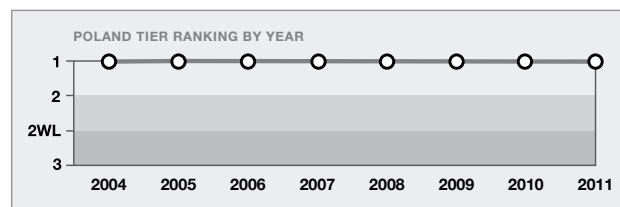
countries or in the Philippines. The DFA also continued to provide pre-deployment seminars on recognizing and responding to trafficking cases to government personnel before being assigned abroad. During the year, the IACAT significantly increased staffing to Manila's Ninoy Aquino International Airport Task Force Against Trafficking in Persons, which now operates 24 hours per day, seven days per week, is led by three senior airport officials, and includes 11 full-time airport police department officers, 10 Department of Justice prosecutors and staff members, and seven social workers from the Department of Social Welfare and Development. The National Bureau of Investigation (NBI) also designated 14 agents to assist the task force in law enforcement operations. Four regional anti-trafficking task forces consisting of prosecutors, law enforcement agents, social workers, and NGOs were created in trafficking hotspots around the country; these task forces received funding and personnel support from the IACAT and the Department of Justice. On March 15, the IACAT launched a 24-hour nationwide anti-trafficking hotline designed to respond to crisis calls from human trafficking victims. 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. In December, the Philippine Congress appropriated \$550,000 in the 2011 national budget to fund, for the first time, the Inter-Agency Council Against Trafficking and the Department of Social Welfare and Development's anti-trafficking programs. The Department of Justice created dedicated office space for the IACAT and increased staffing for the IACAT Secretariat from four to eight personnel, though the majority of these staffers were not assigned on a full-time basis. The government also overhauled its screening of immigration patterns for evidence of trafficking during the year. In August 2010, the Bureau of Immigration instituted new screening guidelines for ports of exit, leading to the interception of over 28,000 passengers identified as potential victims of trafficking, due to their lack of proper documentation and indicators of high risk for illegal recruitment and trafficking. Over 900 cases were referred to the IACAT, NBI, POEA, and DFA for further investigation. Through trafficking prevention efforts at major seaports in partnership with an NGO, over 1,800 potential victims of trafficking were intercepted, resulting in the filing of 21 criminal anti-trafficking cases. The Philippine armed forces reportedly rescued eight child soldiers during the year, all of whom were allegedly conscripted by the NPA. 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, and the Scandinavian countries. Women and children from Poland are subjected to sex trafficking within Poland and also in

the United Kingdom, Germany, Austria, the Netherlands, and Italy. Women and children from Bulgaria, Ukraine, and Belarus are trafficked for commercial sexual exploitation in Poland. Polish men are forced under threat of violence to commit crimes, such as financial fraud, in Germany. In a more recently identified trend, Poland is a destination for migrant men and women from Azerbaijan, China, Nepal, the Philippines, Vietnam, Bangladesh, Thailand, Tajikistan, Uzbekistan, Ukraine, and West Africa who may be forced to work, in sectors such as agriculture, manufacturing, and food processing. Employers in Poland sometimes refuse to pay migrant workers and anonymously report them to the Border Guard for visa violation and potential deportation. Women and men are trafficked through Poland from Ukraine, Bulgaria, Belarus, Romania, and Moldova to Western Europe.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. In 2010, the government revised its anti-trafficking laws to improve their clarity, their coverage of all forms of trafficking in persons, and ease of applicability. The government continued to fund victim protection mechanisms in all areas of the country. The government, however, continued to face challenges in identifying victims of trafficking, particularly those in forced labor, and ensuring that the victims' rights were universally respected. Several identified victims were prosecuted by the government. NGOs reported concerns that the reflection period was rarely used in practice. 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 identify victims of labor trafficking better; ensure that all first-responders, including labor inspectors and border guards, have a clear mandate to identify and refer potential victims to care in accordance with standard operating procedures; enhance training of the lower-level police officers most likely to come into contact with trafficking victims; 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 organize training on human trafficking for peacekeepers preparing for deployment abroad on international peacekeeping missions.

Prosecution

The Government of Poland made significant improvements in its anti-trafficking law enforcement efforts, primarily by revising, in May 2010, its human trafficking laws to improve their clarity and to define specifically human trafficking offenses in the criminal code. Poland prohibits all forms of trafficking in persons through the newly enacted Articles 115.22 and 115.23, and 189a, which replaced Article 253 and Article 204 Section 4, Article 204 Section 3, and Article 203 of the criminal code. Prescribed punishments under the revised statutes range from a minimum of three years' up to 15 years' imprisonment; sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2011, the government transferred the 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 does not have a specialized anti-trafficking unit, an anti-trafficking consultant was assigned to advise prosecutors responsible for trafficking cases.

In 2010, Polish police investigated 95 alleged trafficking offenses, down from 105 investigations in 2009. The government prosecuted 77 and convicted 28 trafficking offenders under Articles 203 and 253 in 2010 – convictions under the new statutes were not reported – in contrast to 79 prosecution and 52 convictions in 2009. Post-appeal sentences, which are considered final, are collected for trafficking offenses. In 2009, the most recent year for which post-appeal sentences were available, trafficking offenders received sentences ranging from three months to 10-15 years' imprisonment, which is the highest possible punishment for trafficking under Poland's criminal code. This was an increase from 2008, during which the highest sentence issued to a trafficking offender was five years in prison. Nevertheless, in 2009, approximately 52 percent of convicted offenders received suspended sentences, compared with 53 percent in 2008. During 2010, the government did not report the investigations, prosecutions, convictions, or sentences of any public officials complicit in human trafficking. The Polish government participated in several bilateral task forces to share law enforcement information on human trafficking and collaborate on active investigations with other government, including those of Italy, Belgium, and Germany.

During the year, the government provided training on victim identification and care, and trafficking investigation and prosecution to judges, labor inspectors, social workers, border guards, consular officers, and police. For example, in December 2010, the National School for Judges and Prosecutors organized two training sessions on legal and criminal aspects of human trafficking for 95 judges. In September, Polish authorities organized a multi-day workshop for police and Border Guard regional anti-trafficking coordinators. In November, the Labor Ministry conducted seminars on labor trafficking for 73 employees of municipal and provincial labor offices. The government continued to train social workers at crisis intervention centers to identify and care for trafficking victims.

Protection

The Government of Poland sustained its anti-trafficking victim protection efforts in 2010, despite continuing problems with victim identification. The government, NGOs, and academic experts on human trafficking recognized that victim identification remained a major challenge for Poland's anti-trafficking program. During 2010, the government identified 85 victims of trafficking, a decrease from 206 trafficking victims it identified in 2009. Nevertheless, NGOs reported identifying and caring for an additional 253 victims of trafficking during 2010; approximately half of these were victims of labor trafficking and half were victims of sex trafficking. The government reportedly lacked the tools and expertise to identify labor trafficking victims and labor inspectors reported they did not have a clear mandate to investigate labor trafficking cases. International organizations reported that some government officials had insufficient understanding of established victim identification and protection procedures. The weakness in government identification translated to lapses in victim care. An international organization reported that in at least one case in 2010, labor trafficking victims were inappropriately detained and charged by authorities. In a case involving forced labor in illegal cigarette production, Azerbaijani victims' salaries were withheld and their families were threatened. Despite initially identifying the men as potential trafficking victims, Polish authorities charged the workers as members of an organized crime group. In 2010, the government allocated approximately \$250,000 for victim assistance in contrast to \$298,000 in 2009. The government funded a National Intervention-Consultation Center for Victims of Trafficking to provide assistance to foreign and Polish victims of trafficking. The center hosted a trafficking hotline, provided victims with comprehensive assistance resources, and offered a shelter for adult female trafficking victims. Government-funded NGOs provided medical, psychological, legal assistance, protective services, food, clothing, and crisis intervention. The government designated and partially funded 18 other crisis centers 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 in co-ed crisis centers, with supervision from anti-trafficking NGOs. Adult victims of trafficking were allowed to leave the shelters unchaperoned and at will.

Foreign victims of trafficking, whether third country nationals or EU citizens, are entitled to receive the same social welfare benefits provided to Polish citizens, including crisis intervention assistance, shelter, food, clothing, and a living allowance. The government reported offering foreign victims a three-month reflection period to deliberate whether to cooperate with the criminal process. However, in 2010, no trafficking victims accepted the reflection period; 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 2010, the Government of Poland set up its first regional inter-agency anti-trafficking team, bringing together representatives of national and local governments, law enforcement, social workers, and NGOs, to enhance coordinated efforts and victim

centered responses during investigations. 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.

Prevention

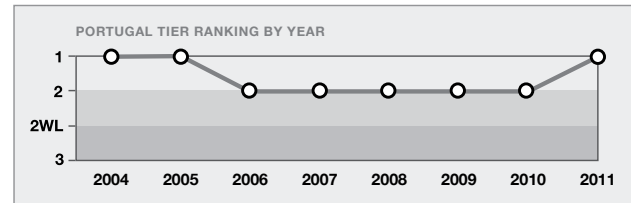
The government sustained its anti-trafficking prevention efforts during the reporting period. The Ministry of Interior pursued partnerships with NGOs to educate schoolchildren on trafficking, training teachers from four regions to discuss human trafficking with their students. The government also provided guidance to potential Polish emigrants on the dangers of human trafficking through an advisory guide. The government focused on regions vulnerable to trafficking to fund broader information campaigns including billboards, posters, opinion polls, and conferences. The Polish government hosted an annual national conference for combating and preventing human trafficking in observance of the EU's Anti-Trafficking Day. The government organized its anti-trafficking activities through its Inter-Ministerial Work Group and its National Action Plan for Combating and Preventing Human Trafficking and gathered statistical data on cases of trafficking and victims identified. However, the government did not have an independent national rapporteur on trafficking and the comprehensive governmental report on trafficking that was published in 2009 has not been updated. The government did not organize specific human trafficking training to Polish troops being deployed abroad on international peacekeeping missions, although human trafficking was included as part of the Standard Generic Training Module, under which all military personnel were trained. 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 1)

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 are from Brazil, Eastern Europe, and Africa. According to the government, an increased number of 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. According to local observers and media reports, 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. Two-thirds of the 21 trafficking victims identified by the government in 2010 were male.

The Government of Portugal fully complies with the minimum standards for the elimination of trafficking. In 2010, the government demonstrated increased victim assistance by granting more residency permits to trafficking victims and it continued to provide subsidies to NGOs providing comprehensive care and assistance to victims.

While the majority of traffickers convicted under the government's anti-trafficking law received significant jail time, it was unclear how many other offenders convicted under anti-pimping statutes were actual traffickers. The government used anti-pimping statutes to secure other convictions for offenders who may have been involved in human trafficking; these convictions significantly outnumbered the number of identified trafficking victims, suggesting a lack of adequate efforts to identify and assist victims.



Recommendations for Portugal: Vigorously prosecute and convict trafficking offenders to obtain sentences that reflect the gravity of the crime committed; improve law enforcement training to increase use of Article 160 to prosecute and convict traffickers; consider raising the mandatory minimum sentence under Article 160 to ensure that convicted traffickers do not receive suspended sentences; continue to improve outreach to locate more potential trafficking victims in Portugal and explore more holistic, victim-centered methods to identify them; develop specialized assistance and shelter for trafficked children and men; expand shelter capacity to provide comprehensive assistance to victims throughout Portugal; include NGOs to help stabilize potential victims in a post-raid environment and ensure trafficking victims are referred for care and assistance to allow them sufficient time to recover from their trafficking experiences; enhance the collection of trafficking-specific data, considering the use of a case-based approach to distinguish between convictions for trafficking offenders under Article 160 and trafficking offenders convicted under anti-pimping statutes; ensure adequate funding for all NGOs providing critical assistance to victims; undertake a comprehensive, nationwide awareness program to educate government officials, front-line responders, and the public about all forms of trafficking in Portugal.

Prosecution

The Government of Portugal continued to investigate and prosecute trafficking crimes, including suspected cases of forced labor, 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. The government reported its prosecution of 179 trafficking suspects in 2009, the most recent year complete data was available. The government, however, follows an overly-broad definition of trafficking; a review of these cases indicated that only eight of the resulting convictions would be considered trafficking involving force, fraud, or coercion. Seven out of a total of eight sex trafficking offenders convicted under Article 160

received an average sentence of 12 years in prison each; this is a significant penalty for trafficking in Europe. The government reported, however, that it used anti-pimping and pandering statutes to prosecute other trafficking-related offenders in 2009.

Under Portugal's penal code, courts can opt for non-detention as punishment for any sentence that is less than five years' imprisonment "if this punishment will satisfy the objectives of the criminal law." Courts appear to interpret this guidance generously for pimping crimes. In February 2011, the government launched "Operation Roadbook," and coordinated proactive law enforcement raids in two regions in Portugal, resulting in the rescue of 30 trafficking victims. The government reported in March 2011 that five of the 12 arrested suspects were held in pre-trial detention, with the remainder required to check in regularly with authorities. According to a recent OSCE Report describing a case of forced labor of a domestic worker from Mozambique in Portugal, prosecutors charged the offender with the lesser crime of "recruitment for illegal work," citing a lack of evidence that the offender recruited the victim with an intention to exploit the victim, although the forced labor started immediately upon her arrival in Portugal. Law enforcement officials continued to receive periodic specialized anti-trafficking training. The government reported that there were no prosecutions, convictions or sentences for trafficking-related complicity in 2010.

Protection

The Government of Portugal continued to provide subsidies to NGOs that in turn provided comprehensive care and reintegration assistance to trafficking victims in 2010. The government identified 21 official trafficking victims in 2010, an increase from the 17 officially certified in 2009, although this figure is low in relation to other countries in the region. During the reporting period, the government continued to employ procedures for identifying trafficking victims using key indicators; local experts reported that very few NGOs use the guide as a way of identifying victims. According to this system, law enforcement and NGOs are required to submit 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. According to a recent NGO report, a presumed trafficked person will only be identified as such if characteristics of trafficking indicators are present on this form. The bureaucratic inflexibility of this process resulted in a victim identification process that lacked the nuance or flexibility required to identify victims of this inherently complex crime. In February 2011, the government reported that it rescued 30 trafficking victims, several of them children, in conjunction with previously mentioned Operation Roadblock. According to media reports, the police issued a statement reporting that the traffickers used "physical coercion and psychological violence" including the forced administration of drugs as tools of coercion and control to force these victims into prostitution. Despite this, the government reported that these victims were taken to a police station and questioned immediately after the raid rather than referred to the NGO shelter for care and assistance, leaving them vulnerable to re-trafficking. The government continued to subsidize

an NGO shelter, which housed four victims during 2010. Victims were permitted to leave the shelter after undergoing a security assessment by shelter staff. Local experts noted limited protection measures for trafficking victims in Portugal, noting this shelter as the only designated shelter for trafficking victims. The government continued to provide a per-victim stipend to other NGOs assisting victims, one of which reported assisting 30 trafficking victims in 2010, the same number that it assisted in 2009. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; 10 victims assisted in the investigation against their traffickers in 2010, compared to six in 2009. 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; victims cooperating with law enforcement 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 under Decree-law 368 of November 5, 2007. The government increased the number of residence permits it granted in 2010, granting 14 residence permits to potential trafficking victims, compared to three in 2009. The government reported that police made proactive efforts to identify sex trafficking victims within the legal prostitution sector; however, victims who were not so identified were likely deported or faced continued exploitation. According to local experts, a lack of awareness among law enforcement authorities regarding child trafficking hindered the government's ability to identify and protect these children.

Prevention

The Government of Portugal sustained modest trafficking prevention efforts during the year. It organized a three-day conference in October in recognition of Europe's anti-trafficking awareness month, marking the occasion by unveiling its 2011-2013 National Action Plan on trafficking. The government contributed some funding to screen an anti-trafficking film about forced prostitution and the sexual exploitation of children during this conference. Furthermore, the government promoted the film throughout the year through government-funded TV spots, billboards, and radio announcements and included warnings on the dangers of trafficking. The government however, did not conduct a comprehensive national-level awareness campaign to raise general awareness about trafficking in Portugal or address demand for forced labor and forced prostitution. During the reporting period, the government publicly released its first annual report on trafficking and maintained a website about its anti-trafficking efforts. The government's existing hotline for immigrants is not specifically designed for trafficking victims; local experts speculate the costs with using the hotline and various numbers associated with it contributed to lack of use by potential trafficking victims. The government continued to broadcast a daily program on state television to raise awareness among migrants in Portugal on a wide range of issues, including trafficking. It conducted anti-trafficking awareness training to

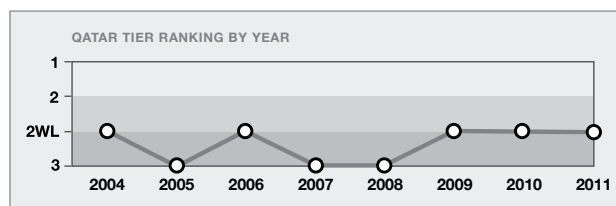
troops before their deployment abroad on international peacekeeping missions.

QATAR (Tier 2 Watch List)

Qatar is a destination country for men and women subjected to forced labor and, to a much 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 indicative of involuntary servitude. These conditions include: threats of serious physical or financial harm; the withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports and 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. One NGO reported, however, that the Qatari National Human Rights Committee handles approximately 700-800 labor-related cases per year, most of which indicate forced labor, but does not generally identify them as such. 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. Under the 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 "absconded" to police authorities, and deny 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. 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. The government did not demonstrate evidence of significant efforts to punish traffickers or proactively identify victims; therefore, Qatar is placed on Tier 2 Watch List for a third consecutive year. Qatar was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan. In March 2011, the Qatari Cabinet approved an anti-trafficking law that has been pending since 2006; at the

end of the reporting period, this law was awaiting approval by the Emir. The Qatari government also published its "National Plan for Combating Human Trafficking for 2010-2015." Nonetheless, the government has yet to take increased action to investigate, prosecute, and punish trafficking offenses for forced labor and forced prostitution. The Qatari government also continues to inadequately protect victims of trafficking, particularly by failing to proactively identify victims among vulnerable populations, leading to their sometimes lengthy detentions or other punishments.



Recommendations for Qatar: Enact the draft comprehensive anti-trafficking legislation; increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; 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 that 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; collect, disaggregate, analyze, and disseminate counter-trafficking law enforcement data; and implement the National Plan for Combating Human Trafficking for 2010-2015.

Prosecution

The Government of Qatar made minimal efforts to investigate and prosecute trafficking offenses during the reporting period. In March, the Qatari Cabinet approved an anti-trafficking law that prohibits all forms of trafficking and prescribes penalties of at least three years' imprisonment and fines, with prescribed penalties of at least 15 years' imprisonment under aggravating circumstances. These penalties are sufficiently stringent and commensurate with other serious crimes, such as kidnapping. For the majority of the reporting period, however, Qatar did not prohibit all acts of trafficking, but it criminalized transnational 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 can be used to punish 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. Despite the availability of the statutes above for the majority of the reporting period, the government did not report any clear efforts to investigate, prosecute, or

punish trafficking offenses during the reporting period. In addition, prohibitions against common practices that contribute to forced labor, such as passport withholding, were not fully enforced. In May and December, the Qatar Foundation to Combat Human Trafficking (QFCHT) and the National Human Rights Commission (NHRC) conducted anti-trafficking workshops that targeted law enforcement personnel from the Ministry of Interior and the Public Prosecutor's office. The government did not report any investigations, prosecutions, convictions, or sentences of government personnel for complicity in trafficking offenses.

Protection

Qatar made minimal progress in protecting victims of trafficking during the reporting period. The government acknowledges the existence of a labor trafficking problem in the country, however some officials do not equate labor exploitation with human trafficking. Government personnel continued to lack systematic procedures to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; victims of trafficking were sometimes punished for acts committed as a direct result of being trafficked. Specifically, Qatar commonly detained and deported potential trafficking victims for immigration violations and running away from their sponsors without determining whether the individuals were victims of trafficking or offering them protection. Victims may also languish in detention centers for up to six months if their employers either fail to return their passports or purchase a plane ticket for them to return to their home countries or if they file false charges of theft against them in retaliation for complaining of abuses or nonpayment of wages; the costs of legal representation under these circumstances are borne by the worker. In January, the QFCHT conducted training for medical workers who are in direct contact with migrant workers, including the general, health, and mental health indicators of trafficking victims in order to facilitate their identification. In March, police, prosecutors, and judges attended a workshop on victim identification. The government's trafficking shelter reported assisting 147 individuals in 2010 with medical, psychological, and legal care. However, as in previous years, it remains unclear whether all of these were victims of trafficking and whether trafficking victims could access the shelter if their employers had filed charges against them. While identified victims can receive legal assistance from shelter authorities, some employers and sponsors threatened victims in an attempt to keep them from seeking legal redress. Since the 500,000 foreign workers in domestic service in Qatar are not protected by the labor law, they are not permitted to file civil suits against their employers under the labor law's provisions. Civil suits can only be filed for failure to meet the financial obligations of the sponsor toward domestic help; in practice, however, civil suits are rare. Qatar sometimes offered temporary relief from deportation to enable identified victims to testify as witnesses against their employers and has the ability to transfer the identified victim's sponsorship to another employer pending the case. However, the government did not consistently offer victims

alternatives to removal to countries where they may face retribution or hardship.

Prevention

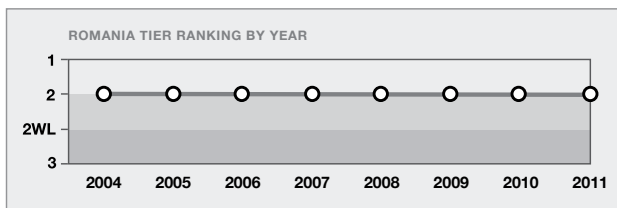
Qatar made limited progress in preventing trafficking in persons during the reporting period. In March, the government outlined a national plan of action to combat trafficking in persons for the years 2010-2015. The government did not reform the sponsorship law, which contributes to conditions of forced labor in the country by allowing sponsors to restrict workers' movements. For example, sponsors may threaten to withhold exit permits required by the sponsorship laws to force workers into servitude or prevent them from reporting abuses. The government reported four cases where workers who were not granted an exit permit due to a sponsor's refusal or other circumstances received an exit permit by other means. While the government enforced prohibitions on sponsors withholding workers' passports by responding to reported abuses through administrative means, it did not proactively or 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. The government worked with labor attachés from South Asian countries to resolve cases of labor disputes via conflict mediation. In isolated cases, Qatar restricted foreign government access to its nationals after labor concerns were raised. The government enforced strict laws of morality in accordance with Islamic principles in an effort to reduce the demand for commercial sex acts and targeted Qataris traveling to known child sex tourism destinations abroad.

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. Romanian men, women, and children are subjected to forced labor in agriculture and manufacturing, as well as some forced begging in Spain, Italy, the Czech Republic, Greece, Finland, Israel, Germany, Slovenia, the United Kingdom (UK), Cyprus, Australia, France, Belgium, and the United States. A large proportion of the children forced to beg in Western European countries were Romanian victims of Roma ethnicity. Men, women, and children from Romania are victims of forced prostitution in Italy, Sweden, Spain, the Netherlands, the United Kingdom, Greece, Germany, Cyprus, Austria, Switzerland, Czech Republic, Denmark, Brazil, Norway, Hungary, Slovenia, and France. Forced labor and sex trafficking within the country claim Romanian men, women, and children as victims; this includes forced begging and forced petty theft. There were reports that ethnic Roma criminal groups in Romania exploited Romanians throughout Europe. Romania is a destination country for a small number of women from Moldova,

Colombia, and France who are forced into prostitution and for Honduran men subjected to forced labor. The majority of identified Romanian victims are victims of forced labor, including forced begging. The number of Romanian boys subjected to sex trafficking increased.

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. Over the reporting period, the government increased the number of victims identified and assisted and amended its human trafficking law to explicitly prohibit forced begging. Despite evidence of a large number of Romanian labor trafficking victims, the government did not indicate whether it investigated, prosecuted, or convicted any labor trafficking offenders. Additionally, there were reports that prosecutors brought prostitution charges against trafficking victims.



Recommendations for Romania: Restore government funding for trafficking victim assistance programs, including grants for service-providing NGOs; take measures to identify trafficking victims prior to arrest to ensure that no victims are punished for acts committed as a direct result of being trafficked; 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; collect data on sentences imposed on convicted trafficking offenders; vigorously investigate and prosecute acts of trafficking-related complicity allegedly committed by government officials, and punish officials convicted of such crimes with prison sentences; demonstrate efforts to investigate and punish acts of labor trafficking and efforts to assist victims of labor trafficking; reduce delays in trials; improve efforts to identify potential victims among vulnerable populations such as undocumented migrants, foreign workers, Roma populations, and children in begging; continue to provide victim sensitivity training for judges; continue to increase victim referrals to NGO service providers by government officials; improve inter-ministerial communication and coordination on trafficking; and improve the capacity of local governments to assist victims through training of local officials and increased communication and guidance from the National Association Against Trafficking in Persons (NAATIP).

Prosecution

The Romanian government demonstrated mixed law enforcement efforts during the reporting period. 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. The Romanian authorities amended this trafficking law in 2010 to

specifically prohibit forced begging. In 2010, Romanian authorities investigated 717 human trafficking cases, in contrast to 759 cases investigated in 2009. The government prosecuted 407 and convicted 203 trafficking offenders in 2010, compared with 303 offenders prosecuted and 302 convicted in 2009. The government reported that 145 of the 203 offenders convicted in 2010 were sentenced to terms in prison, whereas 58 trafficking offenders received sentences without jail terms. The government did not report the sentences imposed on convicted traffickers and did not report the number of labor trafficking cases investigated or prosecuted. Some observers noted that many judges had a low understanding of trafficking in persons, perhaps contributing to the slow pace of trafficking trials with some cases still pending from 2005. Romanian authorities reported investigating and detaining a police officer for recruiting female children for forced prostitution. The officer was held in protective custody as the investigation continued. The government also investigated two members of a major political party for sex trafficking; these members did not hold public office. The government did not report any prosecutions, convictions, or sentences of government officials complicit in human trafficking crimes. In a UK trial of Romanian traffickers, lawyers claimed that Romanian police had been aware of child trafficking for years, but did not take action to suppress the trade until forced to do so by law enforcement in the UK. During the year, Romanian officials pursued joint trafficking investigations in partnership with counterparts in Norway, Switzerland, France, and Sweden.

Protection

The Government of Romania demonstrated mixed efforts to protect and assist victims of trafficking during the reporting period. For a second consecutive year, the government failed to provide funding to NGOs providing victim protection services. The lack of government funding jeopardized victim care. The hiatus in funding forced the closure of several trafficking shelters across the country, leaving many victims vulnerable and without services. Nevertheless, the government reported the identification of 1,154 victims in 2010, a substantial increase from the 780 victims reportedly identified in 2009. The government continued to operate its National Identification and Referral Mechanism, which provided a formal protocol for referrals between law enforcement and other institutions. Out of the 1,154 victims identified, 544 received victim services; 451 victims received government-funded care, whereas 93 victims received care from independently funded NGOs. This was an increase from 2009, in which 365 victims reportedly received government-funded care, and 32 victims received care from NGOs not funded by the government. Observers noted that the government had difficulty identifying victims of labor trafficking, including Roma victims of trafficking, some of whom did not approach police out of fear of traffickers' reprisals. Law enforcement officials sometimes coerced victims to participate in prosecutions. In 2010, 1,277 victims participated in prosecutions of trafficking offenders. This was a significant increase from the 158 trafficking victims who reportedly participated in prosecutions in 2009. The government reported that this increase in participation may be due to greater trust in the system by victims, the success of prevention campaigns, and

better coordination with NGOs and other partners during the criminal proceedings. NGOs reported that at least one victim was jailed for a prostitution offense, though she was formally identified as a victim of trafficking during court hearings, released, and referred to NGO assistance. Foreign victims were permitted a 90-day reflection period to remain in the country; however, neither of the two foreign victims used this reflection period. Also, no victims applied for or were granted a temporary residence permit to remain in the country until completion of law enforcement investigations and prosecutions. The government did not offer foreign trafficking victims long-term alternatives to their removal to countries where they faced retribution or hardship.

Prevention

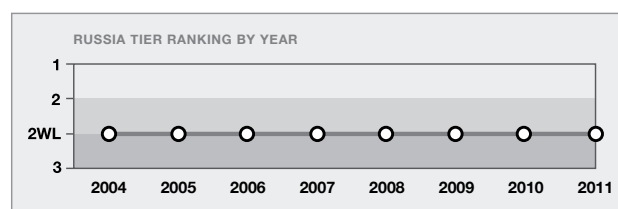
The Government of Romania improved its anti-trafficking prevention efforts during the reporting period. It contributed modest funding for several joint NGO public awareness campaigns on human trafficking. In coordination with the governments of Bulgaria, Spain, Italy, and the European Commission, Romania co-financed a prevention campaign to raise awareness about human trafficking among Romanian citizens considering working abroad. This regional campaign included radio and television broadcasts, press articles, and school training activities. The government also carried out awareness-raising activities in coordination with the European Union's Anti-Trafficking Day in October, including distributing leaflets on trafficking, organizing round tables, and conducting activities in elementary and high schools. The government coordinated its anti-trafficking efforts through NAATIP; its activities included overseeing prevention and protection efforts and publishing a quarterly report on Romania's anti-trafficking efforts. The government did not report specific efforts to reduce the demand for commercial sex acts.

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 other countries including, Belarus, Tajikistan, and Uzbekistan are subjected to conditions of forced labor in Russia. Instances of labor trafficking were reported in the construction, manufacturing, agriculture, and domestic services industries. There are reports of many men and women from North Korea subjected to conditions of forced labor in the logging industry in the Russian Far East. There are also reports of exploitation of children, including child prostitution in large Russian cities and forced begging. Reports of Russian women being subjected to forced prostitution abroad continued to be received in 2010. Russian women were reported to be victims of sex trafficking in many countries, including in Northeast Asia, Europe, and throughout the Middle East.

The Government of the Russian Federation 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, however, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period. Therefore, Russia is placed on Tier 2 Watch List for the eighth consecutive year. Russia was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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; Russia is devoting sufficient resources to implement that plan.

Victim protections in Russia during the reporting year remained very weak, as the government allocated scant funding for victim shelters and little funding for anti-trafficking efforts by governmental or non-governmental organizations. In addition, the government did not make discernible efforts to fund a national awareness campaign, although some local efforts were assisted by local government funding. In recognition of these shortcomings, however, in December 2010 President Medvedev signed the Commonwealth of Independent States (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 that specifically addresses human trafficking in December 2010 and included anti-trafficking NGOs in the committee and its working groups. This is the first known coordinated effort to address human trafficking at the national level. 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 with trafficking cases and victim assistance; produce guidance for labor inspectors and health officials in identification of trafficking victims and referral of victims to service providers; allocate funding to anti-trafficking NGOs that provide 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 prevent the use of forced labor in construction projects for the 2012 Asia-Pacific Economic Cooperation Summit in Vladivostok and the 2014 Winter Olympics in Sochi.

Prosecution

The Government of the Russian Federation demonstrated important law enforcement efforts during the reporting period. Article 127 of the Russian Criminal Code prohibits both trafficking for commercial sexual exploitation and forced labor. Other criminal statutes are 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; aggravating circumstances may extend penalties up to 15 years' imprisonment. These penalties are commensurate with punishments prescribed for other serious crimes, such as rape. The Ministry of Internal Affairs claimed 118 human trafficking investigations and 62 prosecutions for trafficking in 2010 (compared with 99 prosecutions in 2009). At least 15 investigations involved slave labor. The government reported that prosecutions in 2010 reportedly involved larger and more transnational trafficking rings. Russian authorities convicted 42 trafficking offenders and issued 31 sentences in 2010, a decrease from 76 trafficking offenders convicted in 2009. Sentences for the reported trafficking convictions ranged from several months to 12 years' imprisonment.

The Ministry of Internal Affairs Training Institute reportedly provides regular courses on human trafficking awareness, and anti-trafficking training is included in the national curriculum for criminology courses at public higher education facilities. Numerous organizations and researchers have suggested that enhanced training and direction on handling suspected trafficking cases for a broader group of Russian officials would improve law enforcement officials' ability to achieve anti-trafficking results. Officials continued to cooperate with other governments on human trafficking cases during the reporting period.

The Government of the Russian Federation demonstrated some progress in combating government complicity in human trafficking during the reporting period. In April 2011, a Moscow military court convicted and sentenced a senior military officer and 10 of his accomplices to 12 years' imprisonment for sex trafficking. Also, in December 2010, authorities arrested a police colonel in St. Petersburg for involvement in organizing prostitution that involved trafficking-like characteristics; the investigation into the case is ongoing and charges have not been finalized. The government did not report progress on any of the open complicity cases reported in the 2010, 2009, and 2008 TIP Reports, including allegations covered in the media in February 2010 that a high level official in the Ministry of Internal Affairs and other officials were involved in a forced labor trafficking ring. Reportedly, the government convicted a government hospital director for the use of slave labor in 2010, though the government did not provide information about a sentence in this case. The

North Korean government continued to recruit 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.

Protection

The Russian government demonstrated minimal progress in efforts to protect and assist victims during the reporting period. The government does not employ a formal system to guide officials in proactive identification of victims or referral of victims to available services, and there were no available statistics on the number of trafficking victims identified or assisted by the government or NGOs. An IOM shelter in Moscow, which in the past assisted hundreds of trafficking victims, remained closed due to lack of funding. A trafficking shelter in Vladivostok assisted eight victims during the reporting period despite inconsistent government funding. There were 22 crisis centers across Russia where trafficking victims received assistance, though the government did not confirm how many trafficking victims were assisted in these centers. The national government did not provide funding or programs for specific assistance to trafficking victims. International donors continued to support the majority of aid to organizations providing victim assistance, though the Ministry of Internal Affairs used budgetary funds to provide victim assistance in cases where the victim was a witness in a criminal case.

There was evidence that some law enforcement officers encouraged victims to participate in anti-trafficking investigations. Police placed at least one victim in Vladivostok's trafficking shelter in witness protection. There were no formal legal alternatives to deportation for foreign victims. Russia did not demonstrate a systematic approach to ensure that trafficking victims were neither punished nor detained for crimes committed as a direct result of their trafficking experience. In practice, most foreign victims were neither deported nor supported as witnesses in a prosecution; they were often released to make their own way home or stay in Russia to look for work.

Prevention

Russia's national government demonstrated limited efforts to raise awareness and prevent trafficking over the reporting period. During the reporting period, there were no nationwide campaigns to raise awareness of human trafficking in Russia or efforts to develop a labor trafficking awareness campaign in advance of the 2014 Winter Olympics in Sochi. In March 2010, the St. Petersburg city government funded a conference dedicated to issues related to trafficking in persons that was attended by city officials, law enforcement, social services, NGOs, and foreign government representatives. The Ministry of Internal Affairs held a press conference in September 2010 to raise awareness of human trafficking. In the city of Yekaterinburg, the local government continued to run a labor migration center that provided legal, employment, and shelter services to labor migrants that reportedly decreased migrants' vulnerability to becoming victims

of trafficking. In December 2010 President Medvedev signed the Commonwealth of Independent States (CIS) Program to Combat Human Trafficking for 2011-2013, which outlines commitments to form a national trafficking structure and fund NGOs to provide victim protections. In December 2010, the Ministry of Health and Social Development formed an interagency coordinating committee that specifically addressed trafficking in persons and included anti-trafficking NGOs in the committee and its working groups. This is the first known coordinated effort to address human trafficking at the national level. If implemented, these efforts have the potential to achieve significant progress in combating human trafficking.

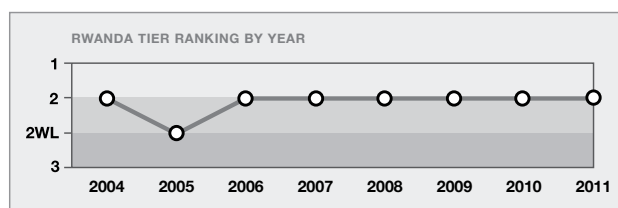
The government does not have a body to monitor its anti-trafficking activities and make periodic assessments measuring its performance. The government did not take specific steps to reduce the demand for commercial sex acts. According to the UN and IOM, Russian troops were required to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions. Although experts reported that child sex tourism among Russian tourists exists, there were no specific reports of prosecutions of Russian citizens in foreign countries.

RWANDA (Tier 2)

Rwanda is a source and, to a lesser extent, 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 and young women in prostitution to clients staying at hotels for conferences. Rwandan children also are recruited and transported to Kenya, Uganda, and Tanzania, where they are subjected to forced agricultural labor, domestic servitude, and child prostitution, sometimes after being recruited by peers. In 2010, a female Rwandan trafficking victim was identified in Israel. Small numbers of children from neighboring countries are victimized in prostitution and forced labor after being lured to Rwanda.

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 for protective services, successfully repatriated several foreign victims, and continued its provision of short-term care and rehabilitative services to child ex-combatants. 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. While government officials are quick to recognize

and respond to suspected cases of transnational child trafficking, some officials reflect a lack of awareness of internal trafficking and do not believe it is possible, based on the country's small size and its effective security measures; however, the government continues to make the promotion and protection of women's and children's rights a priority. Additional training is needed to increase officials' awareness of the nature of human trafficking and to provide practical skills for responding to it.



Recommendations for Rwanda: Enforce the trafficking provisions in the 2009 Labor Law through increased investigations and prosecutions of trafficking offenders; enact and enforce trafficking provisions in the draft penal code, thereby creating an easily understandable legal regime with clear definitions of human trafficking; launch a nationwide anti-trafficking public awareness campaign; and establish mechanisms for providing increased protective services to victims, possibly through the forging of partnerships with NGOs or international organizations.

Prosecution

The government demonstrated inadequate anti-trafficking law enforcement efforts during the reporting period, as it failed to bring any trafficking offenders to justice. Law No. 58/2008 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 official revisions to the penal code that contain articles defining and prohibiting all forms of human trafficking; the entire draft code remained under consideration by the Senate at the end of the reporting period.

Although the Rwandan National Police's (RNP) three-officer anti-trafficking unit investigated several potential trafficking cases during the reporting period, the government did not prosecute or convict any trafficking offenders. Two cases referred to the National Public Prosecution Authority during the previous reporting period were dropped due to lack of evidence. In July 2010, on a tip from a victim's parent, police investigated a car dealer suspected of luring young Burundian girls with promises of money to Rwanda for the purposes of prostitution. Officers rescued four victims from a house where they were being held and transferred them to the national police

hospital for counseling and medical care. Although the suspect continues to elude capture, authorities worked with Burundi's Interpol office to investigate the case further and reunite the girls with their families. While labor inspectors issued warnings and levied fines against those illegally employing children, no cases of forced labor were criminally investigated or prosecuted during the year. In January 2011, the RNP provided a criminal law and investigation course to 50 officers that included sessions on human trafficking; it conducted a second offering of this course in March 2011. During the year, it also sent officers to specialized anti-trafficking training courses in Egypt and India, as well as provided a training facility for a three-day course on investigating trafficking cases conducted by a foreign government in January 2011.

Protection

While the government continued to offer unparalleled care for former child combatants some of whom are trafficking victims, it provided inconsistent protective services to victims of sex or labor trafficking. The Rwandan Demobilization and Reintegration Commission (RDRC), with government and World Bank funding, 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 UN Mission to the Congo. Forty-seven children arrived at the center in 2010, followed by an additional six in January 2011. 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; in January 2011, RDRC staff reunited 19 children with relatives, with 29 still residing at the center at the close of the reporting period. During the year, police identified and referred at least four sex trafficking victims to the Isange Center, a one-stop holistic facility within the National Police Hospital that provided medical exams, counseling, short-term shelter, and police assistance to victims of gender-based violence (GBV), including child domestic workers and children in prostitution. The center, however, did not specifically screen for trafficking indicators among its clients. The RNP, in cooperation with Burundian law enforcement, repatriated the four victims to Burundi. The police headquarters in Kigali continued operating a hotline for reporting GBV crimes; while the hotline reportedly received information related to trafficking cases during the year, police indicated that the majority of actionable information was obtained through complaints made by relatives of child trafficking victims. The RNP's fully-equipped examination rooms in Kigali, Gasabo, and Rwamagana provided police assistance and counseling to victims of GBV; it is unknown whether any of these rooms provided services to trafficking victims during the year. The checklist used by police when working with victims requires securing social, medical, 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 government operated two transit centers in the south and west of the country for screening and referring street children, some of whom were victims of domestic servitude or prostitution, to longer-term care facilities. In 2010, the

government provided approximately \$150,000 to support eight private or NGO-run centers that afforded 1,988 street children with shelter, basic needs, and rehabilitative services. During the year, however, police arrested girls in prostitution and detained them at Kigali City's Gikondo transit center; some girls were kept there for days or months without being charged with a crime or interviewed in conjunction with a law enforcement investigation. Other children in prostitution, however, were screened by the Ministry of Gender and Family Promotion and referred to care centers for street children or returned to their families. The government has neither developed a system for proactively identifying human trafficking victims among vulnerable populations nor created a systematic referral process to transfer such victims – including those detained at Gikondo – to service providers for care. The government encouraged victims to participate in the investigation and prosecution of trafficking crimes. 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

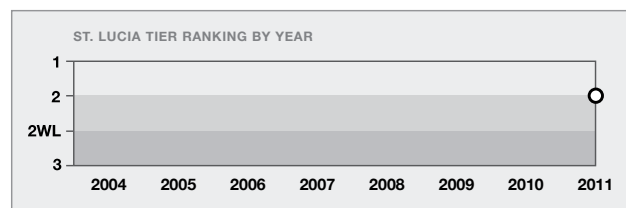
While the government maintained its anti-trafficking prevention efforts during the reporting period, there continues to be a lack of understanding among the government and Rwandan society of the full scope of the country's human trafficking problem. Some government officials do not respond to internal trafficking with the same seriousness as cases of transnational trafficking. In March 2011, senior police officers appeared on a televised talk show to warn the population about the dangers of human trafficking. The RNP also sensitized school children, local leaders, and members of community policing committees regarding transnational human trafficking crimes during the year, providing warnings on the danger of engaging in prostitution and being lured through promises of education and a better life abroad. Police and immigration officials maintained strict border control measures as part of a strategy to prevent transnational child trafficking, preventing eight children from leaving the country with non-relative adults, 72 from crossing borders without proper documentation, and five from traveling alone in 2010. The Ministry of Youth and the National AIDS Control Commission continued a campaign against the commercial sexual exploitation of children by people identified by the government as "sugar daddies" and "sugar mommies"; the campaign, entitled SINIGURISHA ("I am not for sale!"), included TV and radio spots, print materials, and billboards. During the reporting period, local observers reported a decrease in the use of child domestic workers in some areas of the country, resulting from vigorous police enforcement of a recent law mandating children attend nine years of basic education and local communities' enforcement of bylaws against child labor. The Ministry of Public Service and Labor's (MIFOTRA) 30 district labor inspectors – a number inadequate to fulfill their monitoring mandate – held monthly sensitization activities and quarterly trainings for employers and local authorities on child labor regulations and issued warnings to those who violated such statutes. The government, however, did not provide these inspectors with adequate resources, including transport, to identify

and prevent the use of exploitative child labor effectively. In January 2011, MIFOTRA, the Ministry of Education, an NGO, and foreign government officials provided a half-day training on child labor and trafficking to 28 labor inspectors. The government trained Rwandan troops on gender sensitivity and sexual exploitation prior to their deployment to UN peacekeeping missions in Darfur.

ST. LUCIA (Tier 2)

St. Lucia is a destination country for persons subjected to forced prostitution and forced labor. In a welcomed move, government officials acknowledge the existence of forced prostitution and forced labor, including domestic servitude, in St. Lucia. Legal and illegal immigrants from Haiti, Jamaica, the Dominican Republic, and Guyana reportedly are the groups most vulnerable to human trafficking. Foreign women in prostitution are at particularly high risk. According to the police and NGOs, the most likely traffickers in the country are pimps, strip club operators, and brothel owners; during the past years there were allegations that some underground strip clubs were fronts for prostitution and reportedly were owned or protected by complicit former police officers. Crime and gang violence present a significant risk to children in St. Lucia, and children involved in the drug trade or engaging in sex with men for basics such as food, transportation, or material goods are vulnerable to human trafficking.

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. The government made progress in its anti-trafficking efforts over the past year by passing legislation prohibiting human trafficking and providing victim protection provisions. The government helped at least one victim during the reporting period, but it did not report any prosecutions of trafficking offenders or officials complicit in human trafficking.



Recommendations for St. Lucia: Provide adequate funding to implement the new Counter-Trafficking Act 2010; increase training for law enforcement, prosecutors, and judges on addressing forced prostitution and forced labor; vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in human trafficking; develop a plan to appropriately assist child victims; continue identifying and assisting victims of forced labor and forced prostitution; and work with IOM to provide safe repatriation procedures for foreign victims who would like to return home.

Prosecution

The government made progress by enacting anti-trafficking legislation but did not report prosecuting and punishing any trafficking offenders during the reporting period. St. Lucia passed and enacted the Counter-Trafficking Act 2010 in February 2010. The Act prohibits forced prostitution and forced labor and 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 during the reporting period. The government did not offer formal training for police, immigration authorities, health workers, or child protection officials in identifying human trafficking, but the government provided in kind assistance for an OAS human trafficking awareness training during the reporting period.

Protection

The government made modest efforts to protect victims of human trafficking during the reporting period, despite resource and capacity restraints. The police and Division of Gender Relations rescued at least one foreign adult victim of forced labor during the reporting period and provided her with shelter for about 10 days before she left voluntarily for her home country. The government employed a system of informal shelters where adult victims' locations could be hidden; however, there were inadequate facilities for child victims as magistrates were forced to choose between the prison or a mental institution to place children needing protection. Through the Division of Gender Relations, victims of trafficking could be referred to various organizations that provide access to legal aid, medical assistance, and crisis services. The government encouraged victims to participate in the prosecution of trafficking offenders. Although the new anti-trafficking law has explicit provisions to protect foreign victims from deportation and from prosecution for crimes committed as a direct result of being trafficked, there were no reports of the government offering victims immigration relief during the last year.

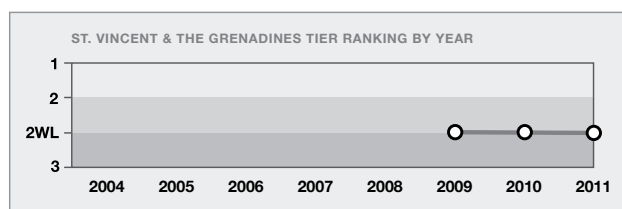
Prevention

The government made 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. The Division of Gender Relations chaired a working level, inter-ministerial, anti-trafficking coalition that met regularly to discuss suspected cases, formulate strategies to address them, and follow up with law enforcement to conduct investigations. The coalition has included NGOs in the development of a national anti-trafficking action plan. 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 Watch List)

St. Vincent and the Grenadines is a likely source, transit, and destination country for some children and adults subjected to forced labor and sex trafficking. Sufficient information on human trafficking in St. Vincent and the Grenadines is lacking, as there are no formal government structures to identify it or NGOs to address human trafficking specifically. According to NGOs and officials, there exists a social taboo of discussing the matter openly. Nevertheless, a consensus has developed between officials and NGOs that a population of persons at high risk of trafficking exists, notably children and adults working in agriculture including marijuana fields, women in prostitution, and children engaging in sex with men for basics such as food, transportation, or material goods. Vincentian officials have raised concerns regarding foreign women in prostitution transiting through the country without possession of their passports. One local observer expressed concern regarding harsh working conditions endured by some foreign workers, including one group from Nepal, in the past.

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. While capacity to address human trafficking is limited due to the country's small size, the government demonstrated hardly any evidence of efforts to investigate and prosecute trafficking crimes and to ensure that victims of trafficking receive access to protective services; therefore, St. Vincent and the Grenadines is placed on Tier 2 Watch list for a third consecutive year. St. Vincent and the Grenadines was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan.



Recommendations for St. Vincent and the Grenadines: Draft, enact, and implement a comprehensive anti-trafficking law; investigate and prosecute possible sex or labor trafficking cases under existing, relevant legislation until a comprehensive anti-trafficking law is in place; implement formal 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 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 minimal progress in anti-trafficking law enforcement efforts over the last year. The government has no specific or comprehensive laws prohibiting trafficking in persons, though slavery and forced labor are both constitutionally prohibited. Officials have acknowledged the need for legislation criminalizing all forms of human trafficking in order to effectively prosecute such crimes, and the Governor General announced on January 2011 that the government plans to draft legislation in line with the 2000 UN TIP Protocol. The government reported no forced labor or forced prostitution investigations, prosecutions, or convictions during the reporting period. Local observers have suggested that human trafficking official complicity may be a problem, but resource constraints and capacity, given the country's small population size, were also obstacles to law enforcement results. The government does not provide specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking, and no local NGO provides training to government officials at this time. In May 2010 the government provided in-kind contributions to an OAS human trafficking awareness training.

Protection

The Vincentian government did not show tangible progress in ensuring that victims of trafficking are identified and provided access to necessary services. The government did not proactively identify any suspected victims of human trafficking during the reporting period. The government did not have formal procedures in place to guide authorities in how to identify possible victims of human trafficking and refer them to available services. The government did not fund any trafficking-specific assistance programs, but the Ministry of Mobilization and Social Development reported it would be able to assist trafficking victims. The government provided some funding and building space to some local NGOs whose shelter, counseling, and other services for crime victims would also be available to trafficking victims. Under current laws, the government did not encourage victims' assistance in the investigation and prosecution of trafficking or other crimes, nor did it provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. St. Vincent and the Grenadines had no law or official procedures in place to ensure that victims would not be inappropriately punished for unlawful offenses committed solely as a direct result of being trafficked.

Prevention

The government made some efforts to prevent trafficking and to increase the public's awareness of human trafficking in St. Vincent and the Grenadines during the last year. In February 2011, the government drafted a collaborative national action plan to combat human trafficking that included input from the Ministry of National Security, the Ministry of Social Mobilization, the Attorney General, the Director of Public Prosecutions, the Commissioner of Police, the Director of Immigration, and a local NGO. The plan assigns responsibility to specific government agencies, commits some of their resources to anti-trafficking efforts,

and contains action items that address many of the deficiencies identified by the TIP Report. The government did not conduct anti-trafficking information or education campaigns during the reporting period. The government made no efforts to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourists. St. Vincent and the Grenadines is not a party to the 2000 UN TIP Protocol.

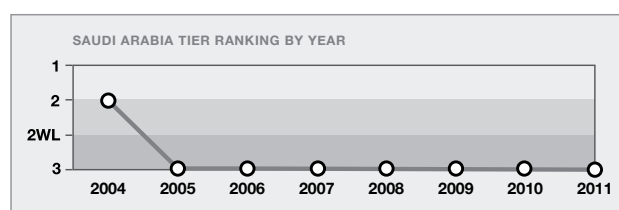
SAUDI ARABIA (Tier 3)

Saudi Arabia is a destination country for men and women subjected to forced labor and to a much 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. Recent reports of abuse include the driving of nails into a domestic worker's body. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract while others never see the contract at all, leaving them 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, some migrant workers report that they were forced to work for months or years beyond their contract term because their employer would not grant them the exit permit. Local and international media reported in May and June that some Nepalese domestic workers had been recruited to work in Kuwait and then illegally transported to work in Saudi Arabia against their will.

Women, primarily from Asian and African countries, were believed to have been forced into prostitution in Saudi Arabia; others were reportedly kidnapped and forced into prostitution after running away from abusive employers. Yemeni, Nigerian, Pakistani, Afghan, Chadian, and Sudanese children were subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. Saudi authorities reported fewer Yemeni children may have been forced to work in Saudi Arabia during the reporting period. 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. In a positive development, the government undertook some efforts to improve its response to the vast human trafficking problem in Saudi Arabia, including training government

officials on its 2009 anti-trafficking law and conducting surprise visits to places where victims may be found. The government also achieved its first conviction under its human trafficking law. Nonetheless, the government did not prosecute and punish a significant number of trafficking offenders or significantly improve victim protection services during the year. 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 obstruct significant progress in dealing with human trafficking. While Saudi Arabia continued to discuss alternatives to its sponsorship law, the government did not implement any new system. 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.



Recommendations for Saudi Arabia: 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; enforce laws prohibiting employers from withholding migrants' passports and arbitrarily denying permission for exit visas as a means of preventing trafficking abuses; reform the structure of the sponsorship system to discourage employers from withholding workers' passports and restricting workers' movements; 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 in practice are able to pursue criminal cases against their employers; improve victim protection at the Riyadh shelter by transforming it into an open shelter where victims are not locked in; 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 "Suppression of the Trafficking in Persons Act," promulgated by Royal Decree number M/40 of 2009 defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years and fines of up to \$266,667. 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 common practice of withholding workers' passports. 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's Permanent Committee on Trafficking funded and organized regional trainings for 48 judges, lawyers, recruitment officers, social workers, and police officers on the 2009 anti-trafficking law and the definition of trafficking. During the reporting period, the government reported receiving 23 accusations of trafficking, resulting in 13 ongoing investigations and 10 prosecutions. One of these cases resulted in a successful conviction. On January 9, 2011, the Medina Summary Court sentenced a 54-year old Saudi woman accused of abusing and severely injuring her Indonesian maid to three years in prison, but denied the victim any monetary compensation associated with the criminal case. The victim is, however, entitled to monetary compensation in the ongoing civil trial. According to the Permanent Committee on Trafficking, government authorities also arrested individuals in at least nine other trafficking cases. The government neither reported any arrests, prosecutions, convictions, or sentences for forced prostitution, nor did it report efforts to enforce the Council of Ministers decision prohibiting the confiscation of foreign workers' passports; this practice continued to be widespread. The government also did not report any investigations, arrests, prosecutions, or sentences of government officials for trafficking-related complicity.

Protection

Saudi Arabia made limited progress in protecting victims, but its overall efforts remained inadequate during the reporting period. Despite unannounced visits by the Permanent Committee on Trafficking to deportation centers, prisons, shelters, juvenile detention centers, equestrian clubs, and camel races to identify victims, procedures were not implemented to systematically identify victims of trafficking among vulnerable populations and the Committee did not report any victims identified during their visits. 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, deported, or in some cases, corporally punished for running away from their employers. Council of Ministers decision 244 authorizes the Permanent Committee on Trafficking to exempt trafficking victims from these punishments, but 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.

The 2009 anti-trafficking law affords victims 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. However, many victims sought refuge at their embassies instead; source countries report handling thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year. One victim received medical and legal assistance from the Government of Saudi Arabia for injuries inflicted by her trafficker, including services for reconstructive surgery. It remains unclear, however, whether these rights are afforded in regular practice. No shelter or services are available to victims of sex trafficking. The government operated a short-term shelter for female runaway domestic workers in Riyadh, some of whom were likely subjected to physical or sexual abuse by their employers. In previous years, victims of physical and psychological abuse at these shelters reported that they were unlikely to receive assistance and some reported long waiting periods before the conclusion of their cases. The 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. Updated information on the conditions at these shelters was not available at the end of the reporting period. The government did not operate any long-term shelters or facilities to assist male victims of trafficking.

Saudi Arabia offered temporary relief from deportation to two victims who identified themselves to authorities. However, 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 permission for them to get exit visas; this 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. Some police officers assisted victims by referring them to the government shelter. Other police officials, however, returned foreigners 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 are punished, which discourages workers from reporting abuse. The government provided some legal assistance to victims of trafficking, including the victim whose employer was sentenced under the 2009 anti-trafficking law. Nonetheless, few migrants successfully pursue criminal cases against abusive employers due to lengthy delays in the immigration and justice system.

Prevention

The government has made nominal progress in preventing human trafficking during the reporting period, but systemic problems resulting from sponsorship system regulations persisted. The Ministry of Islamic Affairs

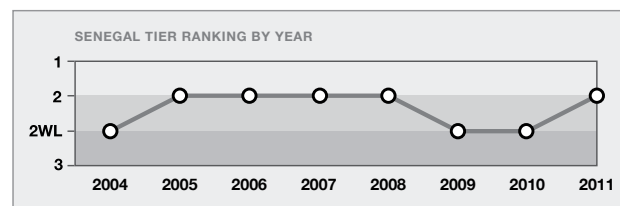
continued to encourage imams to regularly include anti-trafficking messages in their Friday sermons. To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook for migrant workers in Arabic, English, and some source country languages. The government failed, however, to significantly reform the sponsorship structure to discourage employers from withholding workers' passports and restricting workers' movements. The structure of the sponsorship system, which holds employers responsible for the foreign workers they employ, enables employers to withhold foreign workers' passports and restrict workers' movements. Saudi Arabian law enforcement authorities had previously taken an administrative or civil approach in addressing cases of exploitation of workers, such as assessing fines, blacklisting or shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. Despite efforts by the Permanent Committee on Trafficking to train law enforcement officials on the criminal punishments that can be levied in worker abuse cases, these punishments are not yet widely applied. In addition, domestic workers remain excluded from general labor law protections. In the reporting period, Saudi Arabia did not take actions to reduce the demand for prostitution or child sex tourism by Saudi nationals or acknowledge that trafficking for commercial sexual exploitation was a problem affecting the Kingdom.

SENEGAL (Tier 2)

Senegal is a source, transit, and destination country for children and women subjected to forced labor, forced begging, and sex trafficking. NGOs estimate that at least 50,000 children in the country, 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 of these children begging in the streets. In addition to forced begging, Senegalese boys and girls are subjected to domestic servitude, forced labor in gold mines, and commercial sexual exploitation. Trafficking within the country is more prevalent than transnational trafficking, though children from neighboring countries have been found in forced begging and other forms of forced labor in Senegal. Unscrupulous *marabouts* in Senegal force boys from The Gambia, Mali, Guinea-Bissau, and Guinea to beg and boys from Guinea also are forced to work in gold mines. Senegalese women and girls are transported to neighboring countries, Europe, and the Middle East for domestic servitude. NGO observers believe most women and girls in forced 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 international sex tourism.

The Government of Senegal does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so. The government renewed its efforts to prosecute and convict abusive *marabouts* for forcing *talibe* boys to beg;

sustained its commitment to provide shelter, rehabilitation, and reintegration services to *talibe* boys; and increased efforts to raise awareness about the dangers of the culturally entrenched practice of child begging connected with religious education. The government did not take steps, however, to raise awareness of the dangers of other forms of trafficking, nor did it proactively identify and provide assistance to victims in other trafficking situations, such as boys forced to work in mines or women and girls forced into commercial sexual exploitation.



Recommendations for Senegal: Increase efforts to prosecute, convict, and appropriately punish trafficking offenders for subjecting victims to involuntary servitude; train police and magistrates to recognize indicators of trafficking and investigate trafficking crimes under Senegal's anti-trafficking law; consider amending the law to address the crime of migrant smuggling in a separate statute, to minimize confusion between human smuggling and trafficking; continue to ensure that *talibes* taken into police custody for forced begging are not held in detention, but are referred to the Ginndi Center or other shelters to receive protective care, and that these victims are not punished for crimes they have committed as a result of being trafficked; while continuing to proactively identify and care for *talibes* victimized by forced begging, increase identification efforts of and provision of protective services to other types of trafficking victims in and outside Dakar, including women in forced prostitution, girls subject to prostitution, and boys forced to work in mines; coordinate data collection across police departments on trafficking investigations and prosecutions; and allocate funding to the national task force for the implementation of the National Action Plan to Combat Trafficking.

Prosecution

The Government of Senegal made progress in its anti-trafficking law enforcement efforts during the reporting period. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims outlaws all forms of trafficking and prescribes penalties of five to 10 years' imprisonment, which are both sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the year, the government renewed its efforts to use this law to prosecute and convict abusive *marabouts* who force *talibes* to beg, but did not use this law to convict other types of trafficking offenders. 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 hindered efforts to collect data on human trafficking prosecutions. In August 2010, the Ministry of Justice took a step to correct this by sending a memo to Senegalese

prosecutors emphasizing the need to investigate and prosecute trafficking crimes under the 2005 law and tasking prosecutors with submitting a monthly report on all law enforcement and judicial efforts regarding human trafficking.

Statistics provided through prosecutors' monthly reporting revealed that the government prosecuted 10 cases of trafficking and obtained nine convictions during the year. In September, nine *marabouts* were convicted for forcing children to beg for money, and received sentences ranging from six months' imprisonment – the imposition of which was suspended – along with five years' probation and a fine to one month's imprisonment, five years' probation, and a fine. Only two of the nine trafficking offenders spent any time in prison – for the period of one month – which is inadequate and represents a decrease in penalty from the sentences of two years' imprisonment that were prescribed to *marabouts* accused of trafficking in previous years. In November 2010, a court in Tambacounda prosecuted, under Senegal's anti-trafficking law, a Nigerian man for bringing Nigerian women to Senegal and forcing them into prostitution. The court convicted the man for pimping and prescribed a sentence of six months' imprisonment, but acquitted him on the more serious charge of trafficking in persons. The government is appealing the acquittal. A case from 2008, in which a Lebanese man was arrested for attempting to transport Senegalese women to Lebanon and subsequently to force them into labor or service, was still pending at the Court of Appeal at the end of the reporting year. The alleged trafficker, having served the maximum pre-trial detention, is now free under court supervision while the case is pending. No information was available regarding the arrests of three alleged traffickers pending from previous reporting years. The government did not provide any specialized training on human trafficking investigations to law enforcement and judicial officials, though the Ministry of Family, through its Department of Child Protection, provided training to approximately 120 officials from across the government on the 2005 anti-trafficking law. 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 increased its efforts to identify trafficking victims and provide them with protective services over the last year. In August 2010 in Dakar, authorities took custody of a significant number of individuals accused of begging for money, a crime punishable by law in Senegal; they referred 112 children from among this population, suspected to be trafficking victims, to the government-run Ginndi Center for care. During the year, the Ginndi Center's child protection hotline received 7,115 calls concerning children in distress or requesting information; an unknown number of these calls concerned cases of human trafficking. In February 2011, the center shortened the hotline number to a three-digit code to facilitate greater ease of use. The government dedicated approximately \$118,000 to the Ginndi Center to provide child victims of trafficking and other abuses with shelter, food, education, medical and psychological

care, family mediation and reconciliation services, and vocational training. Police cooperated with travel agencies to identify suspected trafficking victims; during the year, police investigated one case referred to them by a travel agent involving a group of young women traveling to Morocco, but this did not result in a prosecution. All 795 of the suspected child trafficking victims identified by law enforcement officials — 787 boys and 8 girls — were referred to the Ginndi Center; the government did not identify any victims outside of Dakar, nor did it identify any victims of commercial sexual exploitation. Of the 795 child victims identified last year, 387 were from other countries in the region. The government repatriated all of these victims, with the exception of some Bissau-Guinean children who were determined to be at risk of being re-trafficked by their families; they were allowed to remain at the Ginndi Center. The government did not repatriate any Senegalese nationals who had been victims of trafficking in other countries. Members of the interior ministry's vice squads, accompanied by a child psychologist, social workers, and medical professionals, conducted trainings for police officers around the country on handling child sex trafficking victims, although none were identified during the year. In November 2010, the Senegalese first lady opened an NGO-run shelter in Dakar, capable of housing 25 street children, who may include victims of trafficking. The facility was built on land donated by the district mayor and funded in part with money from the Senegalese government. Victims were permitted to remain temporarily or permanently in Senegal with resident refugee status; during the year, the government granted citizenship to one rescued *talibe* who could not provide information about his family or country of origin. The 2005 anti-trafficking law specified that victims cannot be prosecuted for unlawful acts committed as a result of their being trafficked, and there were no reports that this occurred. The law also permitted closed-door testimony to encourage victims to serve as witnesses, and several children participated in the trials of the trafficking offenders who had exploited them.

Prevention

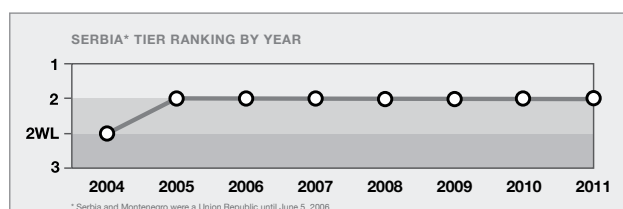
The Government of Senegal increased its efforts to prevent trafficking in persons during the reporting period. In August 2010, the prime minister chaired an inter-ministerial meeting to implement the country's National Action Plan to Combat Trafficking in Persons and create a national task force to coordinate and report on trafficking in Senegal. The task force formally came into existence in February 2011 with the appointment of a magistrate as its head; it was not noted to have taken additional action. In August 2010, the government funded an NGO to implement a three-month awareness campaign using billboards in Dakar and radio broadcasts to project an awareness message on the plight of *talibes*. The Ministry of Family funded a twice-weekly television program called "Women at Home," which sometimes featured community leaders addressing issues related to the dangers of child trafficking. In July 2010, the government created a Ministry of Human Rights, a junior ministry within the Ministry of Justice, tasked with preventing and monitoring all forms of human rights violations, including trafficking and violence against women and children.

Recognizing the high demand for religious education among Senegalese parents, and the potential this creates for exploitation of *talibes* by abusive *marabouts*, the government continued steps to create new options in publicly funded, regulated religious education. In 2010, the government completed construction of four new public Islamic schools and continued construction of four additional public Islamic schools, which did not allow children enrolled to beg for money. The government did not take steps to reduce the demand for commercial sex acts or forced labor in Senegal, and no foreign pedophiles were arrested in 2010 for commercial sexual exploitation of children. The government 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. Foreign victims found in Serbia originate primarily from neighboring countries and elsewhere in Eastern Europe. Children, 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. Based on recent anecdotal evidence, Serbian citizens remain vulnerable to forced labor in third countries, and foreign victims also may be subjected to forced labor in Serbia. Authorities reported an increase in the number of Serbian victims identified in the southwestern region of the country and an increase in the number of male children identified for forced begging. Serbian nationals continued to comprise the majority of identified victims in 2010.

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 took significant steps to improve and institutionalize its response to trafficking during the reporting period. In February 2011, the government secured yearly funding for the care of foreign and domestic trafficking victims – a long-standing deficiency. Although the Serbian government was a leader in the region in the number of victims it identified in 2010, this overall number declined from 2009. Insufficient funding for victim services hampered the government's ability to provide comprehensive assistance to victims. A lack of specialized shelter and services for trafficked children left some victims vulnerable to continued exploitation and re-trafficking.



Recommendations for Serbia: Improve implementation of victim identification procedures to ensure that potential trafficking victims are proactively identified by front-line responders throughout Serbia; vigorously prosecute, convict, and punish sex and labor trafficking offenders including complicit officials who facilitate trafficking; ensure institutionalized funding for comprehensive assistance and rehabilitation, and increase capacity to assist domestic and foreign trafficking victims; increase personnel and resources allocated to the government's victim protection agency to improve outreach and victim identification efforts for potential victims; increase training for social workers, police, and other front-line responders to continue to improve identification and referral of trafficking victims; and improve the delivery of specialized services and shelter for children and adult male victims of trafficking.

Prosecution

The Government of Serbia sustained vigorous anti-trafficking law enforcement efforts in 2010. The criminal code for Serbia prohibits both sex trafficking and non-sexual exploitation through article 388; this criminal code does not specifically distinguish between commercial sexual exploitation and forced labor. Prescribed penalties 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 2010, the government reported prosecuting 47 criminal charges against 99 suspected trafficking offenders. Courts convicted 36 offenders in 2010, convicting 27 under Article 388 and nine under Article 390; this compares to a total of 40 trafficking offenders convicted in 2009. Four traffickers received sentences of 10 to 20 years' imprisonment; seven received a sentence of five to 10 years; 10 received a sentence of three to five years; seven received a sentence of one to three years; and eight received six months to one year. The government improved its sentencing for convicted traffickers in 2010 after changes to the criminal code; in 2009, the majority of sentences imposed on trafficking offenders ranged from two to four years' imprisonment. The government did not confirm how many of the convicted traffickers were in jail pending appeal, as this is determined by individual courts based on a variety of factors. According to NGOs that track the cases, however, suspected traffickers in the vast majority of ongoing first instance trials and appeals were jailed during the proceedings. By law individuals convicted for trafficking are only detained during the appeals process if their sentence was greater than five years' imprisonment. A few trafficking suspects and offenders accused or convicted of violent crimes may be freed during the pre-trial and post-conviction appeal process. NGOs reported increased sensitization of police to trafficking victims and improvements in the prosecution of other forms of trafficking in Serbia, including forced labor, forced begging, and forced marriage. The government did not prosecute trafficking-related complicity during the reporting period; officials convicted in previous years received suspended sentences for trafficking-related

complicity. The government's refusal to cooperate directly with the Republic of Kosovo government continued to hamper Serbia's efforts to investigate and prosecute some transnational trafficking.

Protection

The Government of Serbia made significant progress by improving its capacity to protect trafficking victims during the reporting period. In March 2011, the government remedied a long-standing deficiency by securing yearly flexible funding for victim assistance in the amount of \$50,000. Serbia is a leader in the Balkan region in victim identification – a critical prerequisite for victim protection. The government's Agency for the Coordination and Protection of Victims of Trafficking in Belgrade identified 89 trafficking victims in 2010; police referred 74 of these victims. This represents a decline from 127 total victims identified and assisted in 2009. The government previously issued an order for police to aid in the proactive identification of trafficking victims, though success in identification of actual victims remained uneven. Adequate and uniform data collection and information-sharing among domestic agencies and NGOs dealing with trafficking victims remains a challenge. The government's protection agency, mandated to provide for victims' identification, protection, and referral for assistance to state institutions or NGOs, remained understaffed and underfunded in 2010. The government continued to rely on a staff of two for the official identification of all victims in Serbia. In a notable development, the government provided \$25,000 to an NGO providing open shelter and rehabilitative and reintegration assistance for Serbian adult female victims. This shelter accommodated 22 victims (20 adults and two of their children) and assisted two male victims on an outreach basis during the reporting period. The government provided some funding from the remaining proceeds of a special anti-trafficking stamp for victim services, but most local and international NGOs continue to rely on outside donors to provide support and assistance to victims. In October 2010, a domestic violence shelter accommodating foreign victims ceased accepting them. In March 2011, the Belgrade municipal government remedied these deficiencies by transferring \$50,000 to the protection agency in an annual grant to provide customized direct assistance and re-integration services, including accommodation for foreign trafficking victims. Further, in March 2011 the government passed comprehensive social welfare legislation, which for the first time defines trafficking victims as a separate category of beneficiaries, to help ensure consistent service delivery for victims.

The government does not have the capacity to adequately shelter and protect trafficked children who continued to be placed in orphanages or were detained in youth rehabilitation centers in Belgrade or Novi Sad. Some of these children were placed with foster families. Children placed in orphanages or youth detention centers were highly vulnerable to re-trafficking and re-victimization. Social welfare centers continue to lack the capacity to provide the necessary specialized assistance these children require; one NGO reported a social welfare center in Novi Sad returning 15-year-olds to the streets, potentially back into prostitution.

NGOs continued to report that authorities fail to recognize some victims of trafficking, which could result in victims being detained, jailed, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. In July 2010, after a formal inquiry, a Serbian court dismissed perjury and defamation charges against a trafficking victim accused of giving false testimony before the court in 2008. The trafficking victim and her daughter were allegedly threatened in court by the victim's trafficker. The trafficking suspect in the case was taken into custody by police in April 2011 pending further investigation.

Prevention

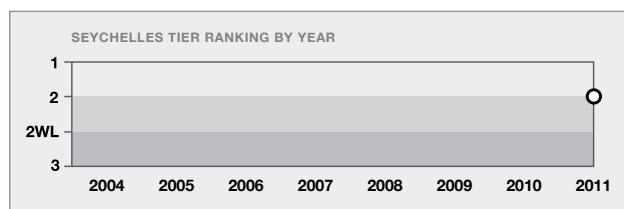
The government took significant new steps to raise awareness and continued to forge partnerships with civil society to prevent trafficking in Serbia during the reporting period. In 2011, the government co-financed a Serbian film production dramatizing the actual experiences of Serbian trafficking victims aimed at awareness-raising among Serbian youth vulnerable to exploitation. The film premiered in Belgrade in April 2011, with multiple government and non-governmental stakeholders, including the Prime Minister, in attendance. In October 2010, the Office of the National Coordinator, police, and other officials participated in a number of roundtables, public debates and radio and television shows, as well as educational programs for children and young people in Serbia. Also in October, the Government Council for Combating Trafficking in Persons and international and regional experts held a discussion in the Serbian National Assembly to raise awareness among legislators and decision makers on Serbia's international obligations on trafficking. The Minister of Interior, who leads the ministerial-level, policymaking council, continued to demonstrate strong leadership and personal commitment by citing areas of needed improvement in the government's anti-trafficking efforts during public appearances. The National Coordinator and other key stakeholders continued to energetically pursue practical approaches to address challenges for Serbia's anti-trafficking efforts; however, this National Coordinator is not funded as a full-time position. The Coordinator continued to maintain an anti-trafficking website and social media site, and publicized Serbia's anti-trafficking hotline.

SEYCHELLES (Tier 2)

Seychelles is a source and possibly destination country for Seychellois children and foreign women and girls subjected to sex trafficking. In January 2011, a local NGO released a qualitative report on the perception of prostitution in Seychelles. Though the findings were anecdotal, respondents agreed that child prostitution exists – particularly on Mahe, the main island – and appears to be increasing. While the magnitude of the problem is unknown, local observers indicate that girls and, to a lesser extent, boys between 13 and 18 years of age are induced into prostitution, including by peers, family members, or pimps. Young drug addicts are at particular risk of being forced into prostitution. Seychellois children are exploited in prostitution in nightclubs, bars, guest houses, hotels, brothels, and on the street. Foreign tourists

reportedly contribute to the demand for commercial sex acts in Seychelles. Foreign part-time residents in Seychelles reportedly have created a demand for the import of young women from Eastern Europe and Australia to serve as “party hostesses” in resort hotels and provide sexual services; it is possible that some of these women experience conditions indicative of forced prostitution. In March 2010, a Seychellois man was arrested in Madagascar for allegedly engaging in child sex tourism.

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. During the reporting period, the government acknowledged that child prostitution was a problem in the country and took initial steps to better understand and raise awareness of the phenomenon. It also established district task forces comprised of government and civil society stakeholders to prevent and respond to, in part, child prostitution; drafted amendments to strengthen existing penal code provisions on child prostitution; and produced proposals for the creation of organizations and processes to combat child prostitution. The government, however, made no efforts during the year to take legal action against the exploiters of children in prostitution or to provide victims with protective services.



Recommendations for Seychelles: Expand existing campaigns to educate government officials and the general public about the nature and dangers of human trafficking; finalize amendments strengthening the penal code’s provisions regarding child prostitution; increase prescribed penalties for forced labor offenses in Section 251 of the Penal Code Act; over the longer-term, consider the feasibility of drafting comprehensive anti-trafficking legislation that clearly defines human trafficking offenses and prescribes sufficiently stringent punishments; utilize existing legislation to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; strengthen penal code penalties prescribed for forced labor and forced prostitution offenses; employ the existing district task force structure to increase the identification and referral of victims of child prostitution to protective services, particularly to safe shelters and counseling; and designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs.

Prosecution

The government made no known efforts to address trafficking crimes through law enforcement action during the reporting period. Seychelles law does not specifically prohibit human trafficking, though 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. In 2010, the Attorney General’s Office conducted a review of the penal code’s sections relating to child prostitution and drafted amendments to strengthen these provisions. To date, police have not investigated suspected situations of child prostitution, forced prostitution, or forced labor – either proactively or on the basis of complaints. This is attributed to the likelihood that awareness of human trafficking is extremely low. Laws against exploiting women and girls in prostitution do not appear to be enforced unless accompanied by other criminal acts. The government did not provide any specialized training for its officials in how to recognize, investigate, or prosecute instances of trafficking. In October 2010, two police officers and two attorneys from the Public Prosecution Office attended a foreign government-funded anti-trafficking training in Botswana.

Protection

The government made few efforts to identify trafficking victims or provide them with protective services during the reporting period. Although there are no organizations working to specifically combat trafficking in Seychelles, in 2010 the government provided an unknown amount of funding to NGOs that would care for victims of prostitution or labor exploitation; there is no indication that any NGOs cared for children in prostitution during the reporting period. The government has neither developed a system for proactively identifying human trafficking victims among vulnerable populations, nor created a referral process to systematically transfer such victims to service providers for care. Social workers and police – both members of the district task forces – are responsible for conducting home visits to the families of vulnerable children. The government did not encourage victims’ assistance in the investigation and prosecution of trafficking crimes. There were no reports that victims were inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The government made initial efforts to prevent the exploitation of individuals in prostitution during the year, particularly through the implementation of its national action plan against social ills. There exists no main coordinating body for collaboration and communication between government agencies or any other organizations on trafficking matters. The Immigration Division of the

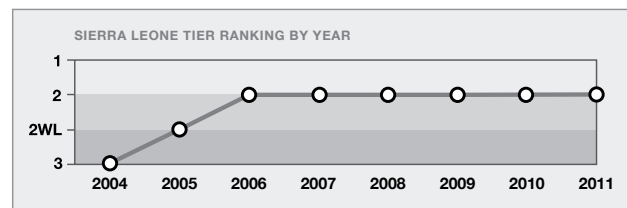
Ministry for Home Affairs, Environment, and Transport serves as the government's lead on addressing human trafficking, and the Department of Social Development (DSD), part of the Ministry of Social Development and Culture, is responsible for implementing policies to address child prostitution. In 2009, a multi-sectoral task force, chaired by the DSD, drafted a "Plan of Action to Tackle Social Ills in Seychelles (2009 – 2010)" to address the country's increasingly visible sex and drug trades, that called for, among other things, conducting research, reviewing existing legal statutes for sufficiency, creating a police Minor's Brigade to respond to crimes against children, launching public awareness campaigns, and establishing rehabilitative services for victims. This plan was endorsed by the cabinet in late 2009 and, in December 2009, the National Assembly earmarked funds for its implementation. In 2010, the DSD established 25 district task forces on social ill – comprised of social workers, police, community nurses, youth workers, school counselors, NGOs, religious organizations, and other civil society groups – throughout the country to respond to specific situations of concern in each locality; it is unknown whether any of these task forces intervened in known cases of child prostitution during the reporting period. In May 2010, the DSD commissioned a study to assess the root causes, extent, and nature of prostitution in the country – as called for by the plan – and dedicated \$8,656 to the completion of this research, which was made public in January 2011. During the reporting period, the DSD also spent \$1,739 to conduct two sensitization campaigns on three islands targeting high school youth at risk of exploitation in prostitution and drug abuse. The government drafted a proposal for the creation of a "Minor's Brigade," but a lead agency has yet to be selected to implement the proposal. In February 2010, during the State of the Nation address, the president appealed to all stakeholders to intensify efforts to protect children and called for harsher sentences for crimes against children. The government neither made efforts to discourage its citizens from participating in international child sex tourism, nor took law enforcement action against foreign nationals suspected of perpetrating such crimes in Seychelles.

SIERRA LEONE (Tier 2)

Sierra Leone is a source, transit, and destination country for children and women subjected to forced labor and sex trafficking. Victims originate largely from rural provinces and refugee communities 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 petty trading, portering, rock-breaking, street crime, and begging. Trafficking victims may also be found in the fishing and agricultural sectors or are subjected to forced prostitution 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, 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 Liberia and Guinea, for forced begging, forced labor, and 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. During the year, the government convicted six persons for trafficking-related crimes and imposed adequate sentences in each case, though it did not provide sufficient details to determine whether these cases constituted trafficking. Awareness of existing anti-trafficking legislation remained weak, and trafficking cases may have been prosecuted under other legal statutes or settled out of court. While the government acknowledged that trafficking is a problem in the country, it did not 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 submitted a budget request in late 2010, but it had not been approved by the end of the reporting period.



Recommendations for Sierra Leone: Increase penalties prescribed under law for sex trafficking offenses; strengthen efforts to prosecute, convict, and punish trafficking offenders using the Anti-Trafficking in Persons Act of 2005; 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; include funding for anti-trafficking activities in the national budget and begin allocating funds accordingly through the appropriate government structure, such as the National Trafficking in Persons Task Force; ratify the 2000 UN TIP Protocol; train law enforcement officers and social workers to proactively identify trafficking victims among vulnerable populations, such as women in prostitution, unaccompanied minors, or undocumented migrants, and provide them protective services; identify and donate a suitable government structure to an NGO to operate a shelter for trafficking victims; improve efforts to collect data on anti-trafficking law enforcement efforts and victim assistance; and in collaboration with civil society organizations, increase efforts to raise public awareness about the dangers of trafficking.

Prosecution

The Government of Sierra Leone demonstrated limited anti-trafficking law enforcement progress over the last year, primarily by convicting six individuals for crimes related to human trafficking, compared with two such convictions during the previous year, and by drafting new legislation to replace its current anti-trafficking act. Sierra Leone's 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 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 year, the National Trafficking in Persons Task Force drafted new anti-trafficking legislation, and submitted it to the Cabinet for review in November 2010. Members of the Task Force reported the bill's primary purpose is to establish a national anti-trafficking agency and guarantee dedicated government funding for its activities; the draft bill reportedly also increases prescribed penalties for trafficking offenses, requires the provision of protective services for victims, and may expand the definition of trafficking to include non-trafficking crimes. The government reportedly investigated 35 cases related to trafficking, but did not provide adequate details to determine which, if any, involved actual human trafficking offenses. Of these cases, 12 were dismissed due to lack of evidence or out-of-court settlement, six resulted in convictions, and 17 remained pending at the end of the reporting period. The government did not provide information about the status of three cases left pending at the close of the previous reporting year. Sentences prescribed for convicted offenders were sufficiently stringent and ranged from six to 22 years' imprisonment. The government did not provide specialized training on investigating or prosecuting human trafficking offenses, but the Sierra Leone police used manuals produced by an NGO to train all of its approximately 500 new recruits to identify trafficking victims. There were no reports of government officials investigated, prosecuted, or convicted for involvement in trafficking or trafficking-related criminal activities during the reporting period.

Protection

During the year, the Sierra Leonean government sustained limited efforts to protect child trafficking victims, the most significant population of victims in the country, though it did not protect adult victims. It did not undertake proactive measures to identify victims among vulnerable populations, such as women in prostitution, unaccompanied minors, or undocumented migrants. The government relies on its close partnerships with NGOs and international organizations to provide services for trafficking victims. The government reported knowledge of 35 victims identified by NGOs during the reporting period, including 24 children and 11 adults. Identified victims were referred to the Ministry of Social Welfare, Gender, and Children's Affairs (MSWGCA), and this ministry and NGOs 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. During the year, the government offered to donate a building to an international organization for use as a shelter, but the organization determined the building was inadequate and opted to seek its own funding to build a shelter. In 2010, the government repatriated seven children and 11 adults from Mauritania, all of whom had been fraudulently recruited to study in Koranic schools, but were instead subjected to conditions of forced labor. It also assisted in the repatriation of eight Sierra Leonean child trafficking victims from Guinea and identified four victims of cross-border trafficking inside Sierra Leone.

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. 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.

Prevention

The government displayed limited progress to prevent 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 to Sierra Leone, met bi-monthly during the year and reportedly began creating an anti-trafficking law enforcement database within the MSWGCA and updating the National Action Plan for 2011. 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 subjected to sex trafficking and forced labor. There are over 1.1 million foreign workers in Singapore, who make up over one-third of Singapore's total labor force. Migrating from Thailand, Burma, Philippines, Indonesia, Malaysia, Vietnam, China, India, Sri Lanka, Bangladesh, and elsewhere in Asia, the majority of foreign workers are unskilled and semi-skilled laborers employed in construction, domestic households, and the hospitality and service industries. During the year, there was greater reporting on victims of forced labor identified by NGOs and foreign missions 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. Many foreign workers face deception and fraud by recruiters about the ultimate nature of their employment or salary. 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 potential indicators of trafficking.

There were reports of employers hiring Singaporean repatriation companies to seize, confine, and escort, including through the use of assaults, threats, and coercion, to the airport foreign workers, sometimes in order to prevent workers from complaining of abuses, including conditions of forced labor, or seeking redress through the Ministry of Manpower. There have been some reports of employers who tried to get their workers deported by

canceling their work permits and later alerting the police of their expired immigration status.

Many migrant workers, including those in domestic service, in Singapore face debts to recruitment agencies in both Singapore and their home countries associated with their employment, which makes them vulnerable to forced labor. 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. Exorbitant fees are sometimes the result of multiple layers of sub-contracting to smaller agencies and individual recruiters, commissions paid to Singaporean agencies, and sometimes, kickbacks to Singaporean employers. To hide illegal fees, agencies and employers sometimes mask them as payments from the worker for personal loans or as other payments. The practice of arbitrary fines, fees, and other deductions from salary made it difficult for workers to understand how their wages were calculated, particularly as many workers did not possess a copy of their contract, and could be used by traffickers to keep workers in a situation of debt bondage. Many 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 and transferring employers, and Singaporean employers have unilateral rights to cancel their employees' work permits and can submit complaints about worker behavior to have future employment bans placed on them.

Some women from Thailand, the Philippines, China, Vietnam, India, Sri Lanka, and Nepal are recruited in their home countries with offers of legitimate employment but upon arrival in Singapore, are deceived or forced into prostitution. Some women from these countries 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. Sex trafficking victims often enter Singapore on tourist visas arranged by their recruiters, though there were reports that victims enter Singapore on six-month entertainment visas. Some foreign women in "forest brothels" located on public lands near migrant worker dormitories are reportedly victims of trafficking. It is believed substantial recruitment networks, including organized crime syndicates, are involved in international sex trafficking of women and girls to Singapore. Singaporean men have reportedly been a source of demand for child sex tourism in Southeast Asia. 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. During the year, the government reversed its longstanding approach of denying a significant labor trafficking problem in the country and acknowledged its need to take more robust efforts to tackle problems of both forced labor and forced prostitution among Singapore's foreign migrant population. Authorities formed an interagency committee to combat trafficking, and announced that Singapore would adopt the 2000 UN TIP Protocol's definition of trafficking

as the government's working definition, though the government has not yet ratified the 2000 UN TIP Protocol.

The government made initial efforts to adopt proactive trafficking victim identification procedures among foreign women arrested for prostitution, though it has yet to make similar efforts among foreign laborers. The government reported six sex trafficking convictions; these offenders were convicted of living off the earnings of prostitution and other related offenses, as Singapore does not have a specific anti-trafficking law. Some imposed sentences were below one year's imprisonment and as such, were inadequate punishments for this serious crime. Despite ongoing reports of forced labor in Singapore, the government did not prosecute or convict any offenders of labor trafficking during the reporting period. Despite its financial resources and capacity, the government should have been more successful in proactively identifying and assisting victims of both sex and labor trafficking.



Recommendations for Singapore: Investigate and prosecute an increased number of both sex and labor trafficking cases; 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; make efforts to prosecute and punish repatriation companies which forcefully and illegally restrain and repatriate migrant workers who would otherwise complain about forced labor conditions; improve procedures to screen foreign women arrested for prostitution-related offenses and identify potential trafficking victims; develop robust procedures to identify potential traffickers and trafficking victims by immigration officers at ports of entry and other law enforcement personnel; cease the practice of restricting the movement of trafficking victims; make greater efforts to assist victims assisting in the investigation process in obtaining employment; dedicate exclusive resources to address the country's human trafficking problem through greater assistance to foreign trafficking victims; extend the government's legal aid scheme to cover foreign trafficking victims to ensure that all employees have equal access to judicial redress; reduce the demand for commercial sex acts in Singapore by vigorously enforcing existing laws against importing women for purposes of prostitution, trafficking in women and girls, importing women or girls by false pretenses, living on or trading in prostitution, and keeping brothels; increase the cooperative exchange of information about potential trafficking issues and allegations of trafficking offenses with NGOs and foreign diplomatic missions in Singapore in order to improve anti-trafficking responses in Singapore; make greater efforts to educate and inform migrant workers of the legal recourse available to victims of trafficking, and how to seek remedies against traffickers; work with sending country governments to

improve transparency on the fees payable by foreign workers for job placement in Singapore to render them less vulnerable to debt bondage; devote resources to researching the phenomenon of both sex and labor trafficking within and across national borders; conduct public awareness campaigns to inform citizens and residents of the penalties for involvement in trafficking for sexual exploitation or forced labor; and ratify 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 convicted six sex trafficking offenders for prostitution-related offenses. Convicted offenders were given low penalties ranging from fines to up to 15 months' imprisonment. Authorities did not prosecute or convict any offenders of labor trafficking during the reporting period. The government noted that eight cases of trafficking reported to them were found to be false or unverified, 36 are pending further information, and one case was undergoing investigation.

According to observers, Singaporean law enforcement authorities continued to display a reactive posture toward human trafficking crimes, typically waiting for victims to come forward and file complaints before investigating trafficking offenses. 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. MOM interviewed several fishermen who claimed abuses suggesting human trafficking but reported that they could not further investigate due to lack of jurisdiction over the suspected offenses. The basis for this lack of jurisdiction was unclear, as Singaporean courts have jurisdiction over criminal acts of recruitment that are a part of trafficking crimes, such as the recruitment of workers subjected to forced labor. While there were increased reports during the year of forced labor on fishing vessels that originated in Singapore, the government did not report any prosecutions or convictions in such cases. Nongovernmental sources continued to express concern about the lack of willingness and ability of Singaporean police and immigration officers to identify potential sex trafficking victims, mount thorough investigations, and prosecute cases. The lack of a mandatory day off provided under Singaporean law to domestic workers restricts their opportunities to seek help when faced with abuses, including forced labor conditions; this created a challenge for Singaporean police in identifying forced labor victims among

domestic workers, and for the government and NGOs in their outreach efforts. 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 Ministry of Manpower responded to complaints regarding passport confiscation and illegal detention of individuals by repatriation companies, the government did not report referrals to the police for investigation of possible trafficking in these cases. There were no criminal prosecutions or convictions of employers or employment agencies who withheld passports of foreign workers as a means of holding employees in compelled service.

While the Employment Agencies Act prohibited employment agencies from charging job seekers more than 10 percent of their first month's salary, many agencies continue to charge migrant workers thousands of dollars in recruitment fees, making them vulnerable to forced labor. During the year, although the Ministry of Manpower, acting in response to two NGO referrals, secured the release of foreign workers detained at repatriation companies, the government did not pursue any criminal investigations or prosecutions for potential trafficking in such cases. The government facilitated anti-trafficking training opportunities for its police force, and began to distribute a trafficking indicator card to assist front-line law enforcement officers with identifying trafficking cases. The Singapore Police Force began compiling a new handbook for law enforcement officers, drawing on best practices shared by international partners.

Protection

The government showed minimal progress in identifying and protecting trafficking victims, despite ample financial resources. The government reported that it provided funding to three general purpose shelters and dormitories that could be used to house trafficking victims; however, it did not operate any trafficking-specific shelters. The government did not fund NGOs that provide shelter and other services addressing the specific needs of foreign victims of trafficking. Non-governmental actors in Singapore reported identifying at least 146 male and female victims of forced prostitution and forced labor during the year. Authorities reported offering assistance to 15 victims from Vietnam, Thailand, the Philippines, and Singapore in five sex trafficking cases, only one of which was the result of a proactive investigation by officials. The government offered shelter to the victims, and one child victim remained in government custody; another child victim left the shelter and all adult victims chose to reside with acquaintances in Singapore. Some of the victims were reportedly provided with initial counseling and medical assistance. The government reported that it could not provide information on any labor trafficking victims identified during the reporting period. Non-government actors reported a significant increase in the number of fishermen, 54 in 2010, who were victims of forced labor identified during the year. In early 2011, the Government of Singapore adopted a set of human trafficking indicators, shared by a foreign government, for use by law enforcement personnel to identify victims. Authorities reported that efforts to proactively identify sex

trafficking victims among the high-risk population of 4,500 foreign females arrested in 7,083 arrests for prostitution violations identified only 81 trafficking victims, 23 of whom were children in prostitution. During the year, authorities reported identifying one Singaporean child sex trafficking victim. Non-government observers expressed doubts about the effectiveness of the government's victim identification protocols during anti-vice sweeps, believing instead that the focus is on efforts to identify immigration violators. In the arrests of 4,500 women for prostitution offenses, authorities ordered the foreign women to leave the country without adequately screening for trafficking indicators. According to NGOs and foreign embassies, women and girls in prostitution may be detained by police in a vice operation; due to inadequate victim identification, trafficking victims may still be subjected to penalties for immigration violations or for soliciting. The government provided temporary shelter services for victims of forced labor during the year. The Ministry of Manpower funded the Migrant Workers Centre, which served as a short-term shelter for workers in distress, as well as a facility for foreign domestic workers involved in employment disputes, though the government did not report whether either facility assisted any trafficking victims during the year. Embassies of labor source countries operated shelters for their nationals, primarily for female domestic workers involved in employment disputes – some of whom suffered abuse by employers – and women engaged in prostitution, some of whom the embassies determined were trafficking victims. The Singaporean government could dedicate exclusive resources to address the country's human trafficking problem, including through greater assistance to foreign trafficking victims, rather than having the response to the issue subsumed into general social welfare programs.

The Singaporean government did not provide victims of sex or labor trafficking with legal alternatives to removal to countries where they may face hardship or retribution. The government did not provide incentives, such as legal aid for the pursuit of civil suits, for foreign victims of trafficking to participate voluntarily in investigations and prosecutions of trafficking offenses. The MOM reported that some trafficking victims who assisted the government as prosecution witnesses received Singaporean work passes. Authorities made legal aid available to Singaporean citizens and permanent residents found to be trafficking victims. While authorities reported that identified victims had freedom of movement in government shelters, non-government sources continued to report that victims residing in government shelters sometimes have their movements restricted while assisting authorities with investigation and prosecution of their traffickers; in some cases, this effectively served as a disincentive to victims coming forward and cooperating with authorities. In addition to threats of deportation, there are reports that victims of trafficking often do not wish to file official complaints to Singaporean authorities, due to the lack of adequate social, legal, and other support made available from authorities. The government reported that identified victims were generally given access to medical, counseling, and translation services, and were able to obtain work authorization while assisting with the prosecution of their traffickers; however, there were no known victims who were afforded this opportunity during the reporting

period. When cases were being investigated or prosecuted, the government generally held the victims' passports and declined their requests for repatriation. Victims are legally entitled to pursue civil cases against their traffickers, and the government reported that it provides information on legal aid available from NGOs; however, the government did not provide financial resources to NGOs in order to provide legal assistance to victims, such as support to file civil suits against their traffickers. Domestic workers in Singapore, the vast majority of whom are foreigners, are excluded from the Employment Act, which specifies minimum terms and conditions of employment for rest days, hours of work, and other rights. This lack of legislation combined with the isolated workplace heightens the vulnerability of migrant domestic workers to trafficking. Many foreign workers 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 foreign workers who encounter problems in these areas. In addition, foreign fishermen on vessels that dock in Singapore have faced significant difficulties seeking redress when exploited, as Singaporean authorities believe that such trafficking crimes are committed outside the scope of the country's labor laws.

Prevention

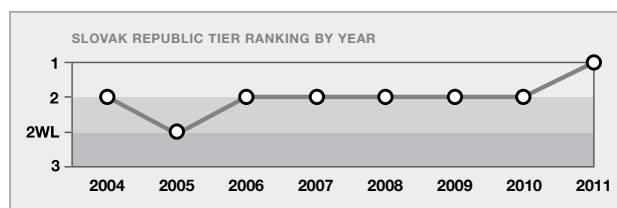
The government demonstrated limited efforts to prevent trafficking in persons during the year. Although the government took some steps to prevent conditions of forced labor, the government did not conduct any anti-trafficking public awareness campaigns or make public any information concerning the extent of the problem. In March 2011, the government established an Inter-Agency Task Force on Human Trafficking. The government did not sponsor or conduct any research or assessment of the problem of human trafficking in Singapore during the reporting period; authorities reportedly delayed the publication of independent research conducted on sex trafficking in the country during the year. Authorities continued compulsory courses on employment rights and responsibilities for all incoming foreign domestic workers and their employers. 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 2010, the MOM "sternly warned" 24 employment agencies and revoked the licenses of three agencies for withholding passports of foreign workers, but authorities did not investigate these agencies for potential involvement in forced labor. The MOM also investigated five cases of fraudulent recruitment that resulted in perpetrators sentenced to three to 10 months' imprisonment. The MOM trained NGO workers on Singaporean labor law to assist them in answering calls to 24-hour hotlines. During the year, the government instituted a new cap on fees for foreign workers coming to work in Singapore, though NGOs and the government acknowledged difficulties in enforcing this cap on source-country labor recruiters who often charge Singapore-bound migrants excessive fees that become debt. The government did not make efforts to reduce the demand

for commercial sex acts in Singapore's commercial sex industry. Government-linked Singapore media reported on trafficking conferences held at universities. The government continued to partner with an NGO to distribute hotline information to encourage reporting of child sex tourists to the Singaporean police at Singapore's major public travel fair, but it did not have a means to verify whether the campaign generated any leads. 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 2010. 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. The forced labor of Slovak men and women is exploited in the agricultural and construction sectors in Western Europe, primarily the United Kingdom. Slovak women are subjected to sex trafficking in the Netherlands, Germany, and other areas of Europe. Ukrainian and Romanian men and women were 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 individuals from socially segregated rural settlements were disproportionately vulnerable to human trafficking from the Slovak Republic, as they were under-employed, under-educated through segregated specialized schools, and subject to discrimination from law enforcement. Traffickers found victims through family and village networks, preying on individuals with large debts from usurers or individuals with disabilities.

The Government of the Slovak Republic fully complies with the minimum standards for the elimination of trafficking. This year, the government achieved significant anti-trafficking successes, including increasing the percentage of trafficking cases in which convicted offenders received time in prison. The government also established a human trafficking information center in an effort to lead the region in data collection and analysis on the issue. It also instituted anti-trafficking training in the basic course for all judges and prosecutors. Nevertheless, the government's poor relations with the Roma community resulted in significant problems in victim identification and prosecutions, including a government estimate that only one-third of all trafficking cases involving Roma are investigated.



Recommendations for the Slovak Republic: Increase efforts to identify trafficking victims among Roma communities, including through greater outreach by law enforcement personnel; 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 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 trainings address labor trafficking; adopt procedures to permit trafficking prosecutions in cases in which the victim has not filed a complaint or withdraws a complaint; ensure the provision of adequate specialized shelter for male victims of trafficking; expand victim identification efforts for potential foreign victims among other vulnerable populations such as women in the commercial sex sector, foreign workers, detained illegal migrants, and asylum seekers, including through NGO partnerships and labor inspections; and conduct a demand-reduction awareness campaign to educate Slovaks and clients visiting the Slovak Republic about the potential links between prostitution, exploitation, and trafficking.

Prosecution

The Government of Slovakia increased its efforts to investigate and prosecute human trafficking during the reporting period, including by adopting routine anti-trafficking training for all new prosecutors and judges in the country, and by improving its sentencing rate for convicted trafficking offenders. Nevertheless, challenges persisted in investigating cases of trafficking that involved Roma victims. The Slovak Republic prohibits all forms of trafficking through Sections 179, 180, and 181 of its criminal code, which prescribe penalties between four years' and life imprisonment in aggravated cases. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. In 2010, Slovak officials investigated approximately 15 cases of trafficking in persons, including 13 sex trafficking cases, one of which involved the commercial sexual exploitation of a child. This was an increase from the nine trafficking cases investigated in 2009. The Slovak police investigated a significant case of forced labor involving 340 victims from Ukraine and Romania. Although the police did not initially classify the case as human trafficking, the prosecutor's office later designated the cases as human trafficking and returned it to the police for reinvestigation under the trafficking statute. The Slovak authorities initiated prosecutions of five alleged trafficking offenders in 2010, an increase from three offenders prosecuted in 2009. Six trafficking offenders were convicted in 2010, down from 10 trafficking offenders convicted in 2009. Although the number of convictions dropped, the percentage of offenders sentenced to non-suspended terms in jail rose

to 50 percent in 2010. Three out of the six trafficking offenders were sentenced to time in jail, in contrast to two trafficking offenders in 2009. The three offenders sentenced to jail terms received 24, 60, and 103 months in prison. Two of the three offenders given suspended sentences agreed to trafficking convictions in plea deals. The Slovak police continued to operate a specialized anti-trafficking unit at the police headquarters and four specialized officers throughout the country. The Office of the Special Prosecutor continued its designation of a specialized prosecutor for trafficking within the anti-corruption unit.

Cooperation with and outreach to the Roma population was reportedly a major weakness in the Slovak government's anti-trafficking law enforcement efforts. Fewer than a third of trafficking cases involving Roma victims are estimated to be investigated by the police, because victims were afraid to file a complaint upon return to the Slovak Republic. Sources reported that trafficking victims, particularly those of Roma origin, were influenced or threatened by trafficking offenders to change testimony when cases reached the trial stage.

The government demonstrated clear improvement in judicial training. With direct involvement of the state secretary, the Slovak Judicial Academy incorporated trafficking in persons into the curriculum of basic prosecutorial and judicial trainings at the Slovak Judicial Academy in 2010. The first class of 12 prosecutors and judges completed the course in December 2010. In April and May 2010, the Government of Slovakia also funded the training of police, asylum workers, teachers, diplomats, and social workers on trafficking victim identification and care, reaching 292 trainees in 2010. The government collaborated in six international investigations on trafficking during the reporting period, involving the governments of the United Kingdom, Ireland, Germany, and Slovenia. In April 2010, Slovak authorities charged a former mayor of a village in Eastern Slovakia with sex trafficking of young Roma women from his settlement. The case is still pending, though there were reports that the mayor applied inappropriate pressure to the two victims testifying in the case.

Protection

The government sustained its protection efforts during the reporting period, despite continuing problems with victim identification in minority communities and among labor trafficking victims. In 2010, the Slovak government provided \$298,000 to NGOs for anti-trafficking activities, an increase from \$275,000 provided in 2009. Three NGOs provided specialized shelter for trafficking victims. These victims were allowed to leave the shelters unchaperoned and at will. Although these shelters were designed for the care of women, one NGO secured apartments for male victims of trafficking. The government designated an NGO for specialized care of child victims of trafficking. The Slovak government continued to fund NGOs providing comprehensive assistance to victims who elected to participate in the government's National Program; these victims received financial support for a minimum of 180 days, although social support is provided throughout the duration of the criminal process. The government assisted

26 trafficking victims, in contrast to 27 in 2009. NGOs reported assisting 29 additional trafficking victims with non-government funding in 2009. These victims declined to participate in the government's program. Of the 26 participants in the national program, 15 were victims of forced labor, nine were victims of sexual exploitation, and two were victims of forced begging. Fifteen of the victims were men, 10 were women, and one was a child. It is unclear the extent to which law enforcement employed systematic efforts to proactively identify potential trafficking victims among women and girls in commercial sex sectors, including women engaged in street prostitution, erotic massage salons, escort services, or strip bars fronting for brothels in Bratislava. Victim identification in the Roma community also remains a challenge for the police. The government encouraged victims to participate in prosecutions; this year, 12 victims participated in prosecutions. The government offers foreign victims, upon their identification, a renewable 40-day legal status in Slovakia to receive assistance and shelter and to consider whether to assist law enforcement. The Slovak government reported that the National Coordinator had the authority to grant permanent residence to a victim of trafficking who would face hardship or retribution if returned to the country of origin; no permanent residence permits have ever been granted under this provision. Although the government had its first foreign victim identification, there are strong indications that the government failed to identify several other victims in the country. In January 2011, a foreign victim was initially identified under the national referral mechanism and was afforded these rights. However, the woman left the shelter after several days; law enforcement ultimately uncovered that the woman's story had likely been fabricated. In the case involving 340 alleged victims of trafficking, the police failed to identify the victims of trafficking before they were returned to their home countries, impeding care and investigation. There were no reports that the government penalized identified victims for unlawful acts committed as a direct result of being trafficked this year, although NGOs reported that several victims were reluctant to participate in the national program out of fears of other prosecutions or abuse by the police or because they were active drug users.

Prevention

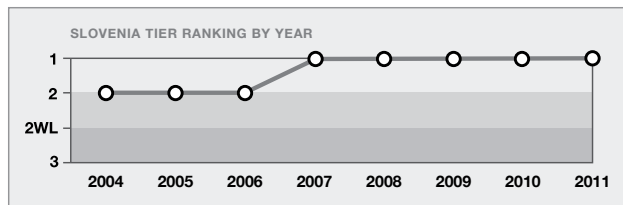
The government enhanced its activities on preventing trafficking, focusing on developing new strategies to prevent trafficking in the Roma communities. In September 2010, the Government of Slovakia opened its trafficking information center in Eastern Slovakia, designed to improve information collection and strategic analysis on trafficking in persons. In part through the work of the information center, the Slovak government increased its focus on preventing trafficking among the Roma. The Ministry of Interior conducted a survey of Roma communities to determine the best methods of conducting anti-trafficking prevention activities. In total, the government allocated approximately \$39,000 to perform anti-trafficking outreach to the Roma communities. The government also held 11 outreach sessions on forced labor at Roma community centers and at schools. The government funded Roma-specific posters, folders, brochures, and DVDs on trafficking.

In 2010, the government of Slovakia co-produced and distributed 4,500 copies of a pamphlet targeting potential foreign victims in Slovakia. The government continued to distribute brochures to advise Slovak citizens travelling abroad on human trafficking. The government also continued to fund a trafficking hotline operated by IOM. The National Coordinator at the Ministry of Interior coordinated intra-governmental activities on human trafficking and convened meetings of the Expert Group on Trafficking. It released a national action plan in 2011, incorporating efforts to reduce trafficking among the Roma. The government did not conduct any activities to reduce the demand for commercial sex this year. All Slovak forces received basic trafficking awareness training prior to deployment.

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 and Germany, where they are subsequently subjected to forced labor. Women and children from Slovenia, as well as Ukraine, Moldova, Bulgaria, Romania, Slovakia, the Czech Republic, Hungary, the Dominican Republic, Thailand, Iran, Ghana, Morocco, Afghanistan, and Cuba are subjected to forced prostitution in Slovenia 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 demonstrated strong prevention efforts, producing excellent analysis of the country's anti-trafficking weaknesses and developing new work plans to address those challenges. The government sustained its law enforcement efforts from the prior year. The Slovenian government again sustained the funding allocated for victim protection this year, although the number of victims identified by government authorities again decreased. There were also allegations that the protection for child victims of trafficking was inadequate and left children at risk of being re-trafficked.



Recommendations for Slovenia: Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials and those involved in forced labor; increase efforts to identify victims of both sex and labor trafficking; increase

the number of victims referred 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; continue to ensure that a majority of convicted traffickers serve some time in prison; continue to provide trafficking awareness training for judges and prosecutors; and continue efforts to raise awareness of forced labor and forced prostitution among the general public.

Prosecution

The Government of Slovenia sustained its anti-trafficking law enforcement efforts in 2010. The government prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from six months' to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government conducted 12 trafficking investigations in 2010, compared with 28 in 2009. Authorities prosecuted 12 cases and convicted eight trafficking offenders in 2010, compared with four prosecutions and two offenders convicted in 2009. The majority of the 2010 prosecutions were sex trafficking offenses, although one case involved a victim of labor trafficking; convicted offenders were sentenced to terms between 16 months to 36 months in prison, compared with the sentences of 24 to 38 months given in 2009. Nevertheless, there were some reports that Slovenian judges were not sufficiently aware of the complexity of the crime of trafficking and that prosecutors, facing difficult trafficking cases, would occasionally reclassify criminal cases as less serious criminal offences. The Ministry of Interior's Inter-Departmental Working Group conducted a variety of anti-trafficking trainings for key actors in Slovenia, including training for police officers on labor exploitation, prosecutors, and judges on prosecuting trafficking in persons, and consular officials on early detection of trafficking victims among foreign citizens. The Slovenian government participated in several cross-border trafficking investigations, including joint investigations with Interpol, Europol, and the governments of Moldova and Slovakia. During the reporting period, the government investigated and charged a policeman with providing information to a trafficking offender in furtherance of a trafficking offense.

Protection

The Government of Slovenia sustained its efforts to protect victims of trafficking in 2010, although there were reports that care and housing for child victims of trafficking were inadequate. The government funded victim protection through two NGOs that provided comprehensive assistance including health care, psychological care, accommodation, and physical security. Assistance was available to both male and female victims of trafficking and for both 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. In 2010, the government allocated approximately \$120,000 for victim protection, the same amount it provided in 2009. The government identified 10 victims of trafficking in 2010, in contrast to 23 victims

identified in 2009. NGOs reported identifying a further 12 victims of trafficking. Altogether, the government assisted 12 female victims of sex trafficking in 2010, compared to 12 victims in 2009. Victims housed in government-funded shelters were permitted to leave unchaperoned and at will. There were reports, however, of some systematic problems in the government's response to trafficking victims' needs. There were anecdotal reports that Roma children were vulnerable to trafficking by family members and the government made inadequate outreach efforts to this group. Although the government reported that child victims of trafficking in general were cared for in emergency centers, there were reports that these facilities for housing and assistance were inadequate and presented risks that the minors would be re-trafficked. There were no identified victims punished for unlawful acts committed as a direct result of being trafficked.

Prevention

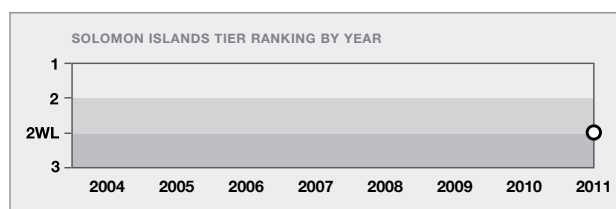
The government demonstrated strong prevention efforts during the reporting period, particularly with its intra-governmental activities. The government coordinated its anti-trafficking efforts through the Ministry of Interior's Inter-Departmental Working Group against Trafficking, which brings together representatives of the relevant ministries, the National Assembly, the State Prosecutor, and NGOs to develop national policy. The working group prepared an annual plan to combat trafficking in persons, identifying key problem areas, assigning responsibility to actors, allocating appropriate funding, and establishing deadlines for completion of tasks. The Slovenian government encouraged regional efforts to combat trafficking in persons through its annual regional ministerial conference on law enforcement cooperation. The Slovenian government engaged in awareness raising through its website and through a large awareness raising event on October 18, EU Anti-trafficking Day, including media publications and expert roundtables. The government also targeted identified vulnerable groups for publications on trafficking and distributed these publications through state authorities and non-governmental organizations. The Slovenian government funded near weekly anti-trafficking awareness raising presentations to students in secondary and elementary schools. The government also targeted trafficking outreach to migrants at border crossings, focusing on those working in at-risk populations.

SOLOMON ISLANDS (Tier 2 Watch List)

The Solomon Islands is a 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 commercial sex. Some local girls are put up for "informal adoption" by

their family members in order to pay off debts, and subsequently subjected to sexual servitude and forced labor as domestic servants. Local boys are also put up for "informal adoption" and subjected to the same type of forced labor. Local girls as young as 12 years old were sold by their parents for marriage to foreigners working for logging and mining companies. Some local girls married to foreign workers who leave the Solomon Islands are forced into domestic servitude by their husbands' wife and family in their husband's country. Some Asian women from China, Indonesia, Malaysia, and the Philippines may have been recruited from their home countries for legitimate work, paying large sums of money in recruitment fees, and upon arrival, forced into prostitution, including near logging camps. 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 tourists.

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. Despite these modest efforts, the government failed to report any efforts to investigate or prosecute any trafficking offenders, or identify or assist any trafficking victims; therefore, the Solomon Islands is placed on Tier 2 Watch List. Several public studies have identified sex trafficking as a problem in the Solomon Islands, though the government has never investigated or prosecuted a trafficking case, nor proactively identified a trafficking victim. While two victims came forward to authorities during the year, the government did not make efforts to prosecute their alleged traffickers. There is little awareness of human trafficking in the Solomon Islands, and the government did not conduct any public awareness campaigns on trafficking.



Recommendations for the Solomon Islands: Draft and enact comprehensive anti-trafficking legislation, criminalizing all forms of trafficking in persons; 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 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; and institute a visible campaign to raise public awareness of human trafficking in the country.

Prosecution

The Government of the Solomon Islands made no discernible anti-trafficking law enforcement efforts during the reporting period. Although the Solomon Islands Constitution provides protection against slavery, the country has no specific laws addressing trafficking in persons and very few laws, such as the penal code and the Islanders Marriage Act, can be used to prosecute trafficking offenses. Unlawful compulsory labor is considered a misdemeanor, punishable by up to two years' imprisonment, a fine, or a combination of both. The penalties prescribed under these non-trafficking-specific statutes are not sufficiently stringent or commensurate with other serious crimes, such as rape. The lack of a legal definition of sex or labor trafficking which identifies the essential elements of a trafficking crime prevents law enforcement officers from rescuing victims or arresting trafficking offenders on trafficking charges. Government authorities continued to deny that trafficking was a concern that merited attention in the country. Although two Indonesian men identified themselves to authorities as labor trafficking victims, the government did not prosecute the alleged traffickers in this case and was unable to indicate the status of the case or whereabouts of the Indonesian victims. Furthermore, despite public studies on the existence of child prostitution and forced adult prostitution in the country, the government did not report prosecuting or convicting any other trafficking offenders during the year. 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 no discernible efforts to identify or assist victims of trafficking during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact; they did not proactively identify any victims during the reporting period. Although the government continued to arrest Chinese women for prostitution during the year, it has never identified a victim of trafficking among this vulnerable population. Some foreign female trafficking victims were likely punished by authorities through imprisonment, due to lack of victim identification efforts. In response to the aforementioned two self-identified male labor trafficking victims, the government did not offer protection or assistance to these victims. There are no procedures in place to refer identified trafficking victims to service organizations for protection and assistance. The government relied largely on civil society or religious organizations to provide limited services to victims of crime. 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 government did not offer any legal alternatives to the

removal of foreign victims to countries where they may face hardship or retribution.

Prevention

The government made few discernible efforts to prevent trafficking or raise public awareness of the crime. There is little awareness of human trafficking in the Solomon Islands, and the government did not conduct any public awareness campaigns on trafficking. In November 2010, the government partnered with an NGO and a foreign donor to conduct a training for government officials and local organizations on human trafficking awareness. While authorities reportedly monitored immigration and emigration patterns for human smuggling, particularly with respect to the rising number of Southeast Asians entering the country, it did not monitor such patterns for human trafficking. It 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.

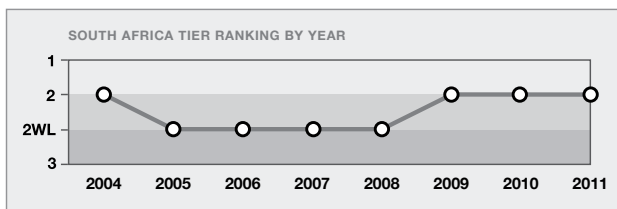
SOUTH AFRICA (Tier 2)

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 the Eastern Cape and Western Cape, leaving these girls vulnerable to forced labor and prostitution. 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 to labor in domestic service and forced into prostitution. Nigerian syndicates dominate the commercial sex trade within the country, and send South African women to the United States for exploitation in domestic servitude. South African men recruited by local employment agencies to drive taxis in Abu Dhabi are subjected to forced labor subsequent to their arrival in the United Arab Emirates. Traffickers control victims through intimidation and threats, use of force, confiscation of travel documents, demands to pay "debts," and forced use of drugs and alcohol. During the reporting period, South African trafficking victims were discovered in Macau. Women and girls from Thailand, Cambodia, the Congo, India, Russia, Ukraine, China, Taiwan, Mozambique, and Zimbabwe are recruited for legitimate work in South Africa then subjected to prostitution, domestic servitude, and forced labor in the service sector. Some of these women also are transported to Europe for forced prostitution.

Thai women are subjected to prostitution in South Africa's illegal brothels, while Eastern European organized crime units forced some women from Russia, Ukraine, and Bulgaria into debt-bonded prostitution in exclusive

private men's clubs. Chinese traffickers bring victims from Lesotho, Mozambique, and Swaziland to Johannesburg or other cities for prostitution. Migrant men from China and Taiwan are forced to work in mobile sweatshop factories in Chinese urban enclaves in South Africa, which evade labor inspectors by moving in and out of Lesotho and Swaziland. Young men and boys from 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. The government demonstrated increased efforts to address human trafficking, led by the National Prosecuting Authority (NPA), through the conviction and prosecution of an increased number of offenders and the formation of new task forces. The government's promised comprehensive anti-trafficking bill – first drafted in 2003 – remained under review, however, and was not passed or enacted. Although the number of new trafficking investigations and prosecutions under other legal provisions increased, few of these resulted in convictions and many cases remained pending from previous reporting periods. All those convicted received suspended sentences or fines, which are inadequate penalties to deter the commission of trafficking crimes. Despite its considerable resources, the government did not dedicate specific funding to combat human trafficking and instead relied on existing budgets for stakeholder departments and foreign donors for its efforts made. The government did not provide direct care or accommodation to trafficking victims, and funding given to NGOs for the care of trafficking victims remained insufficient. Although South Africa is a major migrant destination country in Africa, the government failed to identify and address forced labor among migrant workers, as well as foreign and South African children. Significant gaps remain in South Africa's overall victim protection process, specifically the lack of formal procedures for screening for and identifying trafficking victims amongst vulnerable groups, including illegal migrants and women in prostitution.



Recommendations for South Africa: Enact and begin implementing the draft comprehensive anti-trafficking law; utilize the Children's Amendment Act of 2007 to prosecute and convict child trafficking offenders; continue to increase awareness among all levels of relevant government officials as to their responsibilities under the anti-

trafficking provisions of the Sexual Offenses and Children's Amendment Acts; criminally prosecute employers who utilize forced labor, and ensure that labor trafficking victims are not charged for immigration violations by screening all deportees for victimization; ensure officials adequately screen for victimization amongst other vulnerable groups, including women in prostitution; develop a mechanism to refer all victims to protective services; establish facilities to provide for accommodation and medical and psychological services for victims or provide sufficient funding to NGOs to do so; ensure that translators are available to assist victims in obtaining care, cooperating with law enforcement, and testifying in court; continue to support prevention strategies developed by NGOs to address demand for commercial sex acts and protect children from commercial sexual exploitation; support the adoption of measures to protect children from sexual exploitation by tourists; investigate and prosecute officials complicit in trafficking; and institute formal procedures to compile on a regular basis national statistics on the number of trafficking cases prosecuted and victims assisted, as is done for other crimes.

Prosecution

The Government of South Africa increased law enforcement efforts to combat trafficking. Several cases from previous years remained pending trial or sentencing and the few convictions achieved during the reporting period resulted in inadequate prison sentences or fines. The government investigated and prosecuted additional trafficking cases, all but one of which involved sex trafficking. This reveals the imbalance in the government's anti-trafficking efforts, which largely ignored forced labor. South African law does not prohibit all forms of trafficking. Comprehensive anti-trafficking legislation, drafting of which began in 2003, remains pending in parliament for a third consecutive year. Throughout 2010, parliament's Justice Portfolio Committee, charged with deliberating the Prevention and Combating of Trafficking in Persons Bill, held public comment sessions and numerous hearings as review of the legislation continued. The lack of a comprehensive law that fully defines trafficking, empowers police and prosecutors, and outlines provisions and allocates funding for victim care is the greatest hindrance to anti-trafficking efforts in South Africa.

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 are not sufficiently stringent. The Prevention of Organized Crime Act (POCA) of 1998, however, was the law most often used to punish traffickers, partly due to its extensive list of charges, including money laundering, racketeering, and criminal gang activity. Signed into law in 2008, the Children's Amendment Act came into full force in 2011, allowing it to be used. The act prescribes penalties of between 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 act has not yet been used to charge a child trafficking offense.

The government convicted nine offenders during the reporting period. All offenders convicted received suspended sentences or paid fines. These are inadequate punishments to deter the commission of trafficking crimes. The government used existing legislation to investigate, prosecute, and convict trafficking cases, though most prosecutions opened between 2006 and 2010 remained pending, including the trial of “Diana,” a Mozambican woman charged in early 2008 with child trafficking and forced labor for allegedly exploiting three Mozambican girls in prostitution and domestic servitude. In the country’s only successful prosecution under a trafficking statute to date, in which a court in Durban convicted a husband and wife in the previous reporting period on 17 counts under the POCA, the SOA, and Immigration Act, the offenders have yet to be sentenced. In 2010, the government charged three suspected offenders for the alleged labor trafficking of 106 Indian nationals; two await trial and the third pled guilty and was sentenced to five years’ imprisonment, with three years suspended. In 2010, in two cases involving at least three Thai victims, the Durban Magistrate’s Court charged six Thai offenders under the trafficking provisions of the SOA; all pled guilty and received fines of approximately \$300 and suspended sentences. In 2010, the Welkom Magistrate’s Court charged a mother and daughter under the trafficking provisions of the SOA for subjecting six South African women to forced prostitution; they reached a plea agreement, where one offender received house arrest and rehabilitation as part of a suspended sentence and another was sentenced to 16 years’ imprisonment with 14 years suspended. In addition, as of March 2011, the NPA reported 22 human trafficking prosecutions initiated across five provinces, an increase from zero in 2009; five cases remain under investigation in three provinces, including a case of nine Nigerian men charged under the SOA in March 2010 in the Ermelo Magistrate’s Court for subjecting 12 South African women to forced prostitution. Most cases prosecuted and convicted involved sex trafficking, showing a lack of attention to the forced labor problem in the country. However, the South African Police Service (SAPS) Directorate for Priority Crime Investigations, known as the Hawks, reported charging three South African nationals for labor trafficking in two cases involving 13 South African nationals in the Western Cape. Five additional labor trafficking cases remain under investigation in the Western Cape.

Some police officers received bribes from crime syndicates, failed to pursue criminals out of fear of reprisals, or preferred to deport victims, as a shortcut, instead of opening a trafficking investigation. Police report investigation plans were often leaked, thereby tipping off traffickers and giving them a chance to elude capture.

In 2010, the South African Police Service (SAPS), responsible for case investigation, identified nine provincial coordinators to monitor and track all leads and investigations, reporting to the national human trafficking coordinator on their anti-trafficking efforts. The NPA’s Sexual Offenses and Community Affairs Unit (SOCA) launched three new provincial TIP task teams in Gauteng,

the Eastern Cape, and the Western Cape; there are now task teams in six of the nine provinces. In preparation for the launch of each task team, NPA SOCA organized a variety of workshops to determine the roles of stakeholders, establish sub-structures of the task team, and develop the provincial strategies for prevention, response, and support. The NPA, in cooperation with international partners, developed an accredited trafficking training manual for use by all government departments. The NPA trained and accredited 249 trainers from SAPS, Department of Social Development (DSD), Department of Home Affairs (DHA), and Department of Justice to train in their respective offices on the definition of trafficking, victim identification, as well as case investigation and management. SAPS cooperated with the U.S. government on the rescue and repatriation of a potential South African victim of sex trafficking; the investigation concluded that the victim had not in fact been trafficked. In addition, during the reporting period, the government assisted in the rescue of potential trafficking victims from Lesotho and Swaziland.

Protection

The South African government sustained its efforts to ensure trafficking victims’ access to protective services during the reporting period, but gaps remained in screening amongst vulnerable groups, leading to the arrest and summary deportation of potential victims. The government did not develop formal procedures for the identification of trafficking victims and their referral to appropriate care; however, the National Prosecuting Authority, DSD, and IOM developed training manuals for law enforcement and immigration officials, prosecutors, social workers, health care providers, and NGO representatives to recognize and address trafficking cases. In addition, the NPA reached an agreement with a local NGO trafficking hotline to refer cases to NPA’s Sexual Offenses and Community Affairs and the provincial task teams. DSD and the SAPS notified each other of trafficking cases to enable rapid access to care and effective gathering of evidence and testimony. The government did not specifically dedicate funding to anti-trafficking activities, relying instead on the existing budgets of the affected departments. With some all-purpose funding from the DSD, NGOs, faith-based organizations, and community charities provided care to both identified and suspected trafficking victims in overtaxed, multi-purpose facilities that helped victims of domestic abuse, gender-based violence, rape, and sexual assault. Such funding is inadequate to support the anti-trafficking work of these organizations. The government failed to provide any direct care or accommodation for trafficking victims.

As the only body authorized by judicial authorities to refer crime victims to private shelters, the DSD was involved in referring each case. There were few facilities for men, however, and victims of forced labor on farms near the borders with Lesotho and Mozambique were routinely denied care and summarily deported. In 2010, the DSD reviewed its “shelter strategy,” and identified 13 shelters in need of upgrades to accommodate trafficking victims. DSD received funding to begin the upgrades and begin training staff at these facilities. The DSD trained 270 social workers on identification of trafficking victims and the role of stakeholders in assisting victims. During the reporting

period, DSD also developed a nine-week rehabilitation program for the psycho-social well-being of victims. The program will not be available to support victims until passage of the long-delayed draft anti-trafficking law.

The government did not offer long-term care to non-foreign trafficking victims assisting with investigations. During the reporting period, the government provided witness protection to at least four suspected trafficking victims. Officials encouraged victims to participate in the investigation and prosecution of trafficking offenders. Almost all foreign victims, though, preferred to return home without pressing charges. NGOs reported that the police's longstanding focus on deportation of undocumented migrants caused them to overlook potential foreign trafficking victims. The SOA stipulates that sex trafficking victims not be charged with crimes committed as a direct result of being trafficked, yet some victims were still arrested. Some organizations report that the screening of women in prostitution who were arrested following brothel raids may be done too hastily to assess accurately trafficking victimization. With the lack of a formal identification process, trafficking victims were most likely detained, jailed, or fined for unlawful acts committed as a result of being trafficked. The law did not provide all trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution.

Prevention

The government made efforts to prevent human trafficking. The NPA continued to chair the national Trafficking in Persons Inter-Sectoral Task Team (ISTT), which met quarterly to coordinate all government counter trafficking efforts. Prevention campaigns launched in early 2010, in advance of, during and immediately after the World Cup, by both government and NGOs were effective in raising awareness. The government jointly sponsored, with a foreign donor, the fifth annual Human Trafficking Awareness Week in October 2010, which spread awareness of trafficking and the appropriate responses to it. These activities were coordinated by the Department of Home Affairs, at the ports of entry, several police stations in Johannesburg, at nearby shopping centers, and by the Department of Social Development at its Pretoria headquarters. The KwaZulu-Natal Task Team also sponsored a coloring competition in IsiZulu and English for students from Grade 3 to Grade 7, with active participation from SAPS, the Department of Justice and Constitutional Development, the Department of Arts and Culture, as well as the Local Victim Empowerment Forums.

In cooperation with the NPA, members of the Kaizer Chiefs soccer team addressed their supporters and wore T-shirts encouraging the public to report suspected cases or find out more information about human trafficking. The NPA continued to lead the donor-funded *Tsireledzani* program, which developed a national action plan to combat trafficking in persons during the reporting period, now under review by the cabinet. During the reporting period, the NPA developed low cost high impact awareness tools, such as peer education worksheets and a radio drama, which targeted vulnerable groups and the general public. The Mpumalanga Task Team conducted public awareness

activities with traditional leaders and the Gauteng Task Team handed out pamphlets and posters in Johannesburg's central business district. Members of the Durban Task Team rode aboard a float in the Durban Float Parade, bound and gagged to represent the concept of human trafficking. The Department of Justice and Constitutional Development visited the Eastern Cape to look into the practice of *ukuthwala* among certain communities. The NPA conducted "road shows" during the 16 Days of Activism for No Violence Against Women and Children, in which presenters educated communities about the ways in which *ukuthwala* violated children's rights and could be criminally prosecuted. The NPA also pursued investigations into cases of forced marriage, charging perpetrators with kidnapping and statutory rape.

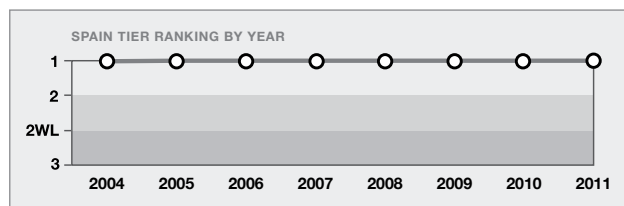
The Department of Labor (DOL) has neither recognized nor acted to address the labor trafficking abuses occurring within the country. Suspected instances of labor trafficking involving foreigners have been deemed episodes of localized migrant abuse. Additionally, the DOL has never identified a case of forced child labor and investigated instances are determined to involve "children in need," not victims. Labor inspectors are not adequately trained to identify cases of trafficking, including those involving children. The government did not make efforts to reduce the demand for commercial sex. 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.

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 the domestic service, agriculture, construction, and tourism sectors. According to the government and NGOs, Spanish nationals are also vulnerable to trafficking. Media reports indicate there are between 200,000 and 400,000 women engaged in prostitution in Spain, with over 3,000 entertainment establishments dedicated to prostitution. 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 networks operating throughout the country. Unaccompanied foreign children in Spain may be vulnerable to sex trafficking and forced begging.

The Government of Spain fully complies with the minimum standards for the elimination of trafficking. During 2010, the government improved its capacity to vigorously prosecute trafficking by enacting an amendment to its criminal code to explicitly criminalize trafficking as distinct from illegal immigration. The government referred some trafficking victims to an NGO for specialized anti-trafficking assistance, an improvement from previous years. The government reported, however, that it referred the majority of potential trafficking victims to a non-specialized government agency for basic care, rather

than NGOs for comprehensive care and assistance. A lack of formalized procedures for victim identification continued to result in some victims being penalized for crimes committed as a direct result of being trafficked. The government has not yet developed specialized services for trafficked children and victims of forced labor, despite continued calls by local experts to do so.



Recommendations for Spain: Expand formal partnerships with NGOs to entrust them with the specialized care of trafficking victims to move towards a more holistic, victim-centered approach to trafficking in Spain; consider allowing NGOs in detention centers to locate potential trafficking victims who may have been reluctant to disclose elements of their exploitation to law enforcement; refer potential trafficking victims to NGO specialized care providers and consider lowering the standard for granting victims the reflection period and temporary residency; improve and develop formal procedures to guide front-line responders in the proactive identification and referral of trafficked victims independent of their immediate cooperation with law enforcement; 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; provide comprehensive data on trafficking specific prosecutions and convictions, and ensure their disaggregation from smuggling and other prostitution offenses; and vigorously prosecute and punish all government officials complicit in trafficking offenses.

Prosecution

The Government of Spain took an important step to improve its anti-trafficking law enforcement efforts in 2010. Spain amended its criminal code to legally distinguish between trafficking and illegal immigration, and explicitly prohibited internal trafficking through Article 177. This article entered into force in December 2010; the government has yet to use this article to secure the conviction of any traffickers in Spain. Article 177 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, the Spanish government prosecuted 202 suspects and convicted 80 possible trafficking offenders in 2010, sentencing them to two to nine years' imprisonment. Weaknesses in the government's data, however, prevent confirming the number of human trafficking cases prosecuted as all offenders were prosecuted under Spain's

previous anti-trafficking law, which conflates trafficking with people smuggling. The government, however, provided some individual case data to demonstrate it vigorously prosecuted sex traffickers under Article 318 in 2010. In October 2010, courts convicted and sentenced each of seven trafficking offenders to five to nine years' imprisonment for subjecting women from Brazil to forced prostitution; the traffickers used physical intimidation, debt bondage, violence, and threats to prevent the victims from going to the police. Also, in May 2010, the Supreme Court upheld the conviction of six sex traffickers for subjecting women from Venezuela to forced prostitution in various cities in Spain; sentences ranged from two to four years' imprisonment. Finally, in June 2010, a court in Castellon sentenced a married couple to five years' imprisonment for subjecting Brazilian women to debt bondage and forced prostitution. The government reported it continued its investigation of a March 2009 complicity case in which a law enforcement officer reportedly solicited a bribe from a brothel owner in exchange for ignoring alleged forced prostitution in the brothel. A subsequent investigation revealed the alleged involvement of 15 other suspects, including police, former police, business owners, and lawyers.

Protection

The Spanish government demonstrated some progress in providing concrete protections to some trafficking victims in 2010, an improvement over the previous year. A continued lack of formalized procedures for proactive identification increased the likelihood that unidentified victims were treated like illegal migrants and deported. In 2010, the government issued official instructions to guide implementation of Article 59, approved in December 2009, which established a 30-day reflection period and a legal mechanism for victims to obtain work and residency permits, conditioned on their cooperation with law enforcement investigations and prosecutions. In 2010, the government reported 46 trafficking victims benefitted from the reflection period and it provided temporary residency permits to 37 trafficking victims who were cooperating with law enforcement personnel. Spanish law permitted trafficking victims to remain in Spain beyond the 30-day reflection period only if they agreed to testify against trafficking offenders. Victims who assisted law enforcement officials by testifying in court, received a one-year residency permit, renewable for two years if the victim obtained employment in Spain during his or her first year. Permanent residency was available to victims who had earlier secured a second renewal for a total of at least five years. According to local experts, in practice, the issuance of such permits depended on the level of victims' cooperation and how much useful assistance they were able to provide to authorities. NGOs reported that many victims were interviewed immediately after a law enforcement operation, alongside members of organized crime; these potential victims often do not understand the local language and are thus not inclined to disclose elements of their exploitation. As a result, the potential trafficking victims are subject to penal action, detained, or deported. Furthermore, NGOs report that despite identification reports from authorized, specialized NGOs, confirmed trafficking victims continued to be detained and deported

by authorities. Local observers also question whether the lead agency charged with enforcing illegal immigration laws can adequately carry out its responsibility for the identification and protection of trafficking victims in Spain.

The government reported it exercised discretion in referring victims to NGOs for care and assistance, and reported that it referred all potential trafficking victims to the social-sanitary service of the Spanish public administration, rather than to any NGOs providing specialized, victim-centered comprehensive care to victims. A recent report noted that NGO lawyers and other stakeholders with specialized expertise on trafficking provided the most appropriate assistance to victims. The report further stated that in most cases, victims did not receive adequate information about their rights, even in cases when they decided to cooperate with law enforcement. NGOs continued to report serious concerns with a lack of formal cooperation with the immigration authorities responsible for identification and referral of victims in Spain.

The government reported that it continued to subsidize a network of NGOs providing specialized care and assistance to trafficking victims in 2010. One NGO reported it assisted a total of 94 trafficking victims in 2010, 57 of which were newly identified cases; 30 of these victims were referred by Spanish authorities. In another instance, an NGO reported it provided assistance to 34 trafficking victims in 2010. IOM reported it assisted in the repatriation of 22 victims to their home countries in 2010.

Prevention

The national government, along with regional and local authorities, continued to implement multiple prevention campaigns to raise awareness and discourage demand for prostitution in Spain. All awareness efforts focused on the commercial sexual exploitation of women. In June 2010, in conjunction with UNODC, the Ministry of Equality launched the regional three-week “Blue Heart” campaign to raise awareness about trafficking in relation to sexual exploitation. Further in 2010, the Ministry of Equality sponsored an exhibit in Madrid entitled “Slaves of the 21st Century,” portraying the causes and consequences of trafficking. One NGO reported that many of the government’s awareness campaigns conflate prostitution with trafficking. The national government continued to implement its National Action Plan for Sexual Exploitation in 2010. A draft action plan on forced labor has yet to be finalized. According to the Spanish military, Spanish troops received trafficking awareness training before they were deployed abroad for international peacekeeping missions.

SRI LANKA (Tier 2)

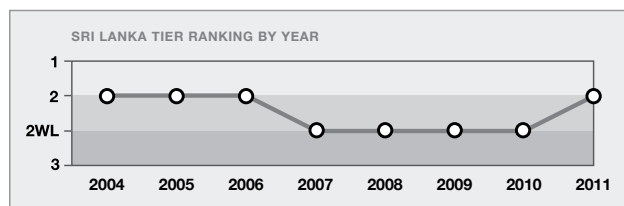
Sri Lanka is primarily a source and, to a much lesser extent, a destination for men, women, and children subjected to forced labor and sex trafficking. Sri Lankan men, women, and some children (between 16 and 17 years old) migrate consensually to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates (UAE), Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of

these workers, however, subsequently find themselves in conditions of forced labor through practices such as restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Many of these migrants pay high recruitment fees – usually about \$1,500 – imposed by unscrupulous licensed labor recruitment agencies and their unlicensed sub-agents and assume debt in order to satisfy these costs. This indebtedness contributes to debt bondage in destination countries. A recent Human Rights Watch report noted that over one-third of Sri Lankan domestic workers in Jordan are physically abused by their employers, 11 percent were sexually assaulted, 60 percent were not paid wages, over 60 percent had their passports confiscated, and 80 percent experienced forced confinement – these are abuses that indicate forced labor. In the past year, there were high-profile reports of Sri Lankan domestic workers who were subjected to forced labor and physical abuse in Saudi Arabia, Kuwait, and Jordan, including having more than 20 nails hammered in their bodies, or being forced to swallow nine nails. There were also reports of cases in which some Sri Lankan recruitment agencies committed fraud by engaging in contract-switching: promising one type of job and conditions but then changing the job, employer, conditions or salary after arrival, which are documented risk factors for forced labor and debt bondage. Sri Lanka is reported to be a transit country for men, some of whom may be trafficking victims, traveling from Pakistan and Bangladesh to Dubai, UAE. In several cases, men were stranded in Sri Lanka by the employment agent. Some Sri Lankan women were promised jobs as domestic workers in other countries, but after arriving were instead forced to work in brothels, mainly in Singapore. A small number of Sri Lankan women are forced into prostitution in the Maldives.

Within the country, women and children are subjected to sex trafficking in brothels, especially in the Anuradhapura area, which was a major transit point for members of the Sri Lankan Armed Forces heading north. Boys are more likely than girls to be forced into prostitution – this is generally in coastal areas for domestic child sex tourism. In 2009, the National Child Protection Authority (NCPA) estimated that approximately 1,000 children were subjected to commercial sexual exploitation within Sri Lanka although some NGOs believed the actual number was between 10,000 and 15,000. NGOs expressed concern that the recent increase in tourism in the very poor post-conflict areas on the east coast may increase demand for child sex tourism. 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. Some women and children were promised garment industry work by agents and were instead forced into prostitution. 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.

Sri Lanka 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 three traffickers, in the first case under its anti-trafficking legislation, and rejuvenated its inter-agency task force. However, serious problems remain unaddressed, such as the detention of identified trafficking victims (including those who provided evidence to support the three convictions), the failure to achieve criminal convictions for fraudulent recruitment agencies involved in trafficking in persons, and official complicity in human trafficking.



Recommendations for Sri Lanka: Vigorously 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; 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; establish law enforcement capacity at shelters in embassies abroad; develop and implement formal victim referral procedures; train local law enforcement and judicial officials on investigating and prosecuting trafficking crimes; 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; stop the practice of forcing foreign trafficking victims to remain in Sri Lanka if they are witnesses in a case; improve services, including quality of shelters, legal aid, availability of counseling, and numbers of trained staff at embassies and consular offices in destination countries; promote safe tourism campaigns to ensure that child sex tourism does not increase with expected rapid growth of tourism; and improve regulation and monitoring of recruitment agencies and village-level brokers, with an emphasis on ensuring provision of accurate and enforceable employment contracts and working to ending the charging of illegal and excessive fees.

Prosecution

The Sri Lankan government increased law enforcement efforts in addressing human trafficking cases over 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. Amendments passed in 2009 to the Foreign Employment Act expanded the powers of the Sri Lanka Bureau of Foreign Employment (SLBFE) to

prosecute recruitment agents who engage in fraudulent recruitment, prescribing a maximum penalty of four years' imprisonment and fines of \$1,000, and restricting the amount that employment agents can charge. In March 2011, three traffickers were convicted and sentenced to nine years each for forcing women into prostitution, in one case. This is the first recorded convicted case under Sri Lanka's counter-trafficking amendment. However, the Uzbek sex trafficking victims in the case were detained in an immigration detention facility in Sri Lanka for over a year until their testimony was complete. The Attorney General's Department claimed two additional convictions in 2010 for violations of the penal code's statute on child sexual exploitation; both convictions may have involved human trafficking crimes. Both convictions resulted in suspended jail sentences. Each trafficker had to pay a fine of approximately \$900, and one had to pay compensation of \$450 to the victim. In January 2011, the National Child Protection Authority (NCPA) completed an investigation and could not determine the whereabouts of the remaining boys allegedly in armed service with the Tamil Makkal Viduthalai Pulikal (TMVP)/Karuna Faction; some of these boys may be trafficking victims. There were no prosecutions against persons allegedly responsible for conscription of child soldiers.

During the year, there was some evidence of government officials' complicity in trafficking. 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 Sri Lankan Police continued to teach a counter-trafficking module to all police recruits during their basic trainings. Additionally, police officers who were previously trained in IOM training-of-trainers courses conducted 16 training workshops at local police stations on counter-trafficking in the reporting period.

Protection

The government made limited progress in protecting victims of trafficking during the year. The government placed two Uzbek women who were found in forced prostitution in late 2009 in a detention center, which they were allowed to leave during the day but were locked up at night. The government did not permit them to leave Sri Lanka for over a year until they had the opportunity to provide testimony against their alleged traffickers, instead of allowing the Uzbeks to leave the country while their cases were pending or to remain in the country with protections such as immigration relief, freedom of movement, and the right to work. They were then given permission to leave the country, and with the assistance of IOM, departed Sri Lanka in December 2010. The government forces foreign trafficking victims to remain in Sri Lanka if they are witnesses in a case until evidence has been given. The government continued to provide some counseling and day care for abused children through the operation of six resource centers, although it is not

known how many trafficked children, if any, were assisted in the reporting period. The Sri Lanka Bureau of Foreign Employment (SLBFE) operated nine short-term shelters in 2010 in Jordan, Kuwait, Libya, Oman, Saudi Arabia, and the United Arab Emirates as well as an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. It is unknown how many trafficking victims were assisted in these shelters in the reporting period. While the missions provide shelter and legal aid, domestic workers seeking assistance complained of long waiting periods with little information about their cases. In addition, there were complaints that the shelters were grossly overcrowded with unhygienic conditions. In a news report of female Sri Lankan workers who fled their employers in Jordan due to lack of paid wages and abuse, one worker noted that the Sri Lankan embassy shelter was no better than a prison, as it did not permit the domestic workers to leave the premises. There have been some reports of abuse by Sri Lankan embassy officials in shelters abroad.

A Workers' Welfare Fund is maintained by the SLBFE, also funded by fees charged to workers upon migration. Through this fund, the widely reported case of the female in domestic servitude in Saudi Arabia who returned with 24 nails in her body received approximately \$4,500 to build a house, with the assistance of the National Housing Authority. Neither the government nor NGOs or international organizations provided protection facilities for men. The Ministry of Child Development and Women's Affairs (MOCDDWA) has a memorandum of understanding with IOM to establish a shelter which can house 10 to 15 women and child victims of trafficking and abuse. When the building is renovated and prepared – with a tentative deadline of later this year – the ministry will take over operation and management of the shelter.

Government personnel did not employ formal procedures for proactively identifying victims. The National Counter Human Trafficking Resource Center of the Sri Lanka Department of Immigration and Emigration trained 10 immigration officers on the identification of trafficking victims, in partnership with IOM, in 2010; 50 officers were trained in 2009. The government pursued a partnership with the Salvation Army to transfer women and child victims of abuse to protection facilities, though it is unknown how many trafficking victims, if any, were referred in the reporting period. Foreign trafficking victims could not seek employment in Sri Lanka. The government permitted foreign trafficking victims to leave the country unless they were witnesses in a case, in which case the government forced them to remain until evidence had been given. IOM reported several cases of victims who chose to leave the country rather than file a complaint. The Commissioner General for Rehabilitation, with the assistance of the NCPA, continued to operate two rehabilitation centers specifically for children involved in armed conflict, some of whom may be trafficking victims, in partnership with UNICEF. The Commission also continued to run a vocational training center with donor support. These facilities served approximately 700 former child soldiers in the reporting period. The Sri Lankan government has reported that all former Liberation Tigers of Tamil Eelam (LTTE) child soldiers completed

rehabilitation and were released in May 2010. However, at least 250 children formerly associated with armed groups faced a number of security issues, and some were arrested by police.

The government did not encourage victims to assist in the investigation and prosecution of trafficking cases; instead, they sometimes forced victims to testify if they chose to file charges. While Sri Lankan trafficking victims in theory could file administrative cases to seek financial restitution, this did not happen in practice due to victim embarrassment and the slow pace of the Sri Lankan legal system. In addition, prosecutors were prevented under Sri Lankan law from meeting with witnesses outside of formal court proceedings. Thus, they had to rely on police to convince a witness to testify. The government penalized 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. The government provided no legal alternatives for the removal of foreign victims to countries where they may face hardship or retribution. The SLBFE continued to provide training on protection and assistance to its staff members who worked at embassies and consulates in foreign countries, although many of the labor attaches working in labor-receiving countries are political appointees who do not receive any training.

Prevention

The Sri Lankan government made some progress in its efforts to prevent trafficking during the last year. The government formed an inter-ministerial anti-trafficking task force in October 2010, led by a coordinator from the Ministry of Justice, and developed a terms of reference on how government agencies will work together to combat trafficking. This task force took over the monthly meetings previously held by the MOCDDWA, and met six times in the reporting period. While it does not include civil society, the coordinator of the task force recently announced it would soon open up quarterly meetings to NGOs and community organizations. The government limits the recruitment fees to \$70 for jobs paying less than \$200 per month and \$100 for jobs paying over \$200. The SLBFE requires migrant domestic workers with no experience working in the Middle East to complete a free 12-day pre-departure training course. It is not known how many migrant workers completed this course in the reporting period. The SLBFE and the Department of Labor conducted awareness programs on safe migration. In measures that could prevent transnational labor trafficking of Sri Lankans, the SLBFE reported that it filed 727 charges against recruitment agencies in 2010 under Sections 398 (cheating) and 457 (forgery for the purpose of cheating), conducted 84 raids against employment agents, and fined recruitment agencies found to be guilty of fraudulent practices over \$40,000. The Criminal Investigation Division of the police, in cooperation with Interpol and the Royal Malaysian Police, investigated four fraudulent recruitment agents who may

have been responsible for the forced labor of Sri Lankans in Malaysia.

While most Sri Lankans have birth certificates and (after the age of 16) national identity cards, many of the 250,000 to 350,000 internally displaced people – a group very vulnerable to trafficking – did not have these documents. The Government of Sri Lanka continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people with UNDP. 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 training to all Sri Lankan peacekeepers prior to their deployments for international peacekeeping missions relating to human rights, including trafficking. 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 who are subjected to forced labor and sex trafficking. 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, including law enforcement officials. Khartoum, Juba, Nyala, and Port Sudan have 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. During the year, Sudan People's Liberation Army (SPLA) forces in Lul Payam (Upper Nile State) reportedly forced men and women to perform heavy manual labor without remuneration, while subjecting them to physical abuse.

Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries, such as Bahrain, Saudi Arabia, and Qatar, and to forced 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 transit Yemen en route to Saudi Arabia, where they are used in forced begging and street vending, and reportedly work in exploitative labor situations for Sudanese traders in the Central African Republic. Sudanese gang members reportedly coerce other young Sudanese refugees into prostitution in nightclubs in Egypt. Sudanese refugees in Israel reported being brutalized by Rashaida smugglers operating in the Sinai, including being chained together, whipped and beaten regularly, deprived of food, and forced to do construction work at gunpoint at smugglers' personal homes.

Sudan is a transit and destination country for Ethiopian and Eritrean women subjected to domestic servitude in

Sudan and Middle Eastern countries. Filipina migrant domestic workers may also be victimized by situations of forced labor in Khartoum. Sudan is a destination for Ethiopian, Somali, and possibly Thai women subjected to forced prostitution. Agents recruit young women from Ethiopia's Oromia region with promises of high-paying employment as domestic workers in Sudan, only to collect their salaries or force them into prostitution in brothels in Khartoum or near Sudan's oil fields and mining camps. Some Ugandan girls in Juba's prostitution trade may be controlled by a third party.

Thousands of Dinka women and children, and a lesser number of children from the Nuba tribe, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the concluded north-south civil war. Some of those enslaved remain with their captors. While there have been no known new abductions of Dinka by members of Baggara tribes in a number of years, inter-tribal abductions continue between tribes in southern Sudan, especially in Jonglei and Eastern Equatoria States. Hundreds of children were abducted in 2010 during cattle raids and conflicts between rival tribes, some of whom were subsequently subjected to conditions of domestic servitude or animal herding. As part of the Darfur conflict, government-supported militia, like the Janjaweed and the Popular Defense Forces (PDFs), and elements of the Sudan Armed Forces (SAF) abducted civilians between 2003 and 2007, mostly from the Fur, Massalit, and Zaghawa ethnic groups. Abducted women and girls are subjected to sexual exploitation and forced domestic and agricultural labor, while men and boys are subjected to forced labor in agriculture, herding, portering goods, and domestic servitude; some of these individuals likely remained captive at the end of the reporting period.

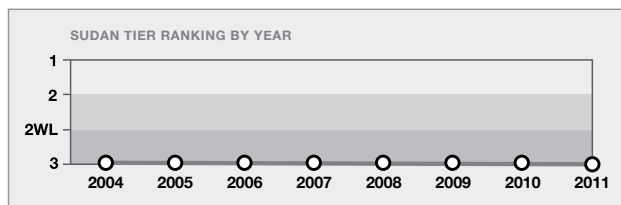
Forcible recruitment of adults and particularly children, by virtually all armed groups, including government forces involved in Sudan's concluded north-south civil war was previously commonplace. Since the war formally ended with the signing of the Comprehensive Peace Agreement in 2005, the Government of Southern Sudan's army, the SPLA, committed to releasing all children from its ranks, including through the signing of an action plan with the UN in November 2009. 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. For example, in October 2010, UN personnel near Abeyi town witnessed two children ages 10 to 12 years atop a truck wearing SPLA uniforms and carrying AK-47 rifles. In late 2010, there were confirmed reports of unlawful SPLA recruitment of five street children from the SPLA guesthouse in Kadugli town (South Kordofan State), after which they were sent for military training at the SPLA barracks in White Lake/Jaw area. An unknown number of children remained with the SPLA at the end of 2010. Unlike the previous reporting period, the UN Mission to Sudan (UNMIS) reported demobilized child soldiers are no longer being re-recruited in Blue Nile State.

In Darfur, Sudanese children were conscripted, at times through abduction, and used by armed groups during the reporting period, including the Sudan Liberation

Army (SLA)/Minni Minawi, SLA/Abdul Wahid, SLA Historical Leadership, Justice and Equality Movement (JEM), government-supported Janjaweed militia, and Chadian opposition forces. Elsewhere in northern Sudan, government security forces used child soldiers; at least two children were verified as being associated with the Border Intelligence Forces and seven with the PDF during the year.

The Lord's Resistance Army (LRA) continued to abduct Sudanese children and harbor enslaved Sudanese, Congolese, Central African, and Ugandan children in southern Sudan's 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 Government of National Unity (GNU) 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 steps to identify, demobilize, and reintegrate child soldiers during the reporting period, combating human trafficking through law enforcement, protection, or prevention measures was not a priority. The GNU did not acknowledge that forced labor, forced prostitution, or child prostitution exists within the country, and did not publish data regarding its efforts to combat human trafficking during the year nor respond to requests to provide information for this report. Though the Government of Southern Sudan's ability to monitor human trafficking in its jurisdiction or to provide accurate or comprehensive information regarding its limited anti-trafficking efforts remained weak, it demonstrated some willingness to engage on and work with the international community to address such issues – particularly those related to child soldiering – during the reporting period.



Recommendations for Sudan: Acknowledge the existence of a multi-faceted human trafficking problem; 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, prosecute 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 trafficking awareness 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 governmental armed forces, as well as those 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, a limit on the number of hours worked each day, and a basic minimum wage; 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 were negligible during the reporting period; it did not investigate or prosecute any suspected trafficking cases. Both the GNU and Government of Southern Sudan lacked the ability to establish authority or a law enforcement presence in some regions. The GNU and the Government of Southern Sudan neither documented their anti-trafficking law enforcement efforts, if any, nor provided specialized anti-trafficking training to police, military, prosecutorial, or judicial personnel during the year. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though its 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. Nevertheless, no trafficker has ever been prosecuted under these articles, and it was unclear whether the National Security and Intelligence Service – the entity responsible for investigating cases of human trafficking – did so during the reporting period.

The GNU's 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, however, for the rehabilitation and reintegration of children victimized by such crimes. The GNU has never used this statute to prosecute any person in its armed forces suspected of such crimes. 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 under 18 years of age, 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 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, indicate 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 Southern Sudan 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 such 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. The Southern Sudan 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 Southern 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 Southern Sudan Ministry of Labor in 2009 and would provide further protections against forced and child labor, was not passed during the most recent legislative session. Throughout the reporting period, Government of Southern Sudan senior officials deployed newly-formed rapid response police and military units to respond to inter-tribal fighting and free abductees; these law enforcement efforts did not result in prosecutions or convictions of trafficking offenders.

Protection

The GNU made only minimal efforts to protect victims of trafficking during the past year, and these efforts focused primarily on the demobilization of child soldiers. The government did not publicly acknowledge that women and children are exploited in prostitution or domestic servitude in Sudan, nor did it take steps to identify and provide protective services to such victims. Sudan has few victim care facilities readily accessible to trafficking victims, and the government did not provide access to legal, medical, or psychological services. Police child and family protection units in Khartoum, Western Darfur, Northern Darfur, Southern Kordofan, Northern Kordofan, and Gedaref States offered legal aid and psychosocial support to some victims of abuse and sexual violence during the year; these units were not fully operational due to lack of staff and equipment, and it is unknown whether they provided services to trafficking victims. 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, though NGOs believed that such detentions occurred in 2010. According to their lawyers, the government sentenced to death eight individuals believed to be child soldiers in 2009 for participating in JEM's May 2008 attack on Omdurman; four reportedly remain in detention, though there is no independent access to the detention centers to verify their presence or ages at the time of the attack. In November 2010, the government sentenced to death three individuals believed to be child soldiers, while a fourth received a lesser sentence for their participation in a May 2010 JEM attack on a fuel convoy; their case was under appeal at the close of the reporting period.

In January 2011, the North Sudan Disarmament, Demobilization, and Reintegration Commission (NSDDRC), the UN-African Union Mission in Darfur, the UNICEF, and a local NGO screened 93 boys associated with the Sudan Liberation Movement Army and Good Will Movements in El Fasher, North Darfur, providing medical exams and education on the dangers of HIV/AIDS; 84 were registered and demobilized as part of the process. It is unknown whether children were demobilized from the SAF or associated militias during the year.

Implementation of the SPLA's November 2009 UN-sponsored one-year action plan to end its use of child soldiers is behind schedule; local observers estimate the required activities will not be completed until the end of 2012, partially due to the fact that some SPLA barracks where child soldiers have been documented are nearly inaccessible due to the poor road conditions or insecurity. In August 2010, the SPLA officially launched, with UNICEF funding, its year-old central Child Protection Unit (CPU) in Juba to oversee implementation of the plan, compliance with child protection standards at major SPLA bases, and removal of children from SPLA payrolls. It also began establishing CPUs at SPLA division headquarters in all 10 southern states. To date, CPUs have been established in Mapel, Wunyiik, Duar, Panpandiar, and Mongiri.

The SSDDRC did not provide consolidated information regarding its efforts in 2010; the following data, compiled from various UN sources, may not account for all relevant activities. In March 2010, the SSDDRC and the SPLA CPU, with UNICEF support, identified and registered 20 child soldiers in the SPLA second division training center in New Kush (Eastern Equatoria State) and 27 in the Pakur SPLA barracks (Unity State). In May 2010, in Unity State, a team composed of the SSDDRC, the Ministry of Social Development (MoSD), and several UN entities carried out a demobilization exercise for 43 children at Buoth SPLA Division Four Assembly Area in Mayoum County. The SSDDRC and MoSD joined efforts to reunify 37 of these children with their families in nine towns throughout Mayoum County. In July and October 2010, a similarly-comprised team identified, registered,

and demobilized a total of 77 boys in two separate SPLA Divisions in Mapel and Wunyik (Greater Bahr el Ghazal); an interim care center in Malualkon, rehabilitated by the SSDDRC, UNICEF, and an international NGO in 2009, provided accommodation to an unknown number of these demobilized children. In Blue Nile State, 140 of 220 known children associated with the SPLA were demobilized in December 2010; efforts continue to secure release of the remaining child soldiers in Blue Nile State, as well as to assess the presence of children in an additional five SPLA divisions. In Lakes State, the MoSD, with UNICEF funding, supported the enrollment into schools of 11 demobilized children, followed by the enrollment of four children in Eastern Equatoria State.

The MoSD in Western Equatoria State, with UNICEF's support, provided care, repatriation, family tracing, and reunification at a reintegration center in Yambio to 58 children – 27 Congolese, two Central African, and 29 Sudanese – rescued from LRA captivity in 2010. In February 2011, SPLA soldiers worked with Murle elders in Pibor Country to secure the release of six children abducted and sold by Murle tribesmen approximately one year earlier. Local, county, and state officials forged partnerships with UNMIS, UNICEF, and an international NGO to return the children to Bor County and reunite them with their families.

The Committee for the Eradication of Abduction of Women and Children (CEAWC), established in 1999 to facilitate the safe return of abducted and enslaved individuals to their families, was not operational for the majority of the reporting period, as was the case during the two preceding reporting periods. Its most recent retrieval and transport missions took place in March 2008 with Government of Southern Sudan funding; since that time, the GNU has not provided CEAWC with funding for the transport and reunification of previously identified abductees with their families, and made no efforts to assist victims of abduction and enslavement in the country. The Southern Sudan Human Rights Commission reportedly gave the organization \$39,546 in 2010 to identify enslaved people in Nyala; this amount was inadequate to fund returns to southern Sudan.

Prevention

The government made limited efforts during the reporting period aimed at the prevention of trafficking. Neither the GNU nor the Government of Southern Sudan conducted any anti-trafficking information or education campaigns, or has a plan of action to address trafficking or an anti-trafficking committee to coordinate national efforts. In June 2010, however, IOM, the UN High Commissioner for Refugees, the Ministry of Interior, and the Sudan Center for Migration, Development, and Population Studies organized an inter-governmental forum in Khartoum to discuss human trafficking in Sudan. Participants at this forum, which brought together senior government officials from both the GNU and the Government of Southern Sudan, agreed to establish an interagency task force to coordinate the government's efforts to combat trafficking; to date, this entity does not appear to have been formed. In November 2010, the South Sudan Human Rights Commission announced the start of a campaign against human trafficking and gender-

based violence that, in early 2011, included workshops, radio broadcasts, and posters to educate and discourage the public from engaging in gender-based violence.

The Secretariat of Sudanese Working Abroad, the national government agency responsible for collecting fees and taxes from migrant workers before their departure and protecting their rights and interests while abroad, reportedly established an anti-trafficking section to work on the repatriation of abused workers from the Middle East. Neither this section's existence nor any of its efforts could be verified. The Ministries of Labor and Foreign Affairs and the National Council for Child Welfare have responsibility for addressing specific aspects of Sudan's human trafficking problem; it is unknown what efforts, if any, these entities made during the reporting period to address the labor exploitation of Sudanese nationals working abroad, or foreign nationals within Sudan. The Ministry of Social Welfare for Women and Children 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 human trafficking within Sudan; it is unknown whether this ministry did so in 2010.

It is unknown what efforts, if any, authorities in Southern Sudan – particularly the Ministries of Labor and Internal Affairs made during the reporting period to address the labor exploitation of Sudanese nationals working abroad or foreign nationals within Sudan.

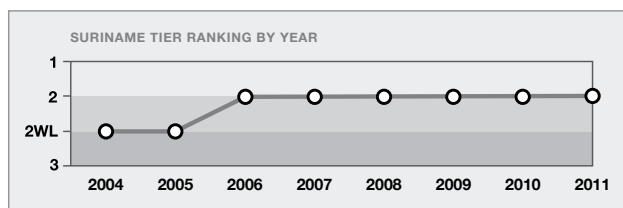
During the year, high-ranking SAF officials met several times with UN entities to discuss the preparation of, and commitment to, an action plan to end the use of child soldiers, including in proxy groups; an initial draft of the action plan was submitted to the Ministry of Defense for review, but was not finalized by the close of the reporting period. In June 2010, a technical working committee – comprised of the SPLA CPU, SSDDRC, UNICEF, and UNMIS – was established to oversee the implementation of the UN-SPLA action plan to end the use of child soldiers. The committee finalized a joint plan to verify the presence of child soldiers across the SPLA barracks in Southern Sudan, with separate plans later created for Blue Nile and Southern Kordofan States; joint SPLA-UNICEF teams began inspections in early 2011 to implement these plans. It also undertook awareness campaigns against child recruitment and use in five divisions of the SPLA, reaching more than 5,000 troops. Key messages, developed by SSDDRC and UNICEF, were aired by UNMIS radio. In June 2010, the government signed the N'Djamena Declaration, a binding document that outlines commitments to, and reinforces international standards on, recruitment and use of child soldiers. 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)

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. Forced labor victims are often men and arrive from Vietnam, Indonesia, China, and Haiti in search of employment in Suriname; however, upon arrival, they are subjected to forced labor in factories, the fishing industry, and agriculture. NGOs and the government suggest that some Brazilian women could be subjected to prostitution in Suriname's interior around mining camps, although the remote and illegal nature of these camps makes the scope of the problem unknown. NGOs report that some prostitution of children occurs in the capital of Paramaribo. 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. During the reporting period, authorities maintained law enforcement efforts by convicting two trafficking offenders, assisted three sex trafficking victims, and launched a new trafficking hotline. However, victim identification and assistance mechanisms remained weak, the government conducted few awareness-raising efforts, and the government did not offer foreign victims legal alternatives to their deportation, resulting in the deportation of two suspected forced labor victims.



Recommendations for Suriname: Vigorously investigate and prosecute trafficking cases and convict trafficking offenders; establish provisions for legal alternatives to victims' removal to countries where they would face retribution or hardship; provide training to law enforcement, immigration, and judicial officials regarding the identification of trafficking cases and the treatment of trafficking victims using a victim-centered approach; ensure that victims receive specialized services through partnering with and funding NGOs that provide these services; implement a national anti-trafficking plan; and continue to raise awareness about trafficking, targeting the general public, victims, potential clients of the sex trade, and consumers of products made and services provided through forced labor.

Prosecution

The Government of Suriname maintained modest 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. Authorities reported investigating three cases of sex trafficking and one case of labor trafficking in 2010. Two

sex trafficking offenders were prosecuted and convicted under the anti-trafficking statute; sentences ranged from two to two and half years and were not suspended. These sentences are less than the statutory minimum of five years' imprisonment prescribed for this offense. In comparison, authorities convicted three sex trafficking and three labor trafficking offenders during the previous year, with sentences averaging 19 months' imprisonment. The police continued to operate a four-person specialized anti-trafficking unit that investigated cases nationwide. However, authorities did not have the resources to conduct investigations into trafficking allegations linked to illegal gold mining sites in the country's interior. Government training for officials on how to identify and assist trafficking victims remained limited. The government reported no data on government officials investigated, prosecuted, convicted, or sentenced for trafficking-related complicity.

Protection

The Government of Suriname provided limited protections to trafficking victims, relying on NGOs to provide most victim care. Authorities did not employ a formal system to proactively identify trafficking victims among vulnerable populations, such as women in prostitution. The government was not able to provide support for a shelter for trafficking victims. Three NGOs provided basic shelter services, and the government ran a shelter for victims of domestic violence that also offered services to trafficking victims, though the government did not report any victims receiving care at this shelter during the reporting period. Government funds for victim assistance were limited to reimbursing NGOs for the basic shelter, clothing, food, and medical care for the two Guyanese and one Surinamese sex trafficking victims identified during the year. The government identified two Chinese men as labor trafficking victims, but they were deported as undocumented migrants after they refused to assist law enforcement authorities in prosecuting their trafficking offenders. Although the government did not have a formalized referral process of identified trafficking victims to NGOs that provide services, authorities reported doing so on an *ad hoc* basis. To date, there have been no formal mechanisms established to provide foreign victims with legal alternatives to remain permanently in Suriname. The government claimed that it encouraged victims to assist with the prosecution of trafficking offenders; however, the legal system conditions immigration relief on victims' assistance to the government's prosecution. Throughout the year, victims were not given temporary legal status.

Prevention

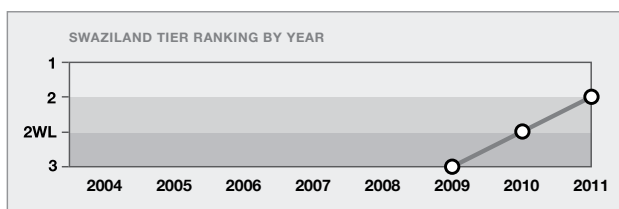
The Government of Suriname increased trafficking prevention efforts during the reporting period. The government's inter-agency anti-trafficking working group, which met on a monthly basis, continued to coordinate the government's anti-trafficking efforts. The working group drafted an anti-trafficking plan of action for 2011 that was not yet approved during the reporting period. In 2010, authorities launched a trafficking hotline, with funding from a foreign government, but the hotline received few calls due to limited public awareness of its existence. However, in March 2011 the government launched a

television publicity campaign with the support of an international organization in order to raise awareness of the hotline in three major languages. There were no reported measures against child sex tourism during the year, but authorities investigated a French diplomat for sexually exploiting a trafficking victim in Suriname: he was not prosecuted due to his diplomatic immunity. The government made no discernible efforts to reduce the demand for forced labor.

SWAZILAND (Tier 2)

Swaziland is a source, destination, and transit country for women and children 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. Swazi boys are exploited within the country through forced labor in commercial agriculture and market vending. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating to these countries 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.

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. Over the last year, the government displayed steady progress in its investigation and prosecution of suspected trafficking offenses, formation and training of trafficking-specific emergency response teams, and effective utilization of the Anti-Human Trafficking Task Force to coordinate interagency efforts. Despite these recent improvements, anti-trafficking training is needed to ensure the proper interpretation and effective implementation of the 2009 anti-trafficking law and sustain continued progress.



Recommendations for Swaziland: Complete and disseminate regulations to fully implement the 2010 anti-trafficking legislation; complete and begin implementing the draft national anti-trafficking action plan; investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; proactively identify trafficking victims among vulnerable groups; institute a formal system to refer victims for assistance; institute a unified system for documenting and collecting data on human trafficking cases for use by law enforcement, immigration, labor, and social welfare officials; and continue to conduct visible

campaigns to educate the public about the dangers and risks of trafficking in Swaziland and neighboring countries.

Prosecution

The Government of Swaziland increased its law enforcement efforts to combat trafficking during the reporting period. Although no trafficking offenders were convicted, authorities prosecuted three suspected trafficking offenders. In December 2009, the king signed "The People Trafficking and People Smuggling (Prohibition) Act, 2009;" this comprehensive anti-trafficking legislation became effective in March 2010, after its publication in the government's official gazette. The act 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 other serious crimes. The government has not yet started drafting implementing regulations for the law. As a result of the government's establishment of a trafficking-specific hotline in June 2010, law enforcement authorities investigated seven suspected child trafficking cases based on tips received. Five of these cases involved Swazi victims subjected to sex trafficking in South Africa who ultimately filed charges in South African courts. Upon learning of the five cases, the Royal Swazi Police collaborated with NGOs and law enforcement counterparts in South Africa to effect the safe return of the victims. In the sixth case, the police arrested a suspected trafficking offender on kidnapping charges for the trafficking of a foreign boy for the purposes of cattle herding; the offender was released on bail and the case remains pending before the Swazi courts. In 2010, a Swazi prosecutor withdrew the case of two Swazi women who allegedly trafficked a teenage girl to South Africa due to insufficient evidence.

Protection

The Government of Swaziland demonstrated increased capacity in protecting trafficking victims and identified seven victims during the reporting period. The government assisted multi-purpose shelters run by NGOs by providing professional services, including health care and counseling at the government's expense. During the reporting period, the government's interagency Task Force established and trained emergency response teams in Swaziland's four regions, intending to coordinate the government and NGO response to trafficking cases at the local level. Between March and September 2010, the Task Force organized three workshops for members of emergency response teams; the workshops – one funded by a foreign donor and two jointly funded and organized by IOM and the Swaziland government – focused on identifying and working with victims, cooperating with NGOs, investigating and prosecuting trafficking cases, and trial preparation. The government continued to draft a formal referral process to guide officials in transferring trafficking victims from detention to shelters. Some cases of trafficking were not adequately investigated, leading to victims being charged with immigration violations and placed in detention facilities. The teams also trained staff of the 55 *tinkhundla* centers throughout the country to proactively identify

instances of trafficking within their routine case work. The government did not offer foreign victims alternatives to their removal to countries where they may face retribution or hardship.

Prevention

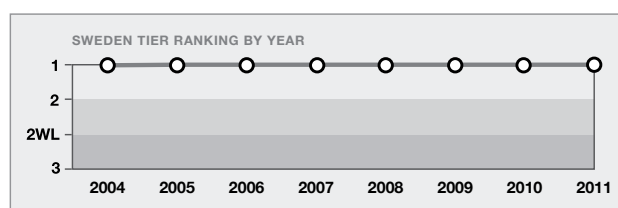
The government increased its efforts to prevent trafficking during the reporting period. In March 2010, the prime minister officially launched the Task Force for the Prevention of People Trafficking and People Smuggling that had been created in July 2009. In October 2010, he announced the formation of a Secretariat to coordinate the work of the task force and serve as the lead for the government's anti-trafficking efforts. The task force met monthly to share information and served as a forum for the collection of law enforcement and victim assistance data. It continued to draft a National Plan of Action and led several events to raise public awareness. The task force conducted public awareness activities at the Swaziland International Trade Fair in Manzini in August and September 2010 and the Day of the African Child in June 2010, targeting traditional leaders, students, young women, and parents with messaging on preventing child trafficking and how and where to report suspected cases. The anti-trafficking hotline — funded and managed by the government — officially launched in June 2010, and received more than 5,000 calls between June 2010 and January 2011, including from seven trafficking victims. In November 2010, the government passed a law to allow domestic workers to unionize. Some domestic workers brought civil suits against their employers, often regarding underpayment of wages or dismissal issues. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. 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. Women, men, and children are also 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, primarily in sex trafficking, in Sweden annually. Foreign victims of sex trafficking originate from Romania, Russia, Bulgaria, Hungary, the Czech Republic, Albania, Estonia, Nigeria, Tanzania, Kenya, Thailand, China, Uzbekistan, and Mongolia; in 2010, one third of identified victims were children. Among Swedish nationals, some mentally or physically handicapped individuals reportedly were exploited in sexual servitude. According to a government report, 12 percent of Swedish girls and four percent of Swedish boys placed in state-run youth care homes sold sex for drugs or money. Although sex trafficking has been the dominant type of human trafficking in Sweden, forced labor and forced criminal behavior also increased this year. Victims of forced labor originated from Romania, Thailand, Bangladesh, Vietnam, Latvia, and Estonia. Government officials and NGOs report that forced labor occurs in domestic service, the hospitality industry, and in the gardening, construction, and seasonal agriculture

sectors. Some foreign migrants recruited for berry-picking reportedly experience conditions indicative of forced labor, including substandard working and living conditions, low or withheld pay, confiscation of passports, and imposition of large debts by labor intermediaries. Eastern Europeans, many of Roma origin, have been subjected to forced begging and stealing in Sweden. The approximately 2,400 unaccompanied foreign children who arrived in Sweden in 2010, primarily from Afghanistan and Somalia, were 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; Swedish citizens traveling abroad commit an estimated 4,000-5,000 acts of child sexual exploitation annually.

The Government of Sweden fully complies with the minimum standards for the elimination of trafficking. It produced new guidelines for combating trafficking, produced awareness raising campaigns, made new efforts to stem labor trafficking, and developed specialized trainings responsive to trafficking trends in the country. The government proactively identified more trafficking victims. It also funded studies of its own anti-trafficking policies and activities and produced reports on labor trafficking. Nevertheless, the judiciary continued to award light sentences for trafficking in persons offenses, including in cases involving very aggravated circumstances. Furthermore, the government's anti-trafficking program remains overwhelmingly oriented toward the combating of sex trafficking to the exclusion of the growing trend of individuals exploited for labor in the country.



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; continue efforts to identify and provide trafficking-specific assistance to child trafficking victims in Sweden, including Swedish victims of trafficking; implement measures to improve the protections for children in state-run youth homes who are vulnerable to trafficking in persons; 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; 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; continue regular, self-critical assessments of Sweden's anti-trafficking efforts.

Prosecution

Sweden demonstrated mixed anti-trafficking law enforcement efforts during the reporting period, increasing its investigations, but reversing convictions upon appeal. 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 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.

In 2010, the government investigated 32 sex trafficking cases, one more than in 2009, and nearly doubled its investigations of labor trafficking cases from 28 in 2009 to 52 in 2010. Twenty-nine of all trafficking cases investigated involved the exploitation of children. Authorities prosecuted 37 suspected trafficking offenders under Sweden's trafficking statute and related statutes, an increase from 2009, in which approximately 24 offenders were prosecuted. The courts dismissed 10 of those cases, and convicted 27 offenders, including three for sex trafficking, five for trafficking for other purposes, one for assisting trafficking, four for aggravated procurement, and 14 for procurement. This compared with at least four sex trafficking offenders convicted under the trafficking statute and 20 sex trafficking offenders convicted under the procurement law in 2009. The sentences for sex trafficking ranged from three to six years' imprisonment, averaging four years. The sentences for trafficking for other purposes ranged from three months' to one year's imprisonment. Nevertheless, these convictions were often reversed or the sentences were reduced by the appellate courts. In one high-profile case, involving the drugging and aggravated sex trafficking of a 14-year-old mentally handicapped girl residing in a state-run youth home in Malmo, the appellate court reversed the sentences of several offenders and reduced the sentence of the ringleader to only three months in prison, ruling that the exploitation was not a sufficient invasion of the victim's integrity to warrant damages. The Swedish government funded training for police officers, border officials, judges, and prosecutors on trafficking in persons, including offering advanced training courses for police officers. For example, selected police officers received special training on interacting with victims under the psychological coercion of voodoo. The government also facilitated the extradition of a trafficking offender from Bulgaria to Sweden. The government did not report the investigation, prosecution, or conviction of any government officials complicit in trafficking.

Protection

The government demonstrated strong victim protection efforts during the reporting period, identifying a greater

number of victims during the reporting period. The government identified 84 victims of trafficking in 2010, an increase from 59 victims identified in 2009. Thirty-two victims were sex trafficking victims; 52 were victims of labor trafficking. In progress from prior years, the government identified a Swedish citizen who was a victim of trafficking. The government funded victim care through NGOs both in Sweden and abroad to provide female and male victims with rehabilitation, health care, vocational training, and legal assistance. In 2010, the National Support Operations team published a handbook on human trafficking in Sweden and developed national guidelines for combating prostitution and human trafficking. The government provided temporary residence permits to trafficking victims who cooperate in the criminal investigation of trafficking offenders. The prosecutor also had the discretion to file for permanent residency after the conclusion of the criminal case. A provision of the Swedish Alien's Act allowed trafficking victims to apply for permanent residency as a person in need of protection in their home country, which could offer a legal alternative to removal of victims facing retribution or hardship at home. The Swedish government issued 40 temporary residence permits this year, an increase from 19 permits issued in 2009; in at least one of these cases, the prosecutor succeeded in obtaining a permanent residency permit for a victim in a case in which there was no conviction. The government offered incentives to trafficking victims to participate in prosecutions by appointing legal counsel to victims of trafficking during the course of criminal proceedings. The government inconsistently provided counsel in human trafficking offenses that were charged as pimping, rather than under the trafficking statute. Although there is no formal victim restitution program, the Crime Victim Compensation and Support Authority sometimes awarded compensation to trafficking victims. There were no reports of the government punishing 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. It began to incorporate labor trafficking into anti-trafficking programs, while still continuing work on sex trafficking. In an extension of the 2008-2010 National Action Plan, the Government of Sweden designated the Stockholm County Administration as the coordinating body of the government's anti-trafficking activities. Under the official mandate of the Action Plan, the Stockholm County Administration only addressed sex trafficking, not labor trafficking, although the coordinator has voluntarily chosen to incorporate labor trafficking into its activities. In 2010, Sweden launched an awareness raising campaign, "Safe Trip," to distribute information on human trafficking for sexual exploitation through posters and brochures in transfer places. It also continued other information campaigns on sex trafficking such as television ads, and targeted campaigns to hotels and taxi drivers. There was no equivalent awareness raising program for forced labor, and an expert report concluded that there was a general lack of awareness on labor trafficking in Sweden. However, the government funded a study on labor trafficking and labor exploitation in

Sweden, which illuminated several systemic problems: the under-reporting of forced labor as human trafficking, poor controls over the registration of abusive labor recruiting companies, and a lack of a clear mandate to investigate labor trafficking cases. The National Police published an annual report on trafficking in persons, analyzing trafficking statistics, trafficking legislation, and trends in the crime. The Government of Sweden made efforts to improve data collection on trafficking by developing a standard data collection form for authorities to use when they come into contact with potential victims of trafficking. The Swedish government gave significant funds in foreign aid to support anti-trafficking activities throughout the world. For example, it allocated approximately \$143,000 to start a transnational project to counter labor trafficking in the Baltic Sea Region. The Government of Sweden also funded regional study visits on anti-trafficking activities to representatives of 11 countries in North Africa and the Middle East. 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. The appellate court in the Malmo case, however, overturned the sentences for at least two men who had been convicted of purchasing sexual services or the aggravated pimping of a child. A former senior police officer and principal of Sweden's police training college, who was regarded as an expert on gender equity and the 1998 Act Prohibiting the Purchase of Sexual Services, was investigated and charged with multiple sex offenses, including rape of a minor and pimping. Swedish authorities convicted him on several charges and sentenced him to six years in prison. Sweden also has strong policies against child sex tourism, including facilitating anonymous reporting of sexual abuse of children abroad, designating a special police unit to investigate charges of child sex tourism, and collaborating in the prosecutions of three Swedish citizens engaged in child sex tourism in Cambodia and Thailand. 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. The majority of identified trafficking victims were forced into nude dancing and prostitution and originated from Eastern Europe, including Hungary, Romania, and Bulgaria. Victims from Latin America, Asia, and Africa are also exploited in Switzerland. In 2010, officials and NGOs reported an increase in the number of women in prostitution and children forced into begging from other parts of Europe, especially Hungary, Romania, and Bulgaria, many of whom were ethnic Roma. During the reporting period, officials took steps to address concerns that Swiss law does not prohibit prostitution by children aged 16 and 17 under all circumstances. While the majority of trafficking victims are found in Swiss urban areas, police and NGOs have encountered small numbers of victims in

bars in rural areas in recent years. There reportedly is forced labor in the domestic service sector, particularly in foreign diplomatic households. Swiss federal police assessed the total number of potential trafficking victims residing in Switzerland as between 1,500 and 3,000.

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 important steps this year to prohibit the prostitution of children aged 16 and 17, including a formal commitment at the federal level to pass a law against the practice. Although the process of enacting this legislation is underway, it remains legal in several cantons to benefit financially from the prostitution of children between 16 and 18 years of age. During the reporting period, Swiss authorities nearly doubled the number of convicted trafficking offenders. However, the percent of convicted trafficking offenders who were sentenced to prison terms was low; 83 percent of convicted offenders were not sentenced to time in prison.



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; 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 improved its law enforcement efforts this reporting period, taking significant steps to correct a critical gap in its legal prohibition of trafficking in persons. Switzerland prohibits trafficking for most forms of sexual and labor exploitation under Article 182 and Article 195 of the Swiss penal code. Prescribed penalties – up to 20 years' imprisonment – are commensurate with penalties prescribed for other serious crimes. However, Swiss law does not expressly prohibit prostitution by children aged 16 and 17 under all circumstances throughout the country, leaving these children vulnerable to sex trafficking, such as cases in which a third party profits from a child in prostitution. The Swiss federal government and several cantons took significant steps to outlaw the practice this year. After signing the Council of Europe Convention on the Protection of Children against Sexual Exploitation

and Sexual Abuse in June 2010, the Swiss government committed to amending its criminal code in order to prohibit child prostitution. The law is currently under review by cantonal authorities. During the reporting period, the Canton of Geneva implemented a law criminalizing child prostitution; the Canton of St. Gallen passed a similar law prohibiting the practice. While Swiss civil law and social services guidelines provide opportunities for dissuasion and redress with regard to the problem of sexual exploitation of children, existing arrangements do not appear to address fully this systemic vulnerability.

The Federal Office of Statistics reported that police forces conducted 159 investigations into human trafficking and forced prostitution in 2010, up from 154 investigations in 2009. According to the Federal Office of Statistics, during 2010, 56 offenders were prosecuted for sex and labor trafficking and 103 for forced prostitution, compared to 53 prosecutions for sex and labor trafficking and 90 for forced prostitution in 2009. Swiss authorities confirmed that there were at least two prosecutions for labor trafficking in 2010. Swiss authorities convicted 31 sex trafficking offenders in 2009, the last year for which comprehensive conviction statistics were available, an increase from the 16 offenders convicted in 2008. The majority of convicted offenders, however, were not sentenced to time in prison: of the 31 convicted trafficking offenders, 26 offenders received suspended sentences, while nine were sentenced to time in prison. The maximum prison sentence awarded in 2010 was 10 years.

In May and June 2010, the Swiss Police Institute conducted a five-day training on identifying trafficking victims for members of the cantonal and municipal police forces, the Federal Criminal Police, border guards, and migration officers. The government incorporated anti-trafficking training into the basic course for border guards. During the reporting period, Swiss authorities cooperated with several countries, including Romania, Germany, Hungary, and Austria, in 645 investigative inquiries, up from 425 instances during 2009. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials for human trafficking complicity.

Protection

The Government of Switzerland improved its victim protection efforts during the reporting period. Several of Switzerland's cantons have formal procedures for the identification of victims and their referral to protective services. During 2010, Swiss government authorities referred approximately 53 percent of the trafficking victims identified by NGOs to assistance centers. Cantonal assistance centers identified at least 90 victims in 2010, compared with 93 victims in 2009. The country's lead anti-trafficking NGO, which received some government funding, reported assisting 179 sex trafficking victims, 69 of whom were newly identified victims, and seven labor trafficking victims, compared with 172 sex trafficking victims and 12 labor trafficking victims in 2009. The NGO provided assistance for at least one victim under 18. Victims identified during the reporting period were offered shelter, a living allowance, medical assistance, psychotherapy,

protection, translation, and legal assistance in coordination with cantonal government and NGO victim assistance centers, per the provisions of Switzerland's Victim Assistance Law. Several cantons enhanced their victim assistance programs this year. During the reporting period, the government designated an NGO to provide specialized counseling to trafficking victims in French-speaking areas of Switzerland.

The government encouraged victims of trafficking to participate in prosecutions; at least 20 victims of trafficking cooperated in the prosecution of traffickers in 2010. During the reporting period, the government adopted new measures to protect victims' identities during trial, including allowing closed procedures and obscuring victims' identities in cases of threats to safety. The Swiss government facilitated the voluntary return of nine trafficking victims to their countries of origin under a victim assistance and repatriation project that was formalized this year. Cantonal immigration offices granted 30-day stays of deportation to 34 trafficking victims in 2010 and issued 51 short-term residency permits to victims for the duration of legal proceedings against their traffickers. The government also provided long-term legal alternatives to removal to victims of trafficking facing hardship or retribution in their countries of origin. In 2010, Swiss authorities granted four trafficking victims long-term residency permits on personal hardship grounds, up from three victims in 2009. In September and October 2010, the trafficking specialist unit of the Federal Criminal Police organized a pilot training course for operators of victim assistance centers. 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.

Prevention

The government made limited progress in the prevention of trafficking during the reporting period. It did not carry out any nationwide anti-trafficking public awareness campaigns, though Swiss authorities funded an anti-trafficking NGO to participate in discussions of anti-trafficking best practices during the year. Swiss authorities developed an online teaching model translated in Switzerland's official languages for all teachers at the secondary and vocational level to educate students on the problem of human trafficking. In an effort to prevent sex trafficking, four cantons stopped issuing artistic visas to cabaret dancers. The government continued to operate an interdepartmental body to coordinate and monitor anti-trafficking efforts chaired by the federal police at the directorate level, and sustained significant financial support of anti-trafficking programs in countries such as Georgia, Armenia, Russia, Moldova, and Lebanon. In November, the government launched a public awareness campaign to protect children from sexual exploitation in tourism, including video clips, an Internet campaign, and flyers. The government continued to host an Internet forum to facilitate reporting of suspected incidents of child sex tourism. The government cooperated with the prosecutions of four Swiss child sex tourists in Thailand, Cambodia, and Italy. The government did not otherwise make any discernible efforts to reduce the demand for

commercial sex. The government provided specific anti-trafficking training for all Swiss military personnel prior to their deployment abroad on international peacekeeping missions.

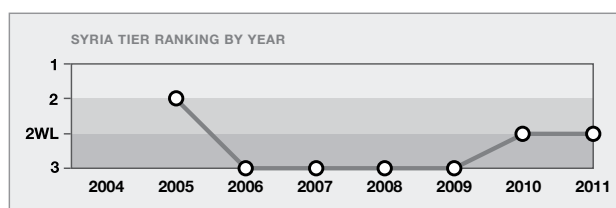
SYRIA (Tier 2 Watch List)

Syria is 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 – are recruited by employment agencies to work in Syria as domestic servants, but are subsequently subjected to conditions of forced labor by their employers. Some of these women are confined to the private residences in which they work, and most have their passports confiscated, contrary to Syrian law, by their employer or the labor recruitment agency. Contracts signed in the employee's country of origin are often changed upon arrival in Syria, contributing to the employee's vulnerability to forced labor. The Government of Ethiopia's ban on its citizens accepting employment in Syria has not stopped 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 subsequently expected to perform sexual acts and are vulnerable to forced labor.

Women from Eastern Europe – particularly Ukraine – Somalia, and Morocco are recruited legally as cabaret dancers in Syria; some "entertainers" are subsequently forced into prostitution after their employers confiscate their passports and confine them to their hotels. Due to the economic desperation of Syria's large Iraqi refugee population, some women and girls suffer trafficking at the hands of their families or by criminal gangs; victims are placed to work in nightclubs, for temporary "marriages" to men for the sole purpose of prostitution, or to be sold to pimps who rent them out for longer periods of time. Some Iraqi parents have reportedly abandoned their daughters at the Iraqi side of the border with Syria with the expectation that traffickers will arrange for them forged documents to enter Syria and employment in a nightclub. In other instances, refugees' children remain in Syria while their parents leave 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. Syria is a transit country for Iraqi women and girls, as well as Southeast Asians and East Africans, subjected to conditions of forced prostitution in Europe, Saudi Arabia, Kuwait, United Arab Emirates, and Lebanon.

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.

The Government of Syria 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 made modest anti-trafficking efforts, with the Ministry of Interior launching a 200-person anti-trafficking directorate and the government hosting an international conference on human trafficking. Despite these efforts, the government did not demonstrate evidence of increasing efforts to investigate and punish trafficking offenses, inform the public about the practice of human trafficking, or provide much needed anti-trafficking training to law enforcement and social welfare officials over the past year. Therefore, Syria is placed on Tier 2 Watch List. The government did not respond to requests to provide information on its victim protection efforts for inclusion in this report.



Recommendations for Syria: Enforce the comprehensive anti-trafficking law through increased investigations and prosecutions of trafficking offenders; finalize the Executive Order required to implement Legislative Decree No. 3 of 2010, which specifically criminalizes trafficking in persons; provide training on human trafficking to police, immigration officials, labor, and social welfare officials, including those assigned to the anti-trafficking directorate; consider assigning a significant number of female police officers to the anti-trafficking directorate and provide specific training on the sensitive receiving of cases and interviewing of potential trafficking victims; launch a nationwide anti-trafficking public awareness campaign, particularly highlighting the appropriate treatment of domestic workers under Syrian law; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, 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 implementing its anti-trafficking statute during the reporting period. Inadequate law enforcement training remained a significant impediment to identifying and prosecuting trafficking crimes in Syria. Syria's comprehensive anti-trafficking law, Legislative Decree No. 3, which was published in January 2010 and took effect in April of the same year, provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not lay out 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. Following the passage of this statute, the Ministry of Interior dedicated significant resources to launching a specialized anti-trafficking directorate in June 2010, which is tasked 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. The directorate opened an office in Damascus, hired over 200 staff members, and established working relationships with Interpol and IOM; the nature of its day-to-day activities is unknown. The directorate's effectiveness in investigating and charging trafficking crimes, as well as officially identifying victims, was hindered by the government's delay in issuing the Executive Order containing implementing procedures for Legislative Decree No. 3; prosecutions and victim protection were unable to proceed without this formal step.

The government provided limited information on its investigation or prosecution of suspected trafficking offenses. According to the Ministry of Foreign Affairs, the government prosecuted 45 cases under Legislative Decree No. 3 in 2010: 11 in Damascus, 20 in the Damascus countryside, five in Aleppo, one in Deir al-Zour, three in Hama, one in Edlib, and four in Hassakeh. It is unknown whether these cases constitute human trafficking or reached conclusion by the end of the reporting period. Local observers, however, knew of only three investigated trafficking cases in Aleppo during the reporting period, which they claim cannot be effectively prosecuted until the release of the Executive Order. There were reports of collusion between low-level police officers and traffickers, particularly regarding the trafficking of women in prostitution; the government provided no information on its efforts to address this problem.

Protection

During the year, the government made modest progress in protecting trafficking victims, while continuing its partnerships with NGOs and international organizations to identify and provide services to victimized women and children. The Ministry of Social Affairs and Labor and other government ministries continued support of two shelters for trafficking victims, one in Damascus and the other in Aleppo, by sharing some staffing costs and dedicating funds to the creation of a database to track cases. These shelters, operated by local NGOs in buildings and on land donated by the government, offered legal, medical, and psychological counseling services to 160 women and three girls in 2010, some of whom were trafficking victims; at least 12 of these cases were Iraqi victims of forced labor or prostitution. The government failed to institute a systematic identification, interview, and referral process to address the protection needs of trafficking victims; the lack of an Executive Order providing a clear definition of a victim of trafficking continued to hinder official identification of victims, including by the government-supported shelters. As a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being deported or punished. There were reports that some women arrested on such charges and subsequently identified as victims of trafficking by NGOs were referred to shelters, though such releases from detention remained *ad hoc*, inconsistent, and

at times required lobbying from NGOs or international organizations. Male-dominated police units continued to be insensitive to issues such as rape and sexual abuse – practices to which trafficking victims are typically subjected – discouraging many victims from coming forward. 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 modest efforts to prevent trafficking. It conducted few campaigns to educate government officials and the general public about trafficking; most of the population has little or no awareness of human trafficking and the issue remains taboo to discuss. In June 2010, the government hosted an Interpol Global Trafficking in Human Beings Conference in Damascus, under the patronage of the prime minister. The status of the government's national plan of action against trafficking, which was drafted in early 2010, is unknown. The government monitored public- and private-sector industries through surprise inspections to ensure no children under the age of 15 were employed, but did not release statistics on the results of these inspections. In August 2010, the Ministry of Social Affairs and Labor reportedly instituted a new provision to address child begging that requires beggars to be fined between \$500 and \$1,000; it remains unclear if the child beggar is responsible for paying the fine or if an investigation is undertaken to determine and punish the party responsible for encouraging or forcing the child to work. While the work of domestic servants is not covered under Syria's labor law, Decree 27 of March 2009 and Decree 108 of December 2009 provide regulations concerning domestic worker recruitment agencies and guidelines for employment contracts; their enforcement could prevent forced labor. However, there were no signs that these laws were enforced. 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 under exploitative conditions. Some employers of 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

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Prevention

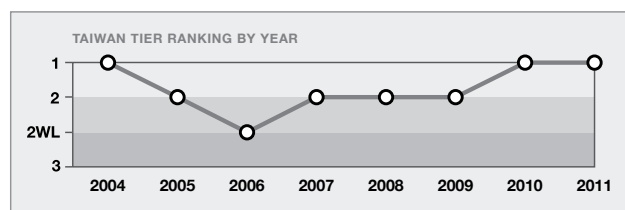
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marriages and deceptive employment offers for purposes of sex trafficking and forced labor. Migrant workers are reportedly charged up to \$7,700 in recruitment fees typically in their home countries, resulting in substantial debt that may be used by brokers or employers as a coercive tool to subject the workers to forced labor. Labor brokers often assist employers to deport “problematic” employees forcibly, 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 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, where 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 government sustained strong victim protection efforts, continued to train law enforcement and other government officials, and raised public awareness on trafficking offenses.



Recommendations for Taiwan: Extend labor protections to all categories of workers including workers in the domestic service sector and caregivers to prevent labor trafficking; sustain and improve on 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; 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; increase coordination between prosecutors and NGOs sheltering victims to keep victims informed of the status of their cases; identify and fund 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 made clear progress in anti-trafficking law enforcement 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; prescribed penalties of up to seven years' imprisonment are sufficiently stringent and commensurate with those prescribed for other serious crimes. The Labor Standards Law, which also prohibits forced labor, does not apply to an unknown number of Taiwan nationals and the nearly 160,000 foreign workers employed as private nursing caregivers and domestic workers – approximately half of Taiwan's migrant workforce. During the reporting period, the government charged 264 individuals for trafficking crimes under the HTPCA and other articles of the Criminal Code. Specifically, Taiwan authorities prosecuted 87 people under its anti-trafficking law, including 44 for sex trafficking and 43 for labor trafficking. An additional 177 defendants were prosecuted for trafficking offenses under related laws, including 23 defendants accused of commercial sexual exploitation of children. The government did not, however, provide information on the conviction or sentencing of any trafficking offenders. To improve their capacity to address trafficking crimes, Taiwan authorities also robustly trained government officials on trafficking issues; in 2010, Taiwan authorities reported training more than 68,000 officials and NGO staff members, covering a wide range of subjects such as victim identification and protection, trafficking prosecutions and case development, victim-witness coordination, and advanced investigative techniques. Taiwan authorities did not report any investigations, prosecutions, convictions, or sentences of government officials' complicity in trafficking offenses during the reporting period.

Protection

During the reporting period, authorities made significant efforts to protect victims of trafficking. Authorities reported using formal procedures to identify proactively and assist victims of trafficking, including by publishing and distributing to government officials reference indicators with specific questions and a standardized evaluation form for use with potential victims of trafficking. In 2010, Taiwan authorities identified and assisted 324 trafficking victims, including 45 victims of sex trafficking and 279 victims of labor trafficking. Of these victims, 58 were Taiwan nationals. There were 19 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. Victims of trafficking filed 32 civil cases for compensation against their traffickers during the reporting period with the assistance of government and NGO counselors. In addition, NIA distributed more than 2,000 multilingual handbooks on the rights of trafficking victims and to explain support services available to them. Some sources reported, however, that Taiwan faced a shortage of skilled counselors and social workers fluent in the victims' native languages. Although the NIA earmarked \$1.2 million in 2010 for victim protection, it reported spending nearly \$1.83 million for victim services

during the year. Taiwan authorities encouraged victims to participate in investigations against their traffickers by offering residency and temporary work permits; in 2010, authorities issued 188 new work permits for trafficking victims and renewed existing work permits for other victims of trafficking. In addition, Taiwan officials assisted in the repatriation of 95 victims after judicial investigations concluded. Victims who faced threats upon return to their home countries had the opportunity to obtain permanent residency in Taiwan, though no victims have yet received this benefit. During the reporting period, Taiwan authorities issued a circular to courts to stress legal provisions ensuring victims' confidentiality and providing other protections for victims of trafficking during the trial process. CLA continued to provide a 24-hour hotline for migrant workers; in 2010, this hotline received over 146,000 calls and operators assisted migrant workers in resolving wage disputes involving close to \$3 million. Taiwan also continued operation of an island-wide hotline for foreign spouses seeking assistance on a broad range of issues. The hotline received 14,136 calls in 2010, but it is unclear how many of these related to trafficking situations.

Prevention

Taiwan authorities made progress in efforts to prevent trafficking in persons during the reporting period. The CLA continued to operate 25 Foreign Worker Service Stations and International Airport Service Counters around Taiwan to assist migrant workers and educate them on their rights. Authorities also distributed handbooks detailing relevant laws and regulations on foreign workers to more than 190,000 employers and aired television commercials highlighting the rights of migrant workers. Officials also funded TV, radio, and newspaper advertisements and education programs raising awareness of the perils of trafficking. In addition, authorities undertook widespread campaigns to raise public awareness of sexual exploitation in the commercial sex industry to reduce the demand for prostitution. Taiwan agencies also continued to distribute an online game, Internet advertisements, TV commercials, posters, and luggage tags to warn against child sex tourism. Nonetheless, while Taiwan has a law with extraterritorial application criminalizing the sexual exploitation of children by Taiwan passport holders traveling abroad, authorities have not prosecuted anyone for child sex tourism abroad since 2006. Taiwan also failed to provide full labor protections to the estimated 160,000 foreign workers in the domestic service sector; domestic workers currently do not have defined working hours or minimum wages, which may have contributed to some situations of forced labor among this vulnerable group of migrants.

TAJIKISTAN (Tier 2)

Tajikistan is a source country for women and children subjected to forced prostitution and for men, women, and children subjected to conditions of forced labor. Women from Tajikistan are subjected to forced prostitution in the United Arab Emirates, Russia, Saudi Arabia, Kazakhstan, and within Tajikistan. These women often transit through Russia and Kyrgyzstan *en route* to their destination country. IOM estimates that a significant percentage of Tajikistan's

estimated one million labor migrants are victims of forced labor, sometimes after voluntarily migrating to Russia in search of work. Men from Tajikistan are subjected to conditions of forced labor in Russia's agricultural and construction sectors and, to a lesser extent, the same sectors in Kazakhstan and Afghanistan. Tajik children have been subjected to sex trafficking and forced labor, including forced begging, within Tajikistan. There were limited reports that Tajik children were exploited within Tajikistan during the annual cotton harvest; NGOs report a significant reduction of this practice compared to previous years.

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 made important progress over the past year in addressing the use of forced labor in the annual cotton harvest. During the fall 2010 cotton harvest, the government disseminated a directive that ordered enforcement of existing prohibitions against forced labor. The government also accredited and assisted NGOs to monitor the cotton harvest. Government officials, with IOM and Tajik NGO representatives, met with local government and school officials to reiterate the government's prohibition against forced child labor. The government prosecuted and convicted trafficking offenders for the first time under its anti-trafficking statute and protected victims threatened by traffickers during criminal proceedings. The government also instituted quarterly meetings to coordinate anti-trafficking activities with government partners.



Recommendations for Tajikistan: Continue to enforce the prohibition against forced labor of children and adults in the annual cotton harvest by monitoring school and university attendance and inspecting cotton fields during the harvest; vigorously investigate and prosecute suspected trafficking offenses, especially those involving forced labor, and convict and punish trafficking offenders, including local officials who force individuals to participate in the cotton harvest; continue to educate school administrators about Tajik laws against forced labor; continue to increase resources available to the anti-trafficking police unit; continue to build partnerships with foreign counterparts in order to conduct joint law enforcement investigations and repatriate Tajik victims from abroad; develop a formal victim identification and referral mechanism; continue to provide victim identification and victim sensitivity training to border guard and law enforcement authorities; encourage NGO care providers to be present during victim interviews with law enforcement; provide financial or in-kind assistance to existing trafficking shelters; encourage victims of trafficking to participate in trafficking investigations and prosecutions; make efforts to improve trafficking data collection and analysis; expand trafficking awareness

campaigns targeting both rural and urban parts of the country, including raising awareness in rural villages about how offers of marriage may be used to deceive women and lure them into forced prostitution; continue efforts to improve enforcement of anti-trafficking legislation; and involve wider mass-media in awareness campaigns.

Prosecution

The Government of Tajikistan demonstrated 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 successfully used Article 130.1 of the criminal code to prosecute, convict, and sentence trafficking offenders for the first time in 2010. The government reported investigating and prosecuting 28 individuals suspected of trafficking in 2010 under Article 130.1 and other statutes, compared with at least nine individuals investigated and prosecuted for trafficking offenses in 2009. Courts convicted four trafficking offenders, including two under Article 130.1, in 2010, compared with three convictions reported in 2009. The government reported that the four offenders convicted in 2010 were sentenced to terms of six to 10 years' imprisonment for trafficking offenses in 2010. The Government of Tajikistan cooperated with Russian law enforcement on the investigation of a forced labor case. As a part of an IOM study tour, the government also exchanged best practices with counterparts in Moldova and Turkey to facilitate international cooperation in combating human trafficking. In partnership with international organizations, the Government of Tajikistan introduced a 26-hour anti-trafficking course into the curriculum at the Ministry of Interior Academy in December 2010. Eighty police academy students completed the training. Four hundred government officials participated in specialized anti-trafficking training sessions conducted by IOM. In an effort to encourage quality officers to seek out anti-trafficking assignments, the government increased the salaries of officials in the police anti-trafficking unit by 10 percent.

Local observers reported that government efforts contributed to a significant reduction in the use of forced labor in the 2010 cotton harvest. These efforts did not involve the prosecution of labor trafficking offenders. At the start of the 2010 cotton harvest, the Inter-Ministerial Commission to Combat Trafficking in Persons and the Ministry of Education disseminated a directive to local officials that reiterated existing laws prohibiting the use of forced child labor in the cotton harvest. Local officials met with school administrators, teachers, and farmers throughout Tajikistan's cotton-growing regions to reinforce the directive and to educate them about forced labor laws. The government accredited 15 Tajik NGOs working with IOM to monitor the fall cotton harvest in 25 cotton-picking districts in Tajikistan from September 15 until December 15. A small number of reports continued that school-aged children in remote areas were compelled to pick cotton by school administrators during the harvest. When presented with these reports during the harvest, government officials reprimanded, but did not prosecute, the teachers and

farmers involved. The government received additional reports several months after the cotton harvest ended; officials reported that they were unable to investigate these cases because of the delayed notification.

Protection

The government demonstrated some 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; however, the government established a working group to formalize victim referral procedures in 2010. During the reporting period, the government identified 32 victims of trafficking and referred 18 victims to IOM. In total, IOM and the government identified 104 victims of trafficking in 2010, compared with 63 victims of trafficking identified in 2009. Foreign-funded NGO shelters remained the primary source of victim services available in Tajikistan. Victims in these shelters were not detained involuntarily. Although the national government did not provide financial assistance to any NGOs or organization that provided specialized assistance to trafficking victims in 2010, the Khujand city government provided in-kind assistance to a shelter that assisted eight child trafficking victims. The national government also donated a building and free utilities for a shelter for women and girls, including victims of child prostitution. Victims were encouraged to participate in trafficking investigations and prosecutions, and police officials provided protection for two victims of trafficking who were threatened during a trafficking investigation and prosecution. Tajik consulate officials abroad assisted victims and referred them for repatriation. There were no reports of victims penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

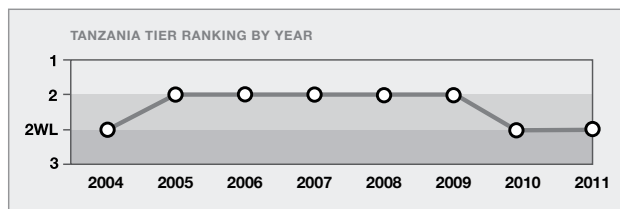
Tajikistan made efforts to raise awareness of trafficking during the reporting period. Local governments provided meeting space for, transportation to, and local publicity for awareness-raising events around the country conducted by NGOs and international organizations. Additionally, the Committee on Women and Families held information sessions to inform women and girls about the dangers of trafficking and state media outlets published information on trafficking that included warnings about common trafficking scenarios. The government provided in-kind assistance for a joint training of 300 Tajik and 40 Afghan border guards in an immigration education program, which included training on trafficking issues. The government did not undertake efforts to reduce the demand for commercial sex acts. The government has an action plan to combat human trafficking for 2011-2013.

TANZANIA (Tier 2 Watch List)

Tanzania is a source, transit, and destination country for men, women, and children who are 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', and intermediaries' offers of assistance with education

or finding lucrative employment in urban areas. The use of young girls for forced domestic service continues to be Tanzania's largest human trafficking problem. Girls from rural areas of Iringa, Singida, Dodoma, Mbeya, Morogoro, and Bukoba regions are taken to urban centers and Zanzibar for domestic service; some domestic workers fleeing abusive employers fall prey to sex trafficking. Boys are subjected primarily to forced labor on farms, but also in mines, in the informal sector, and possibly on small fishing boats. In the Arusha region, unscrupulous agricultural subcontractors reportedly trafficked women and men to work on coffee plantations. Smaller numbers of Tanzanian children and adults are subjected to conditions of forced domestic service and sex trafficking in surrounding countries, South Africa, Saudi Arabia, the United Kingdom, France, and possibly other European countries. Trafficking victims, primarily children, from neighboring countries, such as Burundi and Kenya, are sometimes forced to work in Tanzania's agricultural, mining, and domestic service sectors. Some also are forced into prostitution in brothels. Citizens of neighboring countries may voluntarily migrate through Tanzania before being forced into domestic servitude 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. Despite these significant efforts, particularly the conviction of three trafficking offenders during the reporting period, the government did not demonstrate overall increasing efforts to address human trafficking over the previous reporting period; therefore, Tanzania is placed on Tier 2 Watch List for a second consecutive year. The government made limited progress towards implementation of its Anti-Trafficking in Persons Act, in part due to poor inter-ministerial coordination and lack of understanding of what constitutes human trafficking; most government officials remain unfamiliar with the Act's provisions or their responsibility to address trafficking under it. Moreover, the ministries involved in anti-trafficking efforts had no budgetary resources allocated to combating the crime.



Recommendations for Tanzania: Enforce the Anti-Trafficking in Persons Act by prosecuting and punishing trafficking offenders; following the formation of the Anti-Trafficking Secretariat by the Ministry of Home Affairs and the presidential naming of a secretary to coordinate inter-ministerial efforts as required by the Act, begin implementation of the law's victim protection and prevention provisions; establish policies and procedures for government officials to identify and interview potential trafficking victims proactively and transfer them, as appropriate, to local organizations providing care; establish an anti-trafficking fund to support victims, as required

under the law; begin compiling trafficking-specific law enforcement and victim protection data at the national level; and provide additional training to law enforcement authorities on the detection of human trafficking crimes and methods of investigating these crimes.

Prosecution

The Tanzanian government made modest anti-trafficking law enforcement efforts during the reporting period, achieving its first three prosecutions and convictions under the country's anti-trafficking statute. The Anti-Trafficking in Persons Act of 2008, which came into effect in February 2009, outlaws all forms of trafficking and prescribes punishments of one to 10 years' imprisonment, punishments that are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Under aggravated circumstances, such as the victimization of a child or trafficking crimes perpetrated by a law enforcement official, prescribed penalties are 10 to 20 years' imprisonment.

In September 2010, the District Court in Kasulu convicted a Burundian man under Section 4(1)(a) of the Anti-Trafficking in Persons Act and sentenced him to four years' imprisonment for forcing 15 Burundian refugee children to work on tobacco farms in Urambo-Tabora; the trial proceedings of four co-conspirators on identical charges had not concluded at the close of the reporting period. In August 2010, a court in Mwanza used both the anti-trafficking act and the penal code to convict a Kenyan trader of human trafficking and abduction after he attempted to sell a Kenyan man with albinism, to whom he had promised employment, to a Tanzanian businessman for \$263,300 for the purpose of exploitation. This conviction resulted in a combined sentence of 17 years' imprisonment or a fine of \$119,600; the trafficker is currently serving his prison sentence. In September 2010, a separate court in Mwanza region convicted a man of human trafficking for abducting two children from Isebania, Kenya and attempting to sell them at a mining site in Nyamongo area (Tarime District); he was sentenced to 12 years' imprisonment. Nonetheless, most police and immigration officials continued to find it difficult to distinguish human trafficking from smuggling. The two-person police trafficking desk, established in June 2010 to work with counterparts in other law enforcement agencies to respond to trafficking crimes, reportedly received few complaints of internal trafficking, which was likely attributable to the public's low level of understanding about the crime, victims' general reluctance to report incidents of forced labor, and limited awareness of the desk's existence. Although the Ministry of Labor, Employment and Youth Development reportedly conducted inspections and issued warnings to violators of child labor statutes, there were no forced child labor cases brought to court in during the year. Likewise, Zanzibar's Ministry of Labor, Economic Empowerment, and Co-Operatives did not take legal action against any alleged crimes of forced child labor. The government made no progress in compiling trafficking-specific law enforcement and victim protection data at the national level. Newly-hired law enforcement and immigration officials reportedly received anti-trafficking training as part of their introductory coursework.

Protection

The Tanzanian government's efforts to protect victims of trafficking during the reporting period were modest and suffered from a lack of resources. The government continued to rely on NGOs to provide care for victims of trafficking; however, NGO facilities for shelter and specialized services were limited to urban areas. The government lacked systematic victim referral procedures; any referrals that occurred were *ad hoc* and dependent on the particular official's recognition of the crime and familiarity with service providers. According to NGOs, Tanzanian police referred six trafficking victims to their organizations for protective services in 2010, and no referrals were reported from social welfare or community development officers. Government officials also occasionally provided food, counseling, and assistance with family reunification; IOM and the Department of Social Welfare reunified 63 victims with their families in 2010 and an additional 27 in the first two months of 2011. The government operated a 24-hour crime hotline, staffed by police officers, which was available for citizens to make reports about suspected trafficking victims; however, the hotline received no trafficking tips in 2010. The government did not provide information on the participation of Tanzanian victims in anti-trafficking investigations and prosecutions, but one Kenyan victim who testified during the trial of his trafficker was provided protection and repatriation by police at the conclusion of the proceedings.

In August 2010, the Department of Social Welfare trained 84 social welfare officers on the Anti-Trafficking Act and community support mechanisms available to victims during its annual National Forum; it also included information on human trafficking in its revised Community Justice Facilitation Manual. The lack of national procedures for victim identification may have led foreign victims to be detained in prisons and deported before they were identified or able to give evidence in court. 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; the government did not encounter a case that necessitated utilizing these provisions during the reporting period. Key victim protection provisions of the Anti-Trafficking Act, such as the establishment of a fund to support trafficking victims, have yet to be implemented due to funding constraints and because the Anti-Trafficking Committee and Secretariat, which would take the lead on drafting and implementing the regulations related to the Act, had not been formed.

Prevention

The government made moderate efforts to prevent human trafficking during the year. Understanding of what constitutes trafficking remained low among government officials and no government ministries launched formal anti-trafficking outreach or awareness raising activities. In June 2010, the Ministry of Foreign Affairs formally transferred the chairmanship of the Inter-Ministerial Committee on Human Trafficking, which met twice during the year, to the Ministry of Health and Social Welfare's Department of Social Welfare; this committee has, since

its establishment in 2006, been an ineffective mechanism for information sharing or coordination of national anti-trafficking efforts. At a meeting of the Committee, the Ministry of Home Affairs, the lead ministry for implementation of the anti-trafficking legislation, agreed to draft the regulations required to fully implement the Anti-Trafficking in Persons Act. It reportedly cannot begin this work, however, until a the president appoints a secretary to lead an Anti-Trafficking Secretariat as required by the Act. Although the relevant ministries have forwarded the names of their representatives to the Anti-Trafficking Committee – also required by the Act – to the Ministry of Home Affairs for approval, the body has not been officially convened. It remains unclear whether the Inter-Ministerial Committee will be disbanded after the formation of the Anti-Trafficking Committee and Secretariat.

The mainland Ministry of Labor's Child Labor Unit, which received only \$32,000 from the 2010 national budget, could not provide data on the number of child labor complaints made or the number of exploited child laborers identified and withdrawn by its 90 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 withdrew 600 children from exploitative labor in the fishing, seaweed farming, and quarrying industries on the islands. While the Tanzania Employment Services Agency is responsible for licensing recruitment agencies, it did little to monitor their activities, did not maintain data on the exploitation of Tanzanian migrant workers abroad, and generally lacked capacity to perform such functions. 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 human rights training, including sessions on women's rights, human trafficking, the protection of civilians, and international humanitarian law, to Tanzanian troops prior to their deployments abroad on international peacekeeping missions.

THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Individuals from neighboring countries, as well as from further away such as Uzbekistan and Fiji, migrate to Thailand for reasons including to flee conditions of poverty. Migrants from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity and escape from military repression. 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; conservative estimates have this population numbering in the tens of thousands of victims. Trafficking victims within Thailand were found employed in maritime fishing, seafood processing, low-end garment production, and domestic work. Evidence suggests that the trafficking of men, women, and children in labor sectors such as commercial fisheries, fishing-related

industries, and domestic work was a significant portion of all labor trafficking in Thailand.

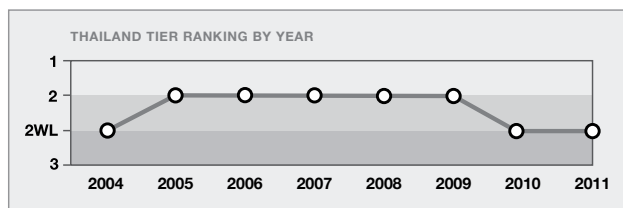
UN-affiliated NGO research made available during the year reported a significant population of trafficking victims in the country. An estimated 23 percent of all Cambodians deported by Thai authorities at the Poipet border were trafficking victims. The UN Inter-Agency Project on Human Trafficking (UNIAP) estimated that Thai authorities deport over 23,000 Cambodian trafficking victims a year. Similarly, Lao authorities reported during the year 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, Thailand found that 57 percent of these workers experience conditions of forced labor. An IOM report released 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, and who remained at sea for up to several years, did not receive pay, were forced to work 18 to 20 hours per day for seven days a week, and were threatened and physically beaten. Similarly, an earlier UNIAP study found 29 of 49 (58 percent) surveyed migrant fishermen trafficked aboard Thai fishing boats had witnessed a fellow fishermen killed by boat captains in instances when they were too weak or sick to work. Fishermen typically did not have written employment contracts with their employer. 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. Informed observers also reported that labor brokers, some of whom facilitate or engage in trafficking, are of both Thai and foreign origin and work in networks, collaborating with employers and, at times, with law enforcement officials.

Migrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals, and 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. The greatest risk factor for highland women and girls to being trafficked was their lack of citizenship. Some children from neighboring countries are forced to sell flowers, beg, or work in domestic service in urban areas. During the year, Vietnamese women were found to have been confined and forced to act as surrogate mothers after being recruited for work in Bangkok. Most Thai trafficking victims abroad who were repatriated back to Thailand during the year had been exploited in the United Arab Emirates (UAE), Malaysia, Sri Lanka, Bahrain, and China. Thai victims were also repatriated from Russia, South Africa, Yemen, Vietnam, the United States, the United Kingdom (UK), and Singapore. Thai nationals are also known to be trafficked to Australia, Canada, Germany, Indonesia, Israel, Japan, Kuwait, Libya, Malaysia, Qatar, Saudi Arabia, South Africa,

South Korea, Taiwan, and Timor-Leste. 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, Western Europe, South Korea, and the United States. There were reports that separatist groups recruited teenage children to carry out attacks.

The Government of Thailand 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 implementation of its human trafficking law and conducted awareness-raising activities on human trafficking. The government continued work on its implementation of regulations that will allow trafficking victims to temporarily live and work within Thailand, though victims generally continue to be detained in government shelters. The Thai prime minister chaired meetings with labor and civil society organizations to coordinate anti-trafficking efforts, which led to the development of the Thai government's second six-year National Policy Strategy on human trafficking for 2011-2016. In July 2010, the prime minister publicly acknowledged the need to improve the government's weak interagency coordination in addressing human trafficking. The Thai government reported increases in trafficking prosecutions and convictions, but as of May 2011 there was insufficient data available to determine whether each of these could be categorized as human trafficking convictions. Despite these significant efforts, the government has not shown sufficient evidence of increasing efforts to address human trafficking over the previous year, particularly in the areas of prosecuting and convicting both sex and labor trafficking offenders, combating trafficking complicity of public officials, and trafficking victim protection; therefore, Thailand is placed on Tier 2 Watch List for a second consecutive year. Given the significant scope and magnitude of trafficking in Thailand, there continued to be a low number of convictions for both sex and labor trafficking, and of victims identified among vulnerable populations. Direct involvement in and facilitation of human trafficking by law enforcement officials reportedly remained a significant problem in Thailand; authorities reported investigating two cases of complicity involving four officials, including at the police colonel level, though there were no convictions or sentences of complicit officials during the year. The government did not respond to multiple reports of widespread corruption involving the extortion and trafficking of Burmese deportees from Thailand. NGOs reported that problems hindering the government's anti-trafficking efforts included local police corruption, biases against migrant laborers, the lack of a comprehensive monitoring system of the government's efforts, lack of understanding among local officials of trafficking, the courts' lack of a human rights-based approach to labor abuse cases, and systematic disincentives for trafficking victims to be identified. Authorities continued efforts to prevent human trafficking with

assistance from international organizations and NGOs, but have not yet adequately addressed structural vulnerabilities to trafficking created by its migrant labor policies. The government should continue to increase its efforts given the significant scope and magnitude of trafficking in Thailand.



Recommendations for Thailand: Enhance ongoing efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees; increase efforts to investigate, prosecute, and convict both sex and labor trafficking offenders; improve efforts 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; improve implementation of procedures to allow all adult trafficking victims to travel, work, and reside outside of shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; implement mechanisms to allow adult foreign trafficking victims to reside in Thailand; 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; and increase anti-trafficking awareness efforts directed at employers and clients of the sex trade.

Prosecution

The Thai government made mixed progress in its anti-trafficking law enforcement efforts during the reporting period. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties from four to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other grave offenses, such as rape. The Thai government reported 18 convictions in trafficking-related cases in 2010 – an increase from eight known convictions during the previous year; as of May 2011, only five of the 18 convictions reported by the government could be confirmed to be for trafficking offenses. The government also reported initiating 79 prosecutions in 2010, up from 17 prosecutions during the previous year. The police reported investigating 70 trafficking-related cases in 2010, including at least 49 cases of forced prostitution and 11 for forced labor. This compares to the 95 trafficking-related investigations reported in 2009. Very few cross-border labor exploitation investigations led to arrests of alleged traffickers, and even those arrested rarely found themselves prosecuted in court. A study released during

the year on the trafficking of fishermen in Thailand found that investigations of alleged human trafficking on Thai fishing boats, as well as inspections of these boats, were practically nonexistent, according to surveyed fisherman, NGOs, and government officials. The justice system remained slow in its handling of criminal cases, including trafficking cases. Additionally, frequent personnel changes hampered the government's ability to make greater progress on anti-trafficking law enforcement efforts. In December 2010, the police anti-trafficking unit, with assistance from NGOs, raided an apartment in Bangkok and removed 12 Uzbek trafficking victims, successfully identifying some of the victims; others who were likely also victims were returned to the streets or taken to Thai immigration for deportation, depending on their visa status. The alleged trafficker, an Uzbek woman, was initially jailed during a police investigation, but in February obtained bail and has reportedly resumed her involvement in Bangkok's sex industry. In January 2011, a senior police anti-trafficking officer involved in the investigation of the Uzbek trafficking ring, along with two subordinates, were placed on temporary suspension for allegations of corrupt practices.

The Court of Justice reported that the number of cases it adjudicated involving violations of the 2008 Anti-Trafficking in Persons Act has gradually increased since the law came into force. Sentences for convicted offenders in confirmed trafficking cases ranged from four to 20 years' imprisonment. In December, a Thai court convicted three defendants in the 2006 Ranya Paew case involving forced labor of Burmese workers in a shrimp processing factory and sentenced them each to 20 years in prison, the maximum penalty under the relevant Thai law; the offenders remain released pending the results of their appeal. In October, a Thai court sentenced a Thai woman to four years' imprisonment for operating a fraudulent employment agency involved in the trafficking of Thai workers abroad. Media outlets highlighted several arrests in sex trafficking cases. Thai law enforcement authorities cooperated with counterparts from around the world, leading to arrests and convictions of traffickers. Some observers believe that more needs to be done to arrest traffickers within Thailand through cross-border investigations.

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 forced prostitution 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. 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. The Department of Special Investigations reported investigating four policemen, undertaking some disciplinary action, for trafficking-related complicity during the year; these investigations were 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 and immigration officials extort money or sex from Burmese citizens detained in Thailand for immigration violations, and sell Burmese unable to pay to labor brokers and sex traffickers. The government continued efforts to train thousands of police, labor, prosecutors, social workers, and immigration officials on victim identification.

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 381 foreign victims were classified as trafficking victims in Thailand and received assistance at government shelters during the year, a decrease from the 530 foreign victims assisted in 2009. More than half of the victims assisted during the year were from Laos, and one fourth from Burma. The government continued to repatriate foreign victims of trafficking, including through regular coordination with Lao and Burmese authorities. MSDHS reported that in 2010, 88 Thai nationals were classified as trafficking victims abroad and were repatriated to Thailand with assistance from the Ministry of Foreign Affairs from the UAE, Malaysia, Sri Lanka, Bahrain, China, Russia, South Africa, Yemen, Vietnam, the U.S., the UK, and Singapore. This represented a significant decrease from the 309 Thai trafficking victims repatriated from abroad in 2009. The government reported increasing efforts to identify victims of trafficking among vulnerable populations through screening checkpoints at airports and border crossings. However, given the reportedly significant population of trafficking victims in Thailand out of which only 52 trafficking victims were reported identified in immigration detention centers, the government should continue to improve these efforts.

The government provided limited incentives for victims to participate in the investigation and prosecution of their traffickers. The Thai government continued to refer victims to one of nine regional shelters run by MSDHS, where they receive counseling, limited legal assistance, and medical care. Foreign adult victims of trafficking identified by authorities continued to be detained in government shelters and typically cannot opt to reside outside of a shelter or leave before Thai authorities are prepared to repatriate them. The 2008 law contains a provision for granting foreign victims the right to seek employment while awaiting conclusion of legal processes, and the Thai government passed a new regulation in May 2011 to implement this provision. The government passed new regulations that will allow foreign victims to temporarily live and work within Thailand. As a result of this detention practice, foreign victims of trafficking are not afforded the same opportunities as other foreign nationals who seek and receive permission to work in Thailand. There were regular 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. NGOs reported that some individuals were trained by labor brokers on how to lie to government officials to prevent being identified as victims. Thai law protects victims from being prosecuted for acts committed as a result of being trafficked. However, some victims were likely punished due to the lack of effective victim identification procedures and authorities' efforts to arrest and deport immigration violators.

The government generally encourages victims to participate in the investigation and prosecution of trafficking, though some victims opt not to do so. There was no evidence during the reporting period that the government offered legal aid to encourage workers to avail themselves of the opportunity to obtain compensatory damages from employers in cases of forced labor. 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. While in the past, authorities have assisted trafficking victims receive financial compensation from their trafficking offenders in a few cases, there were no such reported cases during the year. The lack of labor law coverage for fishermen in Thailand under the Labor Protection Act of 1998 makes this population particularly vulnerable to exploitation. Despite a 2005 cabinet resolution that 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 has yet to report granting residency status to a foreign trafficking victim.

Prevention

The Thai government made notable efforts to prevent human trafficking, including through collaboration with international organizations and NGOs. Some prevention efforts included the involvement of the prime minister and members of his cabinet. While some activities aimed to raise awareness on trafficking within Thai society as a whole, others attempted to raise awareness among targeted high-risk industries. The government reported that throughout 2010 and early 2011, it reached more than 3,000 people from high-risk groups to raise awareness on trafficking, as well as approximately 2,000 employers to raise awareness on labor rights and trafficking. NGOs noted that awareness of human trafficking and labor rights grew, both among high-risk populations and government officials. The government made increased efforts to educate migrant workers on their rights and their employers' obligations to them. The government's *Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers Program* offered inadequate legal rights to Burmese and other migrant workers and bound their immigration status to Thai employers, effectively leaving workers without legal recourse or protection from forced labor. 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

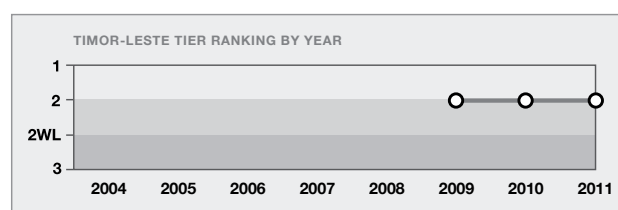
some cases, workers reportedly incurred debts imposed by their employers amounting to one year's wages for the required processing of their registration. During the past year, the government worked with the Government of Burma to open a Burmese government office in Thailand, reducing the need for some undocumented Burmese workers to return to Burma, and thus making them less at risk to being exploited. The government in 2010 announced plans to collect additional funds from migrant workers undergoing nationality verification in order to underwrite the cost of deporting undocumented migrants; if enacted, this could further increase workers' debt. In October 2010, the prime minister announced the creation of a "Centre to Suppress, Arrest and Prosecute Alien Workers Working Underground and Human Trafficking Processes." Authorities reported partnering with NGOs and international organizations that fund interpreters to assist the government in responding 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 in from non-Thai callers. The government reportedly disbursed \$200,000 from its fund to assist trafficking victims and finance anti-trafficking activities - only a small portion of the government's overall fund to assist trafficking victims. In April 2010, the Thai government published its own report on the trafficking situation, its efforts to address it, trafficking statistical data, and recommendations on how to improve its operations. The government reported random interviews with Thai migrants at overland border-crossing checkpoints prevented 171 potential victims of trafficking or other exploitation from traveling. Authorities also reported "labor checkpoints" at international airports through which the Labor Ministry works with immigration authorities to randomly interview travelers who may be potential trafficking victims, though the government did not report identifying any potential or confirmed trafficking cases through these efforts. The government conducted awareness-raising campaigns targeting tourists' demand for child sex tourism, but did not make any other efforts to reduce the demand for commercial sexual acts or forced labor. Thailand is not a party to the 2000 UN TIP Protocol.

TIMOR-LESTE (Tier 2)

Timor-Leste is a destination country for women from Indonesia and China subjected to forced prostitution. In addition, men and boys from Burma, Cambodia, and Thailand are subjected to forced labor, including on fishing boats operating in Timorese waters; they occasionally escape their traffickers and swim ashore to seek refuge in Timor-Leste. The placement of children in bonded labor by family members in order to pay off family debts was also a problem. Timor-Leste may also be a source country for women or girls sent to Singapore and elsewhere in Southeast Asia for forced domestic work. 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 20 dollars an hour. Traffickers regularly retained the passports of victims, and reportedly rotate sex trafficking victims in and out of the country every few months. Male victims from Burma, Cambodia, and Thailand who were forced to labor on fishing boats with little space, no medical care, and poor food, sometimes escaped and swam ashore while in Timorese waters to flee the fishing boats. Traffickers used debt bondage through repayment of fees and loans acquired during their recruitment and/or transport to Timorese waters to achieve consent of some of the men laboring on the fishing vessels. Traffickers subjected victims to threats, beatings, chronic sleep deprivation, insufficient food and 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 use male victims on fishing boats are 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 increased efforts to raise public awareness of human trafficking. There was, however, a decrease in the number of trafficking cases the government investigated and the number of victims referred to international organizations and NGOs for assistance, and victim identification efforts were inadequate. Authorities continued to refer identified trafficking victims to protection services provided by NGOs and international organizations, as a serious lack of resources and personnel continued to limit the Timorese government's ability to provide services directly. The government did not investigate reports of trafficking-related complicity, including lower-level police and immigrations officials accepting bribes from traffickers.



Recommendations for Timor-Leste: Enact comprehensive anti-trafficking legislation; increase efforts to investigate, prosecute, convict, and punish trafficking offenders; make efforts to investigate and prosecute officials complicit in human trafficking; implement procedures to proactively identify victims of trafficking among vulnerable populations; train front-line law enforcement officers on proper victim identification procedures and referral mechanisms, including recognition of trafficking victims who may have possession of their own travel documents; increase the quality and types of assistance to trafficking victims; finish developing and institute formal national procedures for referring victims to service providers; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Timor-Leste did not make discernible progress in anti-trafficking prosecution efforts during the reporting period. The government reported investigating only two cases of trafficking during the year, both of which are ongoing, but did not prosecute or convict any trafficking offenders. During the previous reporting period, the government reported arresting nine suspected trafficking offenders; there were no reported efforts to prosecute these suspected offenders during the last year. The revised Penal Code defines and punishes the crime of trafficking and provides protection to witnesses and victims. Articles 163, 164, and 165 of the Penal Code specifically prohibit trafficking, and Articles 162 and 166 prohibit slavery and the sale of persons. The articles prescribe sufficiently stringent penalties ranging from four to 25 years' imprisonment, which are commensurate with punishments prescribed under law for other serious crimes, such as rape. Specific provisions prohibit trafficking offenses committed against a "particularly vulnerable" person or a minor, which it defines as a person under 17 years of age. During the year, the government cooperated with an international organization in the planning and implementation of anti-trafficking training provided to law enforcement and immigration officers with the funding support of foreign donors. The government did not report any efforts to investigate suspected trafficking complicity of public officials, despite some reports that immigration officials allegedly accept bribes to facilitate the illegal entry of Chinese victims into the country. There were also reports that some police officers in Dili accepted bribes to allow brothels – where potential trafficking victims may be identified – to continue operating. Some international and local NGOs alleged that some lower-level members of the police frequent these establishments. Although two brothels were shut down during the year, the government did not report any investigations to explore reports of police bribes or involvement in brothel-based sex trafficking.

Protection

During the past year, the government made limited efforts to identify and assist trafficking victims, but these efforts were inadequate. The number of suspected and confirmed trafficking cases referred by the government to NGOs and foreign embassies for victim assistance significantly decreased to just three confirmed victims in the last year. Authorities identified these three trafficking victims as a Timorese girl in domestic servitude, a Burmese boy in forced labor on a fishing boat, and a Chinese child in forced prostitution. An international organization reported assisting an additional six male victims of forced labor on board fishing vessels during the year; the government did not provide these victims with assistance. In operations conducted during the year by the Timor-Leste National Police and the UN Police and reported as anti-trafficking efforts, authorities apprehended 59 Chinese and Indonesian foreign nationals for prostitution, immigration violations and related activities. During these raids, police identified one trafficking victim among this group and arrested two potential traffickers who remain in detention on trafficking charges while investigations are ongoing. The government referred three victims to a

shelter run by IOM and local NGOs for services, including medical assistance, food, shelter, medical assistance, and return and repatriation services. The government did not provide any funding or in-kind assistance to the shelter during the reporting period, though it coordinated with service providers and foreign embassies in the repatriation of foreign victims. Victims were given limited access to legal assistance, mental health care, and translation services. Shelter services were reportedly sufficient to meet the current level of demand for victim shelter and assistance. Although the police and Migration Service were reportedly more active on conducting proactive trafficking investigations, efforts to identify victims of trafficking were inadequate; authorities relied on the possession of passports as the determining indicator of whether or not an individual was a trafficking victim. Potential victims who had possession of their own documents were not referred to IOM or NGOs for assistance; this may also have contributed to the decrease in the number of confirmed and potential trafficking cases referred to IOM and NGOs during the reporting period. It is possible that potential trafficking victims were deported by authorities during the reporting period for immigration violations, due to poor procedures to identify trafficking victims. The government did not provide temporary or extended work visas to trafficking victims during this review period. The government sometimes provided victims with legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

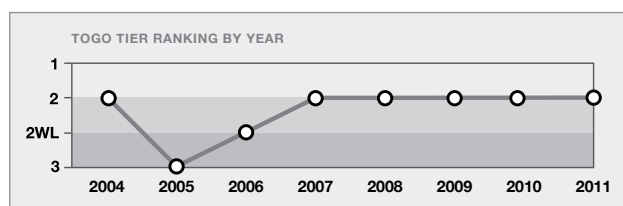
The Government of Timor-Leste improved efforts to prevent trafficking during the reporting period. Using newly acquired patrol boats, the government began patrolling its territorial waters to combat criminality, including forced labor on fishing vessels, though these efforts did not result in the identification of any trafficking cases during the reporting period. The government provided material support for two music concerts sponsored by MTV to raise public awareness on human trafficking. Subsequently, the government repeatedly broadcast a video compilation of the public awareness campaign and concert on state television station throughout the country. Government radio continued to broadcast a nation-wide weekly radio program on issues related to trafficking. The President of the Republic spoke out on anti-trafficking issues and posters of him delivering this message were posted throughout the country. The government's Inter-Agency Trafficking Working Group drafted a national action plan on trafficking and held government, community, and civil society consultations, though the plan has yet to be finalized. Authorities took no action to reduce the demand for commercial sex acts during the reporting period. The government's Inter-Agency Trafficking Working Group drafted anti-trafficking legislation, which has been presented to parliament for approval.

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; 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. 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 agricultural labor. An NGO shelter in Cote d'Ivoire reported caring for three Togolese children during the year. Children from Benin and Ghana are recruited and transported to Togo for forced labor. Trafficking offenders are both women and men, and are often Togolese, Beninese, or Nigerian. Some reports indicate Togolese women are fraudulently recruited for employment in Lebanon, Saudi Arabia, the United States, and Europe, where they are subsequently subjected to domestic servitude and 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 sustained moderate efforts to prosecute and punish trafficking offenders and protect trafficking victims. However, it did not make progress in completing and enacting legislation to prohibit trafficking crimes committed against adults, and limited resources restricted the government's ability to accurately track prosecution and protection data and disseminate it throughout government ministries.



Recommendations for Togo: Increase efforts to convict 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; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and children in workplaces, and refer them to protective services; develop a system within the Ministry of Social Affairs to track the number of victims referred to NGOs or returned to their families; ensure that the plan of action to establish a commission to coordinate anti-trafficking activities sets forth a clear division of responsibilities and budget allocations between the new committee and the National Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT); in coordination with NGOs, complete the transfer of the Oasis Center to the government and ensure sufficient funds are allocated to operate it; and increase efforts to raise public awareness about the dangers of 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. Unlike the country's 2005 Law Related to Child Smuggling, the 2007 Child Code provides a strong definition of trafficking and prohibits child prostitution and forced labor. The child smuggling law prescribes sentences of three months' to 10 years' imprisonment 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 which may allow some forced labor offences to be excluded. No action was taken during the year to enact revisions of the Penal Code that would include provisions prohibiting all forms of trafficking of adults. During the reporting period, 14 trafficking offenders were arrested for allegedly forcing children to work in agricultural labor and domestic service, including three women who were apprehended while transporting 24 girls into Benin to force them into domestic service. Five trafficking offenders were prosecuted and convicted under the 2005 Law Related to Child Trafficking; these five traffickers, and 10 others who were convicted during the previous year, remained in prison awaiting sentencing at the close of the reporting period. Nine suspected trafficking offenders awaited trial. During the year, the government instituted a new policy of prosecuting trafficking offenses in the region in which the suspect was apprehended, rather than transferring the case to Lome, but courts have not yet implement this practice. In March 2010, the Ministry of Social Action and National Security (MSA) provided training on the country's Child Code, including how to differentiate trafficking crimes from other forms of child exploitation, to law enforcement and judicial personnel in two regions. Although there were reports that traffickers bribed border guards to avoid immigration controls, no government officials were investigated, prosecuted, or convicted for trafficking-related complicity during the reporting period.

Protection

During the past year, the government sustained its efforts to provide modest protection to child victims, but it did nothing to protect adult victims. The government did not put in place measures to identify trafficking victims among individuals in prostitution, but it took steps to proactively identify child victims of forced labor, and in November 2010, the MSA provided training to police, *gendarmes*, lawyers, and customs officials on how to identify trafficking victims. Although the government did not have specialized resources for trafficking victims, the MSA continued to run both a toll-free helpline, Allo 111, which received 380 trafficking-related calls during the year, and the Tokoin Community Center, which provided immediate shelter to child victims before they were referred to NGO shelters for additional care. Forty-eight victims identified through Allo 111 were referred by the Ministry of Social Affairs to the Tokoin Community Center during

the year, but as there was no formal referral system, the Director for the Protection of Children sometimes had to respond to calls personally or solicit funding from NGOs to transport the children to the shelter on an *ad hoc* basis. In 2010, the government provided \$45,000 to an NGO which cared for 24 trafficking victims, referred by the government, and the MSA reported reuniting 24 girls with their families. The government did not offer temporary or permanent residency status to foreign victims who faced hardship or retribution in their native country. According to NGOs, trafficking victims were not detained, fined, or jailed for unlawful acts committed as a result of being trafficked. There was no formal process, however, to encourage victims to assist in the prosecution of trafficking offenders, and it is not known whether any did so during the year.

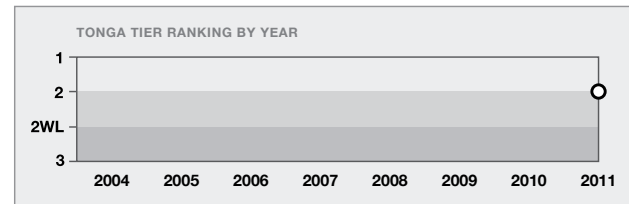
Prevention

The Government of Togo increased its efforts to prevent trafficking during the year. In August 2010, the Ministry of Social Affairs, in partnership with a local NGO, conducted a weeklong radio awareness campaign in targeted regions about the dangers of child trafficking. CNARSEVT, a national anti-trafficking committee comprised of government and NGO representatives that focuses on the reintegration of child victims, received a budget allocation of approximately \$20,000 for the year, which it used to fund administrative costs and victim protection efforts. In December 2010, the government hosted a Gabonese delegation to discuss establishing a bilateral agreement to extradite suspected traffickers and repatriate victims; however, no action was taken as a result of this meeting. The government reported that it began to take steps to establish a new commission to coordinate anti-trafficking activities and that it plans to take over supervision of an NGO-run shelter; however, these initiatives were not completed during the reporting year. During the reporting period, the government increased the number of labor inspectors whose responsibilities included identifying trafficking victims from 26 to 62, but this did not result in any arrests, and it took no 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 source and destination country for women and children subjected to sex trafficking within the country and a source country for women subjected to forced labor abroad. Foreign women and local children are prostituted in bars and entertainment establishments; 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. Crew members on foreign fishing vessels in Tonga or in its territorial waters exploit prostituted children on board their vessels. There were suspected cases of Tongan nationals who were recruited for domestic work abroad, but subsequently had their passports confiscated and were forced to work with no pay.

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 investigated and prosecuted its first case of trafficking involving two Chinese victims of forced prostitution, and provided these victims with some limited services. Nevertheless, the government did not take steps to proactively identify other victims of trafficking or educate the public about human trafficking.



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; train 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; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Tonga made limited efforts to investigate and prosecute trafficking offenders during the reporting period. 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 and which prescribes penalties of up to 25 years' imprisonment for these offenses. These penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. The government acknowledged that trafficking occurs in Tonga and reported investigating and prosecuting its first ever trafficking case during the year. In early 2011, the government prosecuted a Chinese national for forcing two other Chinese nationals into prostitution after recruiting them from China to work in her bar and restaurant business in Tonga in 2009. The victims paid their trafficker \$6,000 in recruitment and transportation costs. The government funded Chinese interpreters for the case. Sentencing of the convicted offender was expected in April 2011. Corruption is a known problem in Tonga, though the government did not report any investigations, prosecutions, convictions, or punishments of officials for complicity in human trafficking through corrupt practices during the reporting period. The government did not provide training to law enforcement and court personnel on trafficking awareness or how to identify trafficking victims or investigate trafficking cases.

Protection

The Government of Tonga made modest efforts to ensure trafficking victims' access to protective services during the year despite limited resources. Law enforcement and social services personnel did not demonstrate efforts to proactively identifying victims of trafficking among vulnerable populations, but reported their use of a referral form used to direct general victims of crime to NGO assistance-providers. Authorities did not proactively identify any victims during the reporting period. Two victims identified themselves to authorities and were subsequently provided with medical assistance and police protection during their trafficker's trial. The victims were forced into prostitution in Tonga, and also were forced into labor at the trafficker's restaurant. Although the victims expressed a desire to pursue civil charges against their trafficker, they were not provided access to legal assistance to do so. The government offered to refer identified victims to NGO shelter and counseling services. Authorities did not punish identified victims for crimes committed as a direct result of being trafficked, such as immigration offenses. The Immigration Department assisted one victim who had overstayed her visa, and did not penalize her. However, the victim was not offered a work visa that would allow her to work for the duration of the trial or longer. The government did not yet provide victims with longer-term shelter or residency benefits in Tonga. The government did not offer legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

Prevention

The government of Tonga made no discernible efforts to prevent human trafficking during the reporting period, such as through raising public awareness of the dangers of trafficking. The government did not provide any training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It 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. Some women and girls from South America and the Dominican Republic are subjected to sex trafficking in Trinbagonian brothels and clubs. Trinbagonian teenagers enticed into providing sex acts for shelter or material goods by local men are a high risk group for sex trafficking. Economic migrants from the region and from Asia 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. 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 demonstrated some progress during the reporting period, most notably by formalizing and implementing victim identification procedures, training numerous officials, and identifying more potential victims. Legislation that would criminalize all forms of human trafficking and provide extensive protections to trafficking victims was introduced to parliament in April 2011. The absence of such legislation and related policies or laws on victim protection, however, limited the government's ability to prosecute trafficking offenders and provide comprehensive assistance for trafficking victims during the reporting period.



Recommendations for Trinidad and Tobago: Enact draft legislation that prohibits all forms of human trafficking and includes victim protection measures; encourage victims' assistance in the investigation and prosecution of trafficking offenses, including by offering legal alternatives to foreign victims' removal to countries in which they would face retribution or hardship and by ensuring that identified victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked; vigorously investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; implement a national public awareness campaign in multiple languages that addresses all forms of trafficking, including forced domestic service and other forms of forced labor.

Prosecution

The government made limited progress in its prosecution and punishment of sex and labor trafficking offenders during the reporting period. The lack of comprehensive legislation that would make human trafficking a crime and would ensure protection of trafficking victims was a significant limitation in the government's ability to prosecute trafficking offenders and address human trafficking in Trinidad and Tobago. Nevertheless, the government's anti-trafficking task force, which was established in November 2009, drafted comprehensive legislation during the year that reportedly criminalizes all forms of trafficking and provides for victim protection; the legislation progressed to final stages of executive branch review before introduction to Parliament. Debate on the legislation began on April 8, 2011. The government claimed to have investigated trafficking offences during the reporting period, but did not provide the number of investigations, nor did it provide data on any prosecutions, convictions, or sentences of trafficking offenders or any officials guilty of trafficking complicity under any statute.

In partnership with IOM, the government co-funded a series of trainings for over 100 government officials, including police, immigration authorities, school guidance counselors, and labor inspectors, in responding to human trafficking.

Protection

The government made progress in victim protection during the reporting period. It reportedly identified at least two potential sex trafficking victims during the reporting period; this is an improvement over the lack of any victims identified during the previous year. An NGO reportedly identified at least five additional sex trafficking victims during the reporting period. The government's trafficking task force developed a formal system to identify trafficking victims, which officials used on an *ad hoc* basis between June and October 2010 and then consistently since October. It is now part of the standard operating procedure for all brothel raids. The Ministry of Labor reported it has hired translators to assist during labor inspections at job sites where there are Chinese laborers to better screen for unfair labor practices and human trafficking. During the reporting period, the government provided shelter and protection for at least one victim. The government offered 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.

Trinbagonian authorities encouraged crime victims in general to assist with the investigation and prosecution of offenders, though without legislation prohibiting human trafficking or providing formal protections for trafficking victims, few incentives existed for trafficking victims to assist in practice. During the reporting period, at least five victims reportedly were detained for immigration violations and deported.

Prevention

The government made some progress in the prevention of human trafficking during the reporting period. On occasion throughout 2010, both the newly elected prime minister and the new minister of national security spoke out publicly to raise awareness about human trafficking. An NGO that received government funding launched a human trafficking awareness day in March 2011 that involved a national teaching campaign for NGOs, government officials, and the general public, and explicitly addressed the demand for commercial sex acts. The government anti-trafficking task force included four NGO members, met monthly throughout the reporting period, and made final recommendations to the cabinet in October 2010 regarding legislative reform, government training, and public awareness. The government has no formal system for monitoring its anti-trafficking efforts. The government has dedicated a number for a future trafficking hotline, but the number is not yet functional. NGOs that operate existing hotlines with government funding for child abuse and domestic violence have participated in trafficking awareness training. Authorities did not consider child sex tourism to be a problem in Trinidad and Tobago during

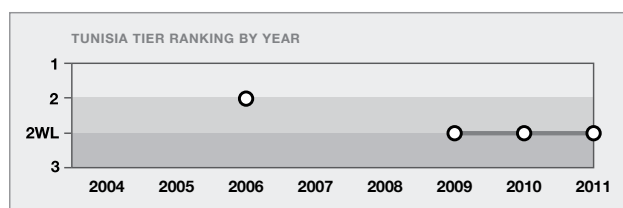
the reporting period and reported no cases of it identified, investigated, or prosecuted.

TUNISIA (Tier 2 Watch List)

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. Some Tunisian girls in domestic work in Tunis and other governorates are trafficking victims. In northwest Tunisia, a network of brokers and hiring agencies facilitates child domestic work and domestic servitude, sometimes via weekly markets. One study and information from an NGO indicate that 30 percent of the girls enter domestic work before the age of 14; some enter as early as ages 6 or 7. The majority has no vacation, no work contracts, and the ones who live in their employers' homes have neither set hours of work nor freedom of movement. Almost all of the girls in the study admitted ill-treatment, including forced starvation and physical abuse; approximately one-fifth of the girls surveyed have been sexually abused as well. Thirty percent were forced to leave school, two-thirds want to change jobs, and almost all were unaware of labor laws. Fathers take and have control of the salary until the girls reach about 16 or 17. These are indicators of potential forced labor.

In 2010 and 2009, seven Tunisian females were rescued from forced prostitution in Lebanon and a female from Cote D'Ivoire was forced into domestic servitude by a senior staff member of the African Development Bank in Tunis. In that same period, an online magazine alleged that dozens of children under 16 were victims of forced labor and prostitution for Libyan tourists. In 2008, two women were rescued from forced prostitution in Jordan and three men from forced labor in Italy.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last three consecutive years. Tunisia was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan. Under the leadership of former Tunisian President Ben Ali, the government did not show evidence of progress in prosecuting and convicting trafficking offenders, proactively identifying or protecting trafficking victims, or raising public awareness of human trafficking over the last year. Victims of trafficking likely remain undetected because of a lack of the previous government's effort to identify them among vulnerable groups. However, in January 2011, Ben Ali was removed from power after 24 years of rule as the result of a popular revolution. The interim Government of Tunisia that replaced the Ben Ali regime has indicated their commitment to fight human trafficking through important initial steps. Most notably, the current government has established a National Commission to Combat Trafficking in Persons and is drafting comprehensive counter-trafficking legislation.



Recommendations for Tunisia: Pass and enact comprehensive counter-trafficking legislation that prohibits and adequately punishes all forms of human trafficking; 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; and institute a formal victim identification mechanism to identify victims among undocumented migrants and offer them access to protection services.

Prosecution

Under the Ben Ali regime, the government made no discernible anti-trafficking law enforcement progress over the reporting period. Tunisia's Penal Code prohibits some forms of human trafficking. The Penal Code prescribes punishments of 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor, and up to five years' imprisonment for forced prostitution of women and children. The Penal Code also criminalizes child prostitution. The prescribed penalties for forced labor are sufficiently stringent. The penalty for forced prostitution – five years' imprisonment – is sufficiently stringent, though not commensurate with penalties prescribed under Tunisian law for other serious offenses, such as rape. In addition to these laws the Penal Code prescribes one to two years' imprisonment for forced child begging. There were no reported investigations or prosecutions of trafficking offenses, or convictions of trafficking offenders, during the year. There was no information on prosecutions or convictions about the reported investigation of child sex tourism by Libyans, noted in the 2010 TIP Report. There is no evidence that the previous government provided anti-trafficking training to law enforcement officials in the reporting period, but neither is there evidence of official complicity in trafficking in persons. The current government is drafting legislation to prohibit and punish trafficking in persons, protect trafficking victims, and prevent human trafficking.

Protection

Under the Ben Ali regime, the government did not offer trafficking victims access to shelters or other services during the reporting period. During that time, the government lacked formal procedures to identify trafficking victims among vulnerable groups, such as undocumented migrants and those persons detained for prostitution offenses. As a result, persons whose trafficking victim status was not recognized by Tunisian authorities were vulnerable to imprisonment and deportation if caught engaging in illegal activities under Tunisian law. Some sources indicate that the previous government left undocumented migrants to fend for themselves in either

the Tunisian or Libyan deserts. It neither undertook efforts to identify trafficking victims among the undocumented migrants in its detention centers, nor did it allow outside parties to screen these detained migrants to determine if any were victims of abuse. Under the former regime, the government detained some child sex trafficking victims in the reporting period. The government's social workers provided direct assistance to abused migrant women and children – including possible trafficking victims – in two shelters operated by a local NGO. The Ministry of Women's Affairs, Family, Children, and Elderly Persons continued to assign a child protection delegate to each of Tunisia's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children; these delegates worked to ensure that child sex abuse victims received adequate medical care and counseling. The previous government did not offer trafficking victims legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

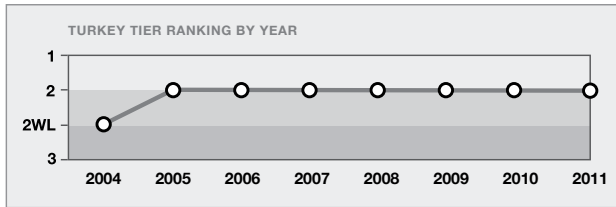
Under the Ben Ali regime, the government made no discernible efforts to prevent trafficking during the reporting period; there were no government campaigns to raise public awareness of trafficking. Tunisia took steps to reduce demand for commercial sex acts by enforcing laws against prostitution and arresting "clients" soliciting commercial sex, although these measures also resulted in the detention of women in prostitution, including possible trafficking victims. The current government, however, has 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.

TURKEY (Tier 2)

Turkey is a source, destination, and transit country for women, men, and children subjected to sex trafficking and forced labor. Women and child sex trafficking victims found in Turkey originate predominately from the former Soviet Union and Eastern Europe. Turkish women are also subjected to forced prostitution within the country. According to regional experts, men and women from Turkmenistan, Tajikistan, and Mongolia are subjected to forced labor in Turkey. A recent report claimed that children involved in the drug trade, prostitution, and pick pocketing in Turkey are vulnerable to exploitation by criminal groups. According to a recent report by ECPAT, some Turkish children may be subjected to human trafficking through forced marriage.

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 improved its recognition of forced labor and domestic trafficking during the reporting period and provided funding to the IOM-run anti-trafficking hotline. The government did not follow through on correcting its long-standing deficiency of inconsistent protection of victims in Turkey, resulting in significant gaps in protection and

assistance for victims. Further, the number of victims the police identified dropped by almost half compared to the previous year. While it prosecuted and convicted trafficking offenders in 2010, the government did not provide sentencing information to demonstrate that they received adequate jail sentences.



Recommendations for Turkey: Finalize and enact anti-trafficking legislation to prohibit internal trafficking in Turkey; vigorously prosecute and convict trafficking offenders; conduct a study to determine why a significant number of prosecuted trafficking cases result in acquittals; commit sustained funding for the three specialized NGO shelters in the country and consider establishing a victim assistance fund from fines levied against convicted traffickers for this purpose; allow potential victims some time to recover from their trafficking experiences and to make informed decisions about their options for protection and possible cooperation with law enforcement; expand the best practice of allowing NGOs access to detention centers; increase efforts to proactively identify potential victims of forced prostitution and forced labor; continue to improve witness protection measures to provide victims with more incentives to cooperate with law enforcement; and develop specialized assistance for children who are subjected to trafficking, as well as men who are subjected to forced labor.

Prosecution

The Government of Turkey proactively investigated and prosecuted cases of trafficking in 2010. 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. Notably, the government revisited a case of alleged prostitution and trafficking involving children on a yacht discovered on October 28, 2010, which included the alleged involvement of a senior third country national official; authorities had initially determined that this case did not involve human trafficking, but have now begun the prosecution of 10 suspects. The government reported that it prosecuted 430 trafficking suspects under Article 80 during January through September 2010, of which 150 suspects were acquitted. Of the remaining 280 convicted offenders, 26 were sentenced to time in prison. Twenty-eight of these offenders were convicted under Article 80 with sentences ranging from two to 24 years' imprisonment. The government convicted other offenders under non-trafficking statutes. Further, the government reported it reached a verdict in 31 cases at the appellate level, which

resulted in "severe punishment" for traffickers, but did not provide further information on the sentences. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. The government continued its institutionalized and comprehensive anti-trafficking law enforcement training in 2010. Complicity in trafficking by law enforcement personnel continued to be a problem. The government did not take any additional action stemming from a 2009 prosecution involving three police officers under Article 80. Furthermore, the government did not report any follow-up to its 2008 investigation of 25 security officials for trafficking-related complicity.

Protection

The Government of Turkey demonstrated some limited progress in protecting trafficking victims in 2010; however, it did not address critically needed improvements to achieve a more victim-centered approach. While it improved identification of internal trafficking victims and some foreign victims of forced labor, its overall identification of foreign trafficking victims continued to decline in 2010. It did not provide sufficient funding or resources to its three anti-trafficking shelters, forcing one to shut down for eight months in 2010. During the reporting period, the government identified 58 trafficking victims; this represents a sharp decline from the previous year when it identified 102 victims. In partnership with the Istanbul trafficking shelter, the police continued the good practice of allowing shelter staff into the immigration detention facility to interview foreign women who may have been too afraid to disclose elements of their trafficking experience to police. However, police continued to detain and interview victims in a detention setting, inadvertently deporting some foreign trafficking victims. According to regional experts, Turkish authorities continued to arrest and deport women in prostitution without adequate efforts to identify trafficking victims among them; NGOs report that some of these women were subsequently identified as trafficking victims in Armenia. On October 28, 2010, police raided a yacht that functioned as a hotel, but was also discovered to be offering prostitution services from Ukrainian and Russian women, some of whom were as young as 17 years old. These women and child trafficking victims were deported after being detained and brought before a prosecutor for questioning. Authorities, however, subsequently indicted 10 suspects in this case on trafficking charges and began prosecuting them for human trafficking in December 2010. The fate of the deported victims in this case is unknown.

According to the police, 32 trafficking victims were referred to one of the three NGO-run anti-trafficking shelters in the country. The government's lack of consistent funding, however, continued to cause unpredictability in these shelters' ability to operate and assist victims, forcing one shelter to close down in 2010 for eight months. 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, most often due to victims' perceived fear of authorities, retribution from their traffickers, and slow court procedures. IOM facilitated the repatriation of 21 victims in 2010. The government

offered 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 two such permits to trafficking victims in 2010, an increase from previous years when no such permits were issued. According to a Turkish media report in 2010, some children were tried in court for prostitution-related offenses, although due to a new law passed in July, juveniles may now be tried in juvenile courts. This report noted that these children were “vulnerable to manipulation” by criminal or political groups, thus indicating possible third party involvement in their prostitution.

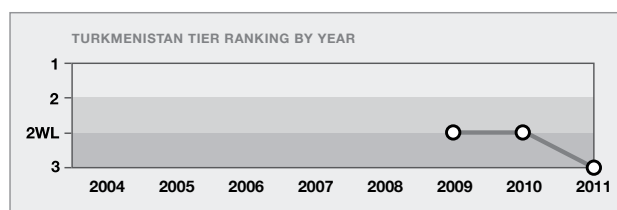
Prevention

The Turkish government took an important step to improve its anti-trafficking prevention efforts in 2010 by providing \$150,000 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. 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, though 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 3)

Turkmenistan is a source country for men and women subjected to forced labor and forced prostitution. Women from Turkmenistan are subjected to forced prostitution in Turkey, and men and women from Turkmenistan are subjected to conditions of forced labor in Turkey, including in textile sweatshops, construction sites, and in domestic servitude. Turkmen trafficking victims were also identified for the first time in Russia, the United Kingdom, and within Turkmenistan.

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Although the government continued discussions with IOM on providing shelter space, it did not fulfill its commitment to allocate financial or in-kind assistance to anti-trafficking organizations. Moreover, it did not work with IOM to carry out a human trafficking awareness program for students in the country’s five provinces, as anticipated in the 2010 TIP Report. Furthermore, the government did not show any significant efforts to investigate and prosecute trafficking crimes or to identify and protect victims of trafficking during the last year.



Recommendations for Turkmenistan: Improve implementation of the 2007 Law on Combating Trafficking in Persons; use Article 129(1) to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders; continue to provide training for prosecutors and other relevant government authorities on the proper application of Article 129(1); develop systematic victim identification and referral procedures and train border guards, police, and other relevant government officials to use these procedures; provide financial or in-kind assistance to anti-trafficking organizations assisting 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; conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking; and develop a national action plan for countering trafficking in persons.

Prosecution

The Government of Turkmenistan demonstrated no significant law enforcement efforts to combat trafficking in persons during the reporting period. The government prohibits all forms of trafficking in persons through Article 129(1) of its criminal code, which was adopted in May 2010 and went into effect 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. The government did not report whether it investigated or prosecuted suspected traffickers or convicted or punished any trafficking offenders during the reporting period. However, there were reports from other sources of one trafficking investigation and one unrelated conviction of a trafficking offender under a non-trafficking statute. During the previous reporting period, the government also had not reported efforts to investigate or prosecute suspected traffickers or convict or punish any trafficking offenders. The General Prosecutor’s Office conducted trainings for law enforcement officials on implementing Article 129(1). Various international organizations provided anti-trafficking training for more than 100 prosecutors, customs officers, police, migration officers, and judges. Five law enforcement officials participated in an IOM study tour in Turkey designed to improve anti-trafficking efforts and collaboration. Prosecutors also shared information about trafficking with Turkish counterparts. There were no reports of government officials complicit in human trafficking.

Protection

The Government of Turkmenistan demonstrated no efforts to protect or assist victims during the reporting period, despite provisions in the 2007 trafficking law for victim care facilities and protection and assistance for victims of

trafficking. The government did not provide counseling, shelter, legal assistance, or rehabilitative services to victims of trafficking, nor did it supply funding to international organizations or NGOs to provide such services to victims. In 2010, 38 victims were assisted by organizations that did not receive government funding, compared with 25 victims assisted by such organizations in 2009. The government did not refer any victims to NGOs or IOM for assistance in 2010. Government personnel employed no formal victim identification procedures and did not provide victim identification, victim referral, or victim sensitivity training to border guards or police. There was one report of a victim assisting in an investigation and receiving 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. There were reports that the government fined trafficking victims upon return to Turkmenistan for visa violations.

Prevention

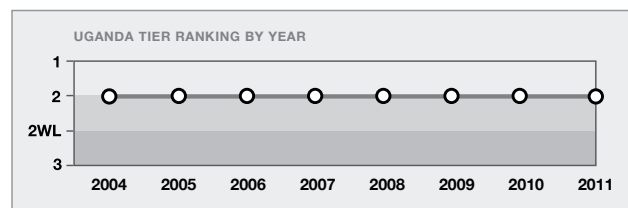
The Government of Turkmenistan demonstrated limited efforts to prevent human trafficking during the reporting period. The government did not fund or conduct any anti-trafficking awareness campaigns in 2010. Efforts to raise public awareness were made by NGOs; the government permitted NGOs to place advertisements about an NGO-operated trafficking hotline in a nationwide state-run newspaper. The government provided reduced rent to one anti-trafficking NGO and meeting space for other anti-trafficking NGOs. Transparency in anti-trafficking efforts was lacking, as the government did not report publicly on its anti-trafficking policies or activities, and it did not collaborate significantly with civil society organizations to address human trafficking issues.

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 fishing, agriculture, mining, stone quarrying, brick making, road construction, car washing, scrap 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 participate in illegal border smuggling of various goods, including counterfeit items and illicit drugs. Karamojong women and children are subjected to domestic servitude and forced cattle herding in Karamoja, and are transported to Kampala and other urban areas by traffickers who force them to beg in the streets, or engage in prostitution or domestic servitude. During the reporting period, Ugandan sex trafficking victims were discovered in Denmark, Oman, and Malaysia. Security companies and employment agencies in Kampala continued to recruit Ugandans to work as security guards, laborers, and drivers in the Middle East; some workers reported conditions indicative of forced labor, including passport withholding, nonpayment of wages and lack of food. South Asian and Chinese

migrant workers are subjected to forced labor in Uganda in construction, transportation, trade, and service activities, and South Asian crime networks transport South Asian children to the country for prostitution. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and Sudan are subjected to forced agricultural labor and prostitution in Uganda. 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 that time, some Ugandan children remain captive with LRA elements currently located in the DRC, Central African Republic, and southern Sudan.

The Government of Uganda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government began two prosecutions of four suspected trafficking offenders, among the first to be charged under Uganda's 2009 anti-trafficking law, there were no convictions during the reporting period and no action taken in 16 trafficking investigations outstanding since 2009. While the protection and prevention provisions of the 2009 anti-trafficking act have not been fully implemented or funded, the government referred over 150 trafficking victims to government and NGO care centers. The government monitored the activities of the 20 licensed external labor recruiting agencies and barred them from sending Ugandans to work as domestic employees abroad due to the high risk of exploitation; however the government also reissued a license to a recruiting agency connected to a past alleged trafficking case of domestic workers to Iraq.



Recommendations for Uganda: Increase efforts to prosecute, convict, and punish trafficking offenders; investigate and punish labor recruiters responsible for knowingly sending Ugandans into situations of forced labor abroad; finalize regulations to fully implement the protection and prevention provisions of the 2009 anti-trafficking act; institute a unified system for documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; establish formal procedures for government officials to proactively identify trafficking victims among vulnerable populations and refer them to care; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Uganda maintained its anti-trafficking law enforcement efforts, reporting two pending prosecutions under the anti-trafficking law during the reporting period; however, there were no convictions. The 2009 Prevention of Trafficking in Persons 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. The Ugandan Police Force's (UPF) Child and Family Protection Unit (CFPU) did not report an aggregate number of investigations, prosecutions, or convictions for the reporting period; none of the 16 alleged child trafficking cases reported in the UPF's 2009 Crime Report resulted in prosecutions or convictions. In November 2010, a Kampala court charged two pastors and an alleged accomplice under the anti-trafficking law for transporting a 17-year-old girl from Soroti District to Kampala and fraudulently obtaining a passport in her name with the intent of taking her to the United Arab Emirates; the suspects were granted bail pending prosecution. In February 2011, a Kampala court charged two suspects with trafficking for allegedly misrepresenting employment opportunities when recruiting and sending two Ugandan women to Malaysia, where they were forced into prostitution to pay off large debts; the suspects remain in prison pending a decision in this case. Other suspected trafficking cases were settled by local police who facilitated mediation between trafficking offenders and victims, with some suspects being released after they returned the victim to his or her family and paid lost wages – an insufficient penalty to deter trafficking crimes. During the year, police intercepted at least three buses, one containing 38 children, from the Karamoja region bound for Kampala; authorities believe the suspects intended to use the children for forced begging or domestic servitude. Since 2009, trainers from the UPF's CFPU have provided anti-trafficking training to over 3,500 police recruits and more comprehensive training to 800 officers in criminal investigation courses. The government cooperated with the Governments of Kenya, Tanzania, Rwanda, DRC, Nigeria, and Malaysia on several potential human trafficking cases; for example, in September 2010, Ugandan police rescued three Tanzanian children and returned them to authorities in Tanzania. The police continued to operate a hotline for reporting trafficking cases that received trafficking-related tips during the year. Ugandan People's Defense Force operations against the LRA in neighboring countries led to the recovery and repatriation of an unknown number of Ugandan child trafficking victims. During the reporting period, there were no allegations of complicity among the police or Ugandan peacekeepers abroad.

Protection

The government sustained its moderate levels of protection for child victims during the reporting period. It failed, however, to draft implementing regulations or allocate funding for the application of the anti-trafficking law's victim protection provisions. Local police 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 has not developed procedures for the systematic identification of victims among high risk groups; as a result, potential victims were sometimes prosecuted for immigration or prostitution violations and children in prostitution detained during police sweeps were released without care. During the reporting period, the government identified 245 potential trafficking victims,

including 83 children recovered from LRA captivity in neighboring countries, 156 internal cases, 12 Ugandans trafficked abroad, and 22 foreigners trafficked into Uganda. The government assisted in the repatriation of six Ugandan victims from abroad, including three from Iraq, two from Malaysia, and one from Oman. During the year, the UPF referred 77 of the internal child trafficking victims it identified to a local NGO's shelter in Kampala. Its memorandum of understanding with the same NGO sustained the presence of the NGO's social workers in three police stations, where they assisted trafficking victims with legal, medical, psychological, and family tracing services. During the reporting period, the Ugandan military's Child Protection Unit in Gulu received and debriefed 83 returned children who had been abducted by the LRA, before referring them to NGO-run rehabilitation centers for six weeks of care.

The Ministry of Gender, Labor, and Social Development (MGLSD) continued to remove Karamojong children in possible trafficking situations from Kampala's streets and transferred several hundred to two MGLSD-operated shelters in Karamoja that provided food, medical treatment, counseling, and family tracing. The ministry also operated a facility in Kampala for the initial intake of street children; however, it is unknown whether trafficking victims received services here, as the facility did not screen for trafficking victimization. There were, however, no similar government-funded or –operated facilities or services for adult trafficking victims. While the Ministry of Internal Affairs can permit foreign victims to remain in Uganda during investigation of their cases and provide residency and work permits, such benefits were not granted during the year. The government encouraged trafficking victims to testify against their exploiters and at least one victim did so during the reporting period.

Prevention

The Ugandan government made minimal efforts to prevent human trafficking during the year. The Ministry of Labor barred labor recruitment agencies from recruiting Ugandans to work as domestic servants in the Middle East, but continued to allow them to recruit guards, drivers, and laborers. The government did not conduct anti-trafficking educational campaigns during the year and remains without a national action plan to guide its efforts to combat trafficking. The interagency Task Force for the Elimination of Human Sacrifice, which is also responsible for coordinating anti-trafficking activities, met during the reporting period to continue to strategize on actions to address human sacrifice and trafficking. In February 2011, the High Court in Masindi sentenced a man to 50 years' imprisonment under the anti-trafficking law for abducting a 7-year-old boy and removing his genitals. Two additional suspects were exonerated, while a third suspect was lynched by the community.

In the previous reporting period, the External Labor Unit (ELU) of the MGLSD suspended the license of an employment agency pending investigation into allegations that it fraudulently recruited women for work in Iraq; however, in December 2010, the MGLSD renewed its license, with the government taking no civil or criminal

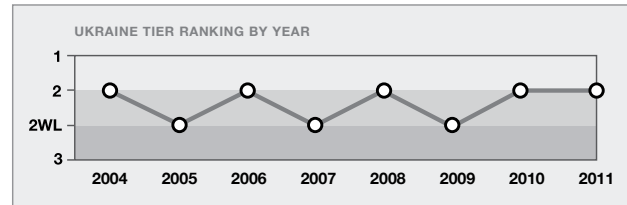
action against this agency. MGLSD officials reported that there was insufficient evidence that the agency fraudulently recruited the women or knowingly sent them into situations of forced labor abroad. In March 2011, five women repatriated from Iraq in 2009 filed a lawsuit against the Attorney General, the Inspector General of Police (IGP), the Director of Public Prosecution (DPP), and the labor recruiting agency, alleging that the agency trafficked them and approximately 150 other women to Iraq, that the IGP knew they were being abused and failed to carry out his constitutional duty to protect them, and that the DPP subsequently failed to prosecute the recruiting agency; hearing of the case remains pending. During the reporting period, the MGLSD's labor inspectors conducted no inspections of exploitative or forced child labor and initiated no criminal cases involving such crimes. The small number of labor inspectors and limited resources precluded inspections in the rural areas or the informal sector. In late 2010, the MGLSD's Child Labor Unit received \$6,087, in addition to its usual budget, to finalize the National Action Plan on the Worst Forms of Child Labor, which has been in draft form since 2007. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training to members of the Ugandan armed forces prior to their deployment abroad on international peacekeeping missions. Uganda is not a party to the 2000 UN TIP Protocol.

UKRAINE (Tier 2)

Ukraine is a source, transit, and increasingly destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian victims are subjected to trafficking in Russia, Poland, Turkey, Italy, Austria, Spain, Germany, Portugal, the Czech Republic, the United Arab Emirates, Indonesia, Kazakhstan, Azerbaijan, the United Kingdom, Israel, Greece, Finland, Norway, Denmark, Ireland, Lebanon, Benin, Tunisia, Cyprus, Aruba, Equatorial Guinea, Bosnia and Herzegovina, Kosovo, Serbia, Hungary, Bulgaria, Moldova, Slovakia, Syria, Switzerland, the United States, Canada, and Belarus. Women continued to be forced into prostitution or subjected to domestic servitude or forced labor in service industries and textile or light manufacturing sectors. The majority of Ukrainian male labor trafficking victims were subjected to forced labor in Russia, but also in other countries, primarily as construction laborers, factory and agricultural workers, or sailors. Children were most often forced into prostitution or forced to beg. The number of Ukrainian victims subjected to forced labor and forced prostitution within the country continued to increase. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine. Men, women, and children from the Democratic Republic of Congo, Moldova, Uzbekistan, the Czech Republic, and Pakistan are subjected to forced labor and sex trafficking in Ukraine.

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, a higher proportion of trafficking offenders were sentenced to time in prison compared

with last year and prosecutors continued appealing low sentences given to trafficking offenders. The government also increased the number of victims identified and referred to NGOs for assistance. However, the government did not take sufficient steps to investigate, prosecute, and convict government officials complicit in human trafficking crimes and did not develop and implement a national victim referral mechanism.



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 seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases by appealing non-custodial sentences; continue to take steps to establish formal mechanisms for the proactive identification and referral of trafficking victims to services; 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; further expand prevention efforts in coordination with civil society; increase interagency coordination to combat human trafficking; adopt national counter-trafficking legislation and a national action plan; and continue trafficking-specific training for prosecutors and judges.

Prosecution

The Government of Ukraine demonstrated some increased law enforcement efforts during the reporting period. The government prohibits all forms of trafficking through Article 149 of its Criminal Code. Penalties prescribed range from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, courts in various regions throughout Ukraine have interpreted Article 149's applicability to labor trafficking cases differently, causing some convicted labor trafficking offenders to receive light sentences. The government reported initiating 145 investigations into trafficking offenses in 2010. The government prosecuted 110 trafficking cases under Article 149 in 2010, compared with 80 trafficking cases prosecuted in 2009. The government reported that it convicted 120 trafficking offenders in 2010, compared with 110 the previous year. Sixty convicted trafficking offenders were sentenced to time in prison in 2010, compared with 33 in 2009. Sentences ranged from less than two years' to 15 years' imprisonment. Thirty-three convicted traffickers were placed on probation, a decrease from 41 convicted traffickers placed on probation in 2009.

Additionally, 25 convicted traffickers remained free on appeal in 2010, compared with 36 convicted traffickers free on appeal in 2009. The government did not, however, disaggregate its law enforcement data to demonstrate whether it had investigated, prosecuted, or convicted any forced labor offenders in 2010. Government prosecutors continued to appeal low sentences imposed on convicted trafficking offenders, appealing 36 such sentences in 2010. Judges were often unwilling to acknowledge trafficking victims, hindering the prosecution of trafficking offenses. The government provided anti-trafficking training to investigators, prosecutors, and members of the judiciary, including 108 judges.

Government officials' complicity in human trafficking offenses continued to be a serious problem in 2010. As in previous years, 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. The government reported investigating only two cases related to corruption in local police counter-trafficking units, and did not report any new prosecutions or convictions of government officials complicit in human trafficking offenses. 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 pending at the end of the reporting period.

Protection

The government sustained its efforts to protect and assist victims of trafficking during the reporting period. However, the government did not adopt or implement a law drafted in 2009 that would codify its anti-trafficking protection policies, establish a mechanism for referral of victims, and formalize cooperation between the government and NGOs. The government continued its pilot project, in partnership with the OSCE, to develop a referral mechanism in two *oblasts*; 20 victims were identified and assisted within the pilot project framework. In 2010, the government identified and referred to NGOs 449 new victims of trafficking, including 123 children, compared with 335 victims, including 42 children, identified in 2009. 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, including administrative expenses and facility space. Government-supported shelters reported providing assistance to 39 trafficking victims in 2010 and NGO shelters assisted 31 victims of trafficking. The government, however, continued to rely on international donors to provide the majority of victim assistance. In 2010, IOM, working with its local partners, provided assistance to 1,085 victims, including 106 victims of internal trafficking, an increase from 773 victims, including 32 internal trafficking victims, assisted in 2009. The government continued to place child trafficking victims in temporary shelters for homeless children that do not offer specialized services for trafficking victims; some child trafficking victims were housed in juvenile detention centers. The government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers and 214 victims assisted

in trafficking investigations or prosecutions in 2010; however, NGOs noted serious deficiencies in the protection of victims during the trial process. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked; however, some victims were detained because there was no mechanism to release them from deportation proceedings. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

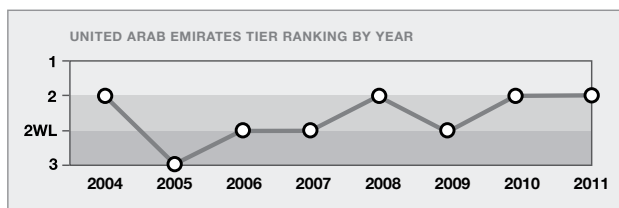
The Government of Ukraine continued its limited trafficking prevention activities during 2010. The government provided in-kind and limited financial assistance to NGOs for trafficking-prevention activities. In cooperation with foreign funders, the Ministry of Education and Science of Ukraine developed a secondary school lesson, "Prevention of Human Trafficking," and facilitated a series of workshops to help teachers discuss human trafficking issues with children. Local authorities provided modest financial and in-kind assistance to NGOs to carry out prevention campaigns, including television and radio announcements and leaflet distribution. Together with IOM, the government conducted six counter-trafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2010; these trainings are mandatory for Ukrainian peacekeepers. It remains unclear, following the government's reorganization in 2010, which agency has the primary responsibility for anti-trafficking efforts, and whether that entity will receive sufficient resources and political support to carry out trafficking prevention. The Government of Ukraine's National Plan on Combating Human Trafficking expired in mid-2010. Together with IOM, the government implemented a pilot program in 2010 to prevent child sex tourism, which included the distribution of anti-trafficking posters and information cards.

UNITED ARAB EMIRATES (Tier 2)

The United Arab Emirates (UAE) is a destination 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, 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 their movements, threaten them with abuse of legal processes, and make them vulnerable to exploitation. Men from India, Sri Lanka, Bangladesh, and Pakistan are drawn to the UAE for work in the construction sector, but are often subjected to conditions of forced labor,

including debt bondage as they struggle to pay off debts for recruitment fees. Migrant workers were vulnerable to forced labor, particularly in the construction sector, as some employers declared bankruptcy and fled the country, effectively abandoning their employees. 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 established a special court to hear human trafficking cases in Dubai and opened two new shelters for victims of trafficking. The government continued to prosecute and punish sex trafficking offenders, though its efforts to combat forced labor remained extremely weak. Although the government acknowledges the need to address forced labor, there continued to be no discernible anti-trafficking efforts against the forced labor of temporary migrant workers and domestic servants. These victims remained largely unprotected and, due to the lack of systematic procedures to identify victims of forced labor among vulnerable populations, they may be punished for immigration and other violations.



Recommendations for the United Arab Emirates:

Significantly increase efforts to investigate and prosecute labor trafficking offenses, and convict and punish trafficking offenders, including recruitment agents and employers who subject workers to forced labor; institute formal procedures to proactively identify 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 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 to life imprisonment. 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 hear human trafficking cases; this court is aimed at expediting trafficking prosecutions in Dubai. During the reporting period, the government continued to make efforts to address trafficking for commercial sexual exploitation. According to the government, the UAE prosecuted 58 sex trafficking cases during the reporting period involving 169 defendants, an increase from the 43 cases reported in the previous reporting period. The government did not, however, provide information on convictions or sentences for trafficking offenders. Despite the UAE's prohibition against labor forms of trafficking, the government again failed to report any criminal prosecutions, convictions, or punishments for forced labor during the reporting period. Prohibitions against practices that greatly contribute to forced labor, such as widespread withholding of workers' passports, remained unenforced. While the government took steps to respond to workers' complaints of unpaid wages, the authorities' response was limited to administrative penalties such as fines or mediation to recover the wages and did not involve the criminal investigation or punishment of any employer. The government's persistent failure to address labor forms of trafficking continues to be a major gap in the Emirates' law enforcement efforts against trafficking. The government's National Committee to Combat Human Trafficking and Dubai authorities continued to train judicial and law enforcement officials, in coordination with social services agency staff, on trafficking. The government did not report any investigations, prosecutions, or convictions for government complicity in trafficking offenses.

Protection

The UAE government made uneven progress in protecting victims of trafficking during the reporting period. Although it sustained progress in protecting victims of sex trafficking, it demonstrated no efforts to improve protective services for victims of forced labor. The government opened shelters for female and child victims of trafficking and abuse in Ras al Khaimah and Sharjah in January and continued to operate existing shelters in Dubai and Abu Dhabi. These facilities provide medical, psychological, legal, and vocational assistance to female and child victims of trafficking. In Dubai and Abu Dhabi, police conducted interviews in civilian clothes at shelters. Authorities report that government officials, houses of worship, and community centers refer victims to these shelters. In 2010, the Dubai shelter assisted 49 victims of trafficking and the Abu Dhabi shelter assisted 71. These identified victims reportedly were not punished for unlawful acts committed as a direct result of being trafficked, such as prostitution offenses. The government's lack of formal victim identification procedures, however, may have led to victims of sex trafficking remaining unidentified. As a result, victims of sex trafficking whom the government did not identify may have been punished through incarceration, fines, or deportation for unlawful acts committed as a direct result of being trafficked. 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 not to recognize people forced into labor as trafficking victims, particularly if they are over the age of 18 and enter the country voluntarily. While victims of trafficking were exempted from paying fines accrued for overstaying their visas, victims of labor trafficking – likely the most prevalent form of trafficking in the UAE – were not offered shelter, counseling, or immigration relief by the government. Domestic workers who ran away from their sponsors 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. The government continues to lack protection services for male victims of trafficking; these victims must also appeal to their embassies for assistance. In addition, although trainings for law enforcement officials included focus 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 trafficking victims to countries where they face retribution or hardship.

Prevention

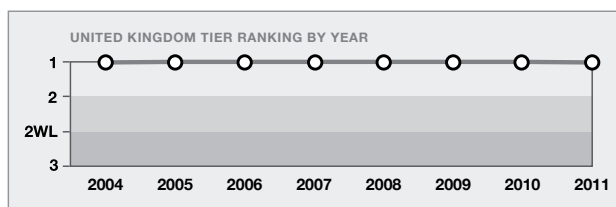
The UAE government continued its efforts to prevent trafficking during the reporting period. The government conducted anti-trafficking information and education campaigns within the UAE and with source country embassies, including an advertisement campaign in the Abu Dhabi and Al Ain international airports. The government launched a website in Dubai to raise awareness of trafficking and established a toll-free hotline to report labor abuses. The government was transparent about its anti-trafficking efforts, as it continued to publish an annual public report on anti-trafficking measures taken. Government authorities also produced and translated into source country languages pamphlets on workers' rights and resources for assistance for distribution to migrant workers. 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 forced domestic service. Unaccompanied children in the UK represent an especially vulnerable group for trafficking. Some UK children are subjected to sex trafficking within the country, and some foreign unaccompanied children continue to be forced to beg or steal. Some migrant workers are subjected to

forced labor in agriculture, construction, food processing, domestic service, and food services. Some domestic workers reportedly are subjected to forced labor by diplomats in the UK; there are concerns that these diplomatic employers are often immune from prosecution. Some children, mostly from Vietnam and China, continued to be subjected to debt bondage by Vietnamese organized crime gangs for forced work on cannabis farms. NGOs providing assistance to trafficked women reported a considerable increase in referrals of Ugandan nationals in 2010; Nigerian nationals remain one of the highest percentages of referrals. A recent study conducted by the Association of Chief Police Officers found that a large percentage of women forced into prostitution in England and Wales come from China.

The Government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking. The government demonstrated vigorous prosecutions and convictions of sex trafficking offenders in England, obtaining during the reporting period the highest sentence on record for trafficking in the United Kingdom. The UK government improved its prosecution of forced labor offenses and continued to implement its National Referral Mechanism (NRM). NGOs, however, continued to report inadequate and inconsistent protection efforts for trafficking victims in the UK. Some potential and confirmed trafficking victims, including children, were prosecuted and imprisoned for committing offenses as a direct result of being trafficked. Due to devolution of law enforcement powers to Northern Ireland, Wales, and especially Scotland, each region has its own human trafficking laws and anti-trafficking enforcement powers. Inadequate protection measures for victims in Northern Ireland, Scotland, and Wales could result in their re-trafficking throughout the Kingdom and the Republic of Ireland.



Recommendations for the United Kingdom:

Standardize anti-trafficking responses across the UK insofar as possible given devolution of law enforcement powers; train law enforcement and the legal community on the slavery-based approach of the 2009 Act; examine sentencing structures to determine if they appropriately respond to domestic servitude or other labor trafficking situations; improve outreach and training to all front-line responders to ensure potential trafficking victims, including children, are identified as such to prevent their inadvertent punishment or deportation; appoint a victim coordinator in each region to ensure victims identified through the NRM are provided with specialized services and can fully access their rights; take further steps to ensure that confirmed trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked; increase capacity to ensure all trafficking victims are provided access to specialized services and safe accommodation; improve protections for UK-resident

child trafficking victims, as well as unaccompanied child asylum seekers who are victims of trafficking; conduct an assessment of forced labor and domestic servitude in the UK and its territories; 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 in each region to make critical assessments and improve the UK's overall anti-trafficking response.

Prosecution

The Government of the United Kingdom continued to vigorously investigate and prosecute trafficking offenders. The majority of prosecutions and convictions of trafficking offenders took place in England in 2010; authorities have not convicted an offender for human trafficking in Northern Ireland, Wales, or Scotland. 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 14, 14, and 10 years' imprisonment, respectively. Sentences for sex trafficking differ from those prescribed for rape as the maximum penalty for rape or forcible sexual assault is life imprisonment. The 2009 Coroners and Justice Act explicitly criminalizes slavery without a precondition of smuggling into the UK; according to an NGO, judicial and practitioner interpretations of other anti-trafficking laws in the last decade have gradually modernized away from old notions of cross-border movement in favor of a modern approach that focuses upon the condition of involuntary servitude. The government has not yet prosecuted a trafficking offender using its December 2009 slavery law. According to the Home Office, the British government prosecuted and convicted a total of 35 trafficking offenders between April 2010 and December 2010; this compares with 32 trafficking offenders convicted in 2009. The government convicted a total of 24 sex trafficking offenders under its Sexual Offenses Act or other trafficking-related laws. Traffickers convicted under its Sexual Offenses Act resulted in an average sentence of three years' and eight months imprisonment; sex traffickers convicted under other laws received average sentences of two years and six months'. The government convicted eight traffickers for labor exploitation, two of whom were convicted under its Asylum and Immigration Act; this compares with two offenders convicted for labor exploitation in 2009. Data on sentences given to convicted forced labor offenders were not available.

In January 2011, in a case in which six Romanian women were subjected to forced prostitution in the UK, the government handed down its longest sex trafficking sentence on record of 21 years; the women had been beaten, starved and sexually assaulted, and testified at the trial. In another case, two British nationals were sentenced in January 2011 for a total of 19 years' imprisonment for reportedly forcing approximately 100 children, some as young as 12, into prostitution. In 2011, a retired doctor was convicted under the Asylum and Immigration Act for subjecting her Tanzanian domestic worker to conditions of slavery. She received a two year suspended sentence and served no time in jail; she was ordered to pay her victim \$25,000 in compensation.

Protection

The UK government sustained and augmented funding for its efforts to identify and protect victims over the last year. NGOs continued to cite serious concerns over inadequate and inconsistent protection efforts that resulted in unidentified victims being detained, punished, or deported. In 2010, the government identified and referred trafficking victims through its National Referral Mechanism (NRM), which included a 45-day reflection period for potential trafficking victims. The government reported it identified 379 potential victims of sexual and labor exploitation between April 2009 and September 2010; 89 of these potential victims were children. The UK Border Agency and police identified the majority of victims. Authorities rescued 15 trafficking victims in 2010 in Northern Ireland, including three male victims. An Anti-Trafficking Monitoring Group noted in a June 2010 report that many victims are not referred through the NRM, as victims either do not view any 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. The Group's report also faulted the NRM for failure to ensure that identified victims were truly referred to special care providers. Furthermore, the NGO report concludes 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. 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.

Between April and December 2010, the government granted a "reasonable grounds" decision for 225 presumed victims and referred them to NGO or government-funded accommodations. NGOs reported that dedicated accommodations for female trafficking victims were not always available due to limited space. Services available for male victims of trafficking were limited. The UK government provided approximately \$1.5 million to civil society organizations to accommodate and support adult victims of trafficking in 2010. The government continued to fund an NGO to provide specialized shelter and outreach support for adult women trafficking victims, awarding it \$1.45 million for 2010. Overall, the shelter assisted 162 trafficking victims between March and August 2010; these women were provided with shelter or supported on an outreach basis. The government's strict criteria for admission meant that some victims were not accommodated at the shelter. For admission, victims must be over 18 years of age; involved in prostitution or domestic slavery in the UK within three months of referral; willing to cooperate in the prosecution of their traffickers; and must have been trafficked into the UK from abroad. Furthermore, victims in transit who escape their traffickers before actual exploitation occurs cannot receive accommodation.

Local authorities and experts continue to cite significant concerns with the level of protection for child trafficking victims throughout the UK. A number of rescued children

placed in the care of local authorities continued to go missing, increasing their vulnerability to being re-trafficked or becoming victims of trafficking. Notably in 2010, Scotland began piloting a model of guardianship for unaccompanied children to help reduce their vulnerability to trafficking. Further, there are continued NGO reports of trafficked children in the prostitution sector, cannabis cultivation, or petty crimes; such children are subjected to criminal proceedings instead of recovery and care. In one particular case, NGOs asserted in a 2010 report that a girl in Scotland was convicted for cannabis cultivation, despite disclosing details of her exploitation to her attorney and an expert report presented during court proceedings about her trafficking experience.

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. While the UK government has a policy of not penalizing victims for unlawful acts committed as a direct result of being trafficked, there are reports of identified trafficking victims being prosecuted for offenses they committed while under coercion of their traffickers. The UK government continued to provide foreign victims with legal alternatives to their removal to countries where they face hardship or retribution through established asylum procedures; some NGOs criticized the process for such alternatives as cumbersome and inconsistent. According to a February 2010 Human Rights Watch Report, some trafficking victims applying for asylum are routed through a “fast track” asylum system, which the report noted is not equipped to deal with complex trafficking cases and does not allow adequate time for a victim to recover and to explain case circumstances to an immigration official before adjudication and possible deportation.

Prevention

The UK government sustained partnerships with civil society to improve its anti-trafficking efforts in 2010. The transparent nature of the UK government and the significant level of information available on the UK allowed NGOs to make comprehensive, candid assessments of the UK’s anti-trafficking efforts during the year. During the year, the government conducted a review to assess and revise its overall anti-trafficking strategy; as a result of this review, the government opted in to the 2010 EU directive on trafficking in March 2011. The United Kingdom Human Trafficking Center (UKHTC), now under the direction of the Serious Organized Crime Agency (SOCA) 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. Operation Golf, a joint investigation team involving 26 Metropolitan Police officers working with over 320 Romanian police to target Romanian organized gangs trafficking children in the UK, concluded in December 2010. The operation resulted in the sharing of best practices between the UK and Romania, and resulted in raids in both countries and the arrest of Romanian child traffickers thought to be responsible for the child prostitution and forced labor – including forced begging – of approximately 168 Romanian children in the

UK. Cooperation with other law enforcement agencies also extended to the Police Service of Northern Ireland (PSNI), which participated in a “Train the Trainers” Blue Blindfold course held for the Republic of Ireland law enforcement agency, Garda Síochána. Members of the UK Border Agency, London Metropolitan Police, and Romanian police officers also participated in this training. The government transparently reported on its anti-trafficking efforts and commissioned studies to enhance its understanding of its trafficking problem. In November 2010, the Northern Ireland Assembly voted to improve its law enforcement response to trafficking by expanding law enforcement cooperation and anti-trafficking prevention campaigns. This prompted the launch of the Organized Crime Task Force (OCTF) Annual Report and Threat Assessment as a tool to research and assess human trafficking in Northern Ireland. Notably, in March 2011, authorities appointed an anti-trafficking coordinator in Wales to monitor anti-trafficking efforts and make recommendations for improvement. The government provided anti-trafficking training to UK troops prior to their deployment abroad as part of international peacekeeping missions in 2010.

Overseas Territories of the United Kingdom

Turks and Caicos

Turks and Caicos reportedly was a destination country for women and girls subjected to sex trafficking. In 2010, some stakeholders reported sex trafficking of Dominican females on the island, some of who may be children. Stakeholders also reported some trafficking for forced labor among the Haitian and Chinese communities. There were no reported cases of forced labor involving children in 2010. Island contacts reported that trafficking-related complicity by some local government officials was a problem. In August 2009, the UK government suspended the territory’s self-rule amid widespread allegations of corruption.

During the reporting period, the Turks and Caicos Islands (TCI) government initiated anti-trafficking legislation that included measures to improve identification of and assistance for trafficking victims. TCI authorities also made progress on a multi-agency action plan to support the new legislation.

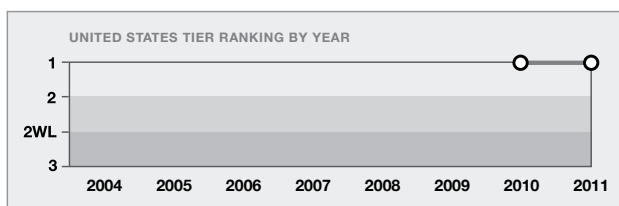
Bermuda

Migrant workers are employed in Bermuda under a strict system of government work permits obtained by employers on behalf of the foreign workers. The system may render migrant workers vulnerable to exploitation and trafficking in the construction, hospitality, and domestic service sectors. Some cases reportedly involved employers confiscating passports and threatening complaining migrant workers with having to repay the entire cost or the return portion of their airline tickets, which may be beyond their means and render them highly vulnerable to debt bondage. Bermuda authorities and NGOs reported victims rarely lodge a formal complaint out of fear of deportation. The Bermuda Industrial Union in 2009 began offering union protection to some migrant workers.

UNITED STATES OF AMERICA (Tier 1)

The United States is a source, transit, and destination country for men, women, and children subjected to forced labor, debt bondage, document servitude, and sex trafficking. Trafficking occurs for commercial sexual exploitation in street prostitution, massage parlors, and brothels, and for labor in domestic service, agriculture, manufacturing, janitorial services, hotel services, hospitality industries, construction, health and elder care, and strip club dancing. Vulnerabilities are increasingly found in visa programs for legally documented students and temporary workers who typically fill labor needs in the hospitality, landscaping, construction, food service, and agricultural industries. There are allegations of domestic workers, foreign nationals on A-3 and G-5 visas, subjected to forced labor by foreign diplomatic or consular personnel posted to the United States. Combined federal and state human trafficking information indicates more sex trafficking than labor trafficking investigations and prosecutions, but law enforcement identified a comparatively higher number of labor trafficking victims as such cases uncovered recently have involved more victims. U.S. citizen victims, both adults and children, are predominantly found in sex trafficking; U.S. citizen child victims are often runaways, troubled, and homeless youth. Foreign victims are more often found in labor trafficking than sex trafficking. In 2010, the number of female foreign victims of labor trafficking served through victim services programs increased compared with 2009. The top countries of origin for foreign victims in FY 2010 were Thailand, India, Mexico, Philippines, Haiti, Honduras, El Salvador, and the Dominican Republic.

The U.S. government fully complies with the minimum standards for the elimination of trafficking. The government sustained strong federal law enforcement efforts, strengthening support for federal task forces and initiating efforts to improve coordination and proactively identify cases. The government continued to provide funding to NGOs for services to victims and identified an increased number of victims. Immigration relief, which may lead to residency and eventual citizenship, is offered to qualified victims and immediate family members. The government sustained its prevention efforts, continuing to examine federal procurement and specific visa categories for vulnerabilities as well as to undertake public awareness efforts. The U.S. government annually reports on its activities to combat human trafficking in a report compiled by the Department of Justice available at www.justice.gov/ag/publications.htm including detailed information on funding and suggestions for improved performance.



Recommendations for the United States: Improve data collection on human trafficking cases at the federal, state and local levels; continue federal partnerships with state and local law enforcement agencies to encourage training, protocols, and dedicated and incentivized personnel at the state and local level; train field reporting collectors to recognize and report on human trafficking; mandate training in the detection of human trafficking for Department of Labor and Equal Employment Opportunity Commission investigators; increase the incorporation of anti-trafficking efforts into existing structures such as labor, child protection, education, housing, victim services, immigration courts, runaway/homeless youth, and juvenile justice programs; provide victim identification training for immigration detention and removal officers and conduct screening in immigration detention centers; increase funding for victim services, including legal services; offer comprehensive services to identified, eligible victims regardless of type of immigration relief sought, if any; increase training for consular officers to reduce vulnerabilities in visa programs; examine guestworker programs to reduce vulnerabilities; conduct briefings for domestic workers of foreign diplomats to ensure that they know their rights; improve oversight and enforcement of employment-based visas to forestall vulnerability and abuse; increase cooperation between the private and public sectors to encourage business practices that rid supply chains of human trafficking; and expand anti-trafficking outreach, services, and training in the insular areas.

Prosecution

The U.S. government demonstrated significant and sustained progress in its anti-trafficking law enforcement efforts through 2010. The United States prohibits all forms of trafficking in persons through criminal statutes that were enacted almost 150 years ago in the wake of the U.S. Civil War to effectuate the Constitutional prohibition of slavery and involuntary servitude. These statutes were updated and modernized by the Trafficking Victims Protection Act of 2000 (TVPA) and subsequent legislation. Enforcement of the involuntary servitude and slavery efforts has since been carried out under the umbrella term “trafficking in persons.” U.S. law prohibits peonage, involuntary servitude, forced labor, sex trafficking, and servitude as well as confiscation or withholding of documents, such as passports. U.S. criminal law also prohibits conspiracy and attempt to violate these provisions, as well as obstructing enforcement of these provisions. Sex trafficking prosecutions involving minors do not require a showing of force, fraud, or coercion. Additional federal laws can also be utilized in trafficking prosecutions and traffickers may be convicted under those statutes instead of specific trafficking offenses.

Penalties prescribed under these statutes range from five to 20 years’ imprisonment for peonage, involuntary servitude, forced labor, and domestic servitude, and up to life imprisonment for aggravating circumstances. Penalties for sex trafficking range up to life imprisonment with a mandatory minimum sentence of 10 years for sex trafficking of minors and 15 years for sex trafficking by force, fraud, or coercion or sex trafficking of minors under age 14. There is also a five-year maximum penalty for the

related offense of fraud in foreign labor contracting under a related statute, 18 U.S.C. § 1351, which can be used in trafficking prosecutions. Under federal law, those who financially benefit through participation in a trafficking venture with knowledge or in reckless disregard of the trafficking conduct are subject to sentences equivalent to the underlying trafficking statutes. These penalties are sufficiently stringent and commensurate with penalties prescribed under U.S. law for other serious offenses, such as rape, kidnapping, or if death results from the trafficking situation.

Federal trafficking offenses are investigated by federal law enforcement agencies and prosecuted by the U.S. Department of Justice (DOJ). The federal government tracks its activities by Fiscal Year (FY) which runs from October 1 through September 30. In FY 2010, collectively federal law enforcement charged 181 individuals, and obtained 141 convictions in 103 human trafficking prosecutions (32 labor trafficking and 71 sex trafficking). These numbers do not reflect prosecutions of cases involving the commercial sexual exploitation of children that were brought under statutes other than the TVPA's sex trafficking provision. This represents the largest number of federal human trafficking prosecutions initiated in a single year, including large-scale, complex cases. In FY 2010, the average prison sentence imposed for federal trafficking crimes was 11.8 years and prison terms imposed ranged from three months to 54 years. In the past year, notable federal prosecutions included the longest sentence returned in a single-victim forced labor case - a 20-year sentence for holding a woman in domestic servitude for eight years; the initiation of the largest trafficking case to date involving the exploitation of over 600 Thai agricultural workers which is pending trial; multiple cases involving the systematic nonviolent coercion of groups of documented guestworkers; a life sentence in a sex trafficking case; convictions of 10 defendants in a multinational organized criminal conspiracy that exploited guestworkers in 14 states; and a bilateral enforcement initiative with Mexico resulting in indictments of sex trafficking networks under both U.S. and Mexican law.

Traffickers were also prosecuted under a myriad of state laws, but no comprehensive data is available on state prosecutions and convictions. All 50 states prohibit the prostitution of minors under state and local laws that predate the enactment of the TVPA. By the end of the reporting period, forty-five states had enacted specific anti-trafficking statutes using varying definitions and a range of penalties. Over the last decade, human trafficking cases under state statutes were initiated in 18 states. The majority of state cases involved child sex trafficking; at least three states used their state statutes for forced labor prosecutions. State laws are enforced by approximately 16,000 local, county and state agencies. While state prosecutions continue to increase, one study found that less than 10 percent of state and local law enforcement agencies surveyed had protocols or policies on human trafficking, and recommended augmented training, standard operational protocols, and dedicated personnel within police agencies.

The lack of uniform nationwide data collection remained an impediment to compiling fully accurate statistics.

Activities were undertaken during the reporting period to address this issue, but differing data systems used by the diverse array of enforcement agencies now partnering on human trafficking issues remain difficult to integrate. Amendments to the TVPA in 2008 tasked the Federal Bureau of Investigation (FBI) to incorporate human trafficking offenses in the annual statistics collected from police forces nationwide; development of technology to implement this mandate was underway during the reporting period and it is expected that collection will begin in early 2013. The Department of Defense (DoD) undertook a similar effort to amend its criminal data systems, but did not collect information during the reporting period. As part of their responsibilities under their federal grants, 39 task forces reported 750 investigations during the reporting period, although it is unknown how many were state versus federal investigations, how many convictions resulted, or to what extent the data included investigations that required stabilization of potential victims but that did not ultimately culminate in the official identification of victims under the TVPA.

DOJ continued to fund 39 anti-trafficking task forces nationwide, each comprised of federal, state, and local law enforcement investigators and prosecutors, labor enforcement, and a nongovernmental victim service provider. DOJ implemented a number of new measures to address critiques that state law enforcement participation mainly continued pre-existing programs to combat commercial vice and that the success of the task forces had varied widely. To further develop best practices, DOJ funded three Enhanced Collaboration Model Task Forces in Illinois, California, and Texas, in which state and federal law enforcement agencies and service providers addressed sex and labor trafficking whether victims were citizen or noncitizen, adult or child. DOJ, in cooperation with the Departments of Homeland Security and Labor, also announced the creation of Anti-Trafficking Coordination Teams to bring together federal investigators and prosecutors to develop and implement coordinated, proactive federal interagency investigations and prosecutions in select areas nationwide. The Department of State announced the creation of a dedicated anti-trafficking unit within the headquarters staff of the Diplomatic Security Service.

Efforts continued to incorporate civil enforcement in the anti-trafficking response. The Department of Labor (DOL) carries out civil law enforcement in the nation's workplaces and its field investigators are often the first government authorities to detect exploitative labor practices; the investigators then coordinate with other law enforcement agencies to ensure restitution on behalf of trafficking victims. DOL investigators have not yet been funded, trained, or given the mandate to focus on human trafficking cases and did not receive mandatory trafficking-specific training during the reporting period. Anti-trafficking activities have not been funded or disseminated to labor and employment agencies within state and territorial governments. The U.S. Equal Employment Opportunity Commission (EEOC), which investigates discrimination charges against employers, held a public hearing devoted to human trafficking, taking testimony

on identification and remediation of trafficking cases and identifying possible future actions. DOJ began partnering with the EEOC to strengthen referrals and protocols and to develop victim identification training for EEOC attorneys and investigators. During the reporting period, the EEOC completed two investigations and filed civil actions against the alleged traffickers; two other investigations were ongoing at the close of the reporting period.

There were no reports of official complicity in human trafficking during the reporting period.

The U.S. government undertook considerable law enforcement training efforts during the reporting period. In collaboration with NGOs, DOJ launched an online task force resource guide, and conducted a national training for 700 task force members and law enforcement, governmental, and nongovernmental partners, which included advanced training to identify, investigate, and prosecute human trafficking cases and assist human trafficking victims. The national training conference was followed by a series of regional conferences to build upon the exchanges of expertise at the national conference. The DOJ task forces trained over 24,278 law enforcement officers and other persons likely to come into contact with human trafficking victims. The FBI provided comprehensive anti-trafficking training to over 1,000 new agents and support personnel and specialized training for agents assigned to the FBI Civil Rights squads in field offices around the country as well as training 960 state and local law enforcement officers. The Department of Homeland Security (DHS) provided advanced training to 72 veteran U.S. Immigration and Customs Enforcement (ICE) Special Agents and overview training to all agents attending the ICE Training Academy, and updated mandatory training for more than 40,000 Customs and Border Protection (CBP) officers and agents. DHS launched web-based training and continued in-person trainings that reached more than 14,000 federal, state, and local law enforcement officials during the reporting period. Information about services for human trafficking victims is included in the training offered to participating agencies in cooperative agreements following section 287(g) of the Immigration and Nationality Act, which authorizes state and local law enforcement agencies to carry out enforcement of certain immigration authorities related to the investigation, apprehension, and detention of unauthorized immigrants in the United States. NGOs reported instances in which noncitizen trafficking victims in 287(g) locations were fearful to report crimes. DoD continued mandatory training to its law enforcement personnel on identification, investigation, and information sharing with civilian and host nation law enforcement agencies.

Protection

The U.S. government demonstrated sustained protection efforts, increased numbers of victims assisted, and continued efforts to address challenges to increase identification and service provision. The U.S. government has formal procedures to guide officials in victim identification and referrals to victim services provided by

NGOs, and funds an NGO-operated national hotline and referral service.

The U.S. government and its federally funded trafficking victim service providers encouraged foreign national and U.S. citizen victims to assist with investigations and prosecutions. The TVPA provides two principal types of immigration relief to foreign trafficking victims: 1) continued presence, which allows temporary immigration relief and may allow work authorization for victims who are also potential witnesses in an investigation or prosecution; and 2) T nonimmigrant status or "T visas," which allow for legal immigration status for up to four years for victims who cooperate with reasonable law enforcement requests for assistance with an investigation or prosecution. Testimony against the trafficker, conviction of the trafficker, or formal denunciation of the trafficker is not required, nor is sponsorship or approval by an investigating agency. Victims may also apply for T visas on behalf of certain family members, including spouses and unmarried children under 21, parents and minor unmarried siblings of victims under 21, and parents and minor unmarried siblings of victims 21 and over if the relative faces danger as a result of the victim's escape from the trafficker or cooperation with law enforcement. T visa holders and their family members are authorized to work and after three years are then eligible for permanent residence status and eventual citizenship.

Also available is U nonimmigrant status or a "U visa," which allows for legal immigration status for up to four years for victims of certain crimes, including trafficking, who cooperate or are willing to cooperate with reasonable law enforcement requests in the investigation or prosecution of the qualifying criminal activity. An arrest, prosecution, or conviction is not required. Victims may also apply for U visas on behalf of certain family members, including spouses and minor children, and parents and minor siblings of victims under 21. U visa holders and their family members are authorized to work, and after three years are then eligible for permanent residence status and eventual citizenship.

In FY 2010, continued presence was issued to 186 potential victim-witnesses, a decrease from 299 last year. T visas were granted to 447 victims and 349 immediate family members of victims, representing an increase from 313 and 273, respectively, last year. Five hundred and eighteen T visa holders, including 309 victims and 209 family members, became lawful permanent residents in FY 2010, which puts them on a path to obtaining U.S. citizenship.

Unlike T visas, the number of U visas granted to trafficking victims is not tracked.

Foreign nationals in the United States without a lawful immigration status generally are not eligible for federal public benefits such as food assistance and health care programs; there are exceptions, including services provided by homeless shelters and emergency medical assistance. When continued presence is granted or a potential victim has made a bona fide application for a T visa, HHS can issue a certification letter. That enables the victim to receive public benefits and services to the same extent as a

refugee, which includes targeted assistance with income, health care, and employment searches as well as access to all assistance programs available to citizens. In FY 2010, 449 such certifications were issued to foreign adults and 92 eligibility letters were issued to foreign children, an increase from 330 for adults and 50 for children in FY 2009. Certified victims came from 47 countries. Primary countries of origin for foreign victims were Thailand, India, Mexico, Honduras, Philippines, Haiti, El Salvador and the Dominican Republic. Fifty-five percent of foreign adult victims were labor trafficking victims, of which 70 percent were men and 30 percent were women; 12 percent were adult sex trafficking victims, all of whom were women; and 10 percent were victims of both sex and labor trafficking. Sixty-two percent of foreign child victims were labor trafficking victims, of which half were boys and half were girls; 29 percent were sex trafficking victims, of which 30 percent were boys; and nine percent were victims of both labor and sex trafficking.

From July 1, 2009, to June 30, 2010, DOJ and HHS provided trafficking victim assistance funding to NGOs that served at least 1,472 potential victims (foreign nationals and citizens), more than double the number served in 2009; the exact number is unknown because some victims were assisted with funding from both agencies but an unduplicated count is not available. Adult victims who were citizens, including Native Americans, are not included in the number of victims served. In 2010, DOJ released a new funding opportunity that includes a focus on adult U.S. citizen victims that can also serve Native Americans. DOJ took steps to gauge the need and the type of culturally competent services required to assist trafficked Native Americans with the hope that a pilot project can be developed in the future, and provided specialized training to law enforcement and service providers in jurisdictions serving Native American communities.

Federally funded victim assistance included services coordination and referrals, medical care, dental care, mental health treatment, sustenance and shelter, translation and interpretation, immigration and legal assistance, and transportation. In FY 2010, DOJ provided grant funding to 34 NGO service providers to assist foreign nationals and six to assist U.S. citizen and lawful permanent resident victims, and HHS provided funding for services that were delivered by more than 100 NGO service providers.

DOJ used an increase in victim services funding to create the Enhanced Collaborative Model Task Forces, with half of the funding applicable for services. The other half supported law enforcement investigations and coordination aimed at identifying victims. As increasing numbers of victims have been identified and assisted, HHS has directed an increasing percentage of available funding toward services for victims, their family members, and potential victims. The NGO contractor of the HHS services program reports having contributed non-government funds to support this effort.

Under the HHS services program, there is a maximum reimbursement amount allowed per month for each victim and a maximum number of months during which

a victim may be assisted, with some exceptions allowed. NGOs reported cases in which the limits have been reached and they are no longer providing services to the victim before a case came to trial. However, once a victim is certified by HHS or, in the case of a minor, receives an eligibility letter from HHS, that individual is eligible for services, including income supports, health care, and social services, through the provider network that assists refugees resettle in the United States. While legal services are often crucial to access civil and immigration remedies and undertake the advocacy necessary to navigate the complex federal system of benefits and the justice system, the HHS services program does not allow reimbursement for immigration legal assistance. In 2010, DOJ extended its program to offer this assistance. Should a foreign national victim decide not to report the crime or comply with reasonable law enforcement requests, DOJ and HHS funded services must in most cases be terminated; approval for continuation on a case-by-case basis is sometimes granted, and the law provides an exception to the cooperation requirement where physical or psychological trauma renders a victim unable to participate in an investigation or prosecution. Services under the HHS services program must be discontinued if an adult victim pursues long-term immigration relief other than the T visa.

NGOs reported isolated incidents of officers citing victims risking withdrawal of benefits when faced with reluctant victims; NGOs also reported continued challenges in getting law enforcement to recognize reluctant victims for protection purposes. Law enforcement continued to face challenges in identifying child victims of sex trafficking, particularly because the victims are often provided false identification by their traffickers and at least initially self-identified as adults. There was no targeted federal funding to support state child welfare agencies' anti-trafficking efforts. In some states, state child welfare agencies' missions did not formally extend to human trafficking, focusing instead on children who have been abused, abandoned, or neglected by caretakers and have not been expanded to reflect the anti-trafficking policy developments of the last decade. NGOs reported that these programs generally did not assist children over 14 years of age. State and local law enforcement, in some jurisdictions, was hampered by a lack of mandates, protocols, and training to identify and respond to child trafficking victims. The challenge of incorporating modern anti-trafficking concepts into these existing institutions has resulted in misidentification and referrals to juvenile justice or immigration systems rather than protective services. During the reporting period, the states of Illinois, Georgia, New York, Connecticut, and Florida created new procedures to increase identification or conducted initiatives to train child protection workers on human trafficking.

When an unaccompanied child (UAC) comes to the attention of federal authorities, those children are usually put into the care and custody of HHS, Office of Refugee Resettlement (ORR), Division of Unaccompanied Children's Services (DUCS). DUCS screens UACs to identify potential victims of trafficking. UACs who may be trafficking victims are referred to the ORR Anti-Trafficking in Persons Division (ATIP) for an eligibility determination. If the UAC is found to be a trafficking victim by ORR/

ATIP, they are eligible for federal long-term foster care through the same program that cares for unaccompanied refugee minors who come to the United States. UACs who are not determined to be victims of trafficking by ORR/ATIP remain in the ORR/DUCS program until they reunify with a sponsor in the United States, age-out of care, return to their home country, or adjust their legal immigration status. Children may also be referred directly to ORR/ATIP for assistance without being placed in the ORR/DUCS program. Sometimes service providers believe a child may be a trafficking victim but HHS cannot substantiate the claim.

A study of UACs in immigration proceedings, a population vulnerable to trafficking, indicated a substantial gap between the number of children service providers identified as victims and the number of children who received federal benefits. For those unaccompanied children who may be trafficking victims and in deportation proceedings, the 2008 amendment of the TVPA allows for procedural protections such as access to counsel and child advocates. HHS funds projects to coordinate *pro bono* legal assistance and child advocates. Funding of direct counsel is not permitted, and not all of these children are matched with a *pro bono* attorney that is willing to volunteer their time to represent the child. In practice, child advocates are not always provided for these children as child advocate programs are only available in few areas due to funding constraints.

While federal, state and local grant programs exist for vulnerable children, including those who are on the streets, NGOs reported that identified child trafficking victims faced difficulties accessing needed services. HHS-funded short-term shelter programs served 44,000 homeless and runaway youth and more than 800,000 youth received contact from an HHS-funded street outreach worker, but these programs require training and specialized services to be able to identify and assist child trafficking victims. HHS conducted training for runaway and homeless youth services in an effort to fill this gap. Additionally, the executive branch proposed additional funding for training within the runaway and homeless youth system to identify, prevent and address sex trafficking of minors. DOJ continued grants for services coordination, technical assistance, and comprehensive services to U.S. citizen child victims of both sex and labor trafficking; 45 citizen child victims received services through this program.

In 2010, the United States' Return, Reintegration, and Family Reunification Program for Victims of Trafficking reunited 165 family members with trafficked persons in the United States and assisted three victims in returning to their country of origin. In September, 2010, due to lack of funding, the program was suspended; approximately 89 individuals are on a waiting list for assistance, unable to reunify with their family members in the United States.

While the TVPA sets forth a federal victim protection framework and principles that covers victims in all 50 states and territories, such protections were not also codified in most state laws. Nine of 50 states, as well as Washington, DC, offered state-funded public benefits to trafficking victims; 18 permitted victims to bring civil lawsuits;

seven encouraged law enforcement to provide supporting documentation for T visa applications; 21 instituted mandatory restitution; and nine required that victims' names and/or locations be kept confidential. DOJ took positive steps to eliminate barriers, educate administrators, and encourage the states to use the federal Crime Victims Fund to fund mainstream crime victim service providers to assist trafficking victims.

The TVPA provides that victims should not be inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. NGOs reported identifying increased numbers of potential victims in deportation proceedings and immigration detention. The prostitution of children has traditionally been handled by some state governments as a vice crime or a juvenile justice issue, and the anti-trafficking approach of the TVPA has been slow to fully permeate the state juvenile justice system. DOJ made efforts to engage state juvenile justice professionals in order to increase identification of minor trafficking victims and has trained state prosecutors. In 2009, the most recent year for which data is available, 235 males and 844 females under 18 years of age were reported to the FBI as having been arrested for prostitution and commercialized vice, an increase from 206 males and 643 females in 2008. Jurisdictions continued to formulate varying responses to help decrease arrests and view trafficked persons as victims; several states passed laws decriminalizing children found in prostitution, diverting arrested children into shelters and services, or allowing prostitution convictions to be expunged.

DHS hired six additional Victim Assistance Specialists nationwide, bringing the total to 18 human trafficking specialists and 250 generalists who are trained on the issue. All asylum field offices conducted training on identifying trafficking victims in the context of affirmative asylum adjudications, and this training is required for all incoming asylum officers. CBP has mandatory training and protocols in place to screen unaccompanied children for trafficking victimization. A study reported that the screenings are not effective because they are not conducted in a child appropriate manner by child welfare specialists in appropriate facilities. As in the last reporting period, detention and removal officers did not receive training on victim identification and did not conduct screenings in immigration detention centers. HHS conducted online trainings on identification, outreach and services and the HHS hotline center conducted general awareness and identification trainings nationwide. The Department of Education increased efforts to provide educational resources to school districts to help them prevent, identify and respond to human trafficking and commercial sexual exploitation of children, training chiefs of school police forces and surveying school districts for promising practices that can be disseminated nationwide. States have not yet created programs to increase awareness or identification within schools.

Prevention

The U.S. government made significant progress on addressing prevention throughout the reporting period,

continuing efforts to ensure government procurement is free from forced labor, examine visa categories for vulnerabilities, and conduct public awareness activities. The Cabinet-level President's Interagency Task Force (PITF) is statutorily directed to coordinate federal efforts to combat trafficking in persons. The Senior Policy Operating Group, which meets quarterly and consists of senior officials designated as representatives by PITF members, coordinates interagency policy, grants, research, and planning issues involving international trafficking and the implementation of the TVPA.

The U.S. government undertook multiple efforts to reduce the demand for commercial sex and forced labor. The Departments of Agriculture, Labor, and State completed recommendations to Congress on how to reduce the likelihood that imported agricultural products and commodities are produced with the use of forced labor and child labor. The Departments of State and Defense were part of a multi-stakeholder process that led to 60 private security companies signing on to an International Code of Conduct for Private Security Service Providers. These companies pledged to uphold a number of principles in their company policies and in the conduct of their personnel, including not engaging in human trafficking, sexual exploitation, or prostitution. The U.S. Agency for International Development (USAID) launched a code of conduct that prohibits USAID contractors, subcontractors, grantees, and sub-grantees during the period of performance of their contracts or awards from engaging in trafficking in persons, procuring commercial sex acts, or using forced labor. DOL published an updated list of 128 goods from 70 countries that DOL had reason to believe were produced by child labor or forced labor in violation of international standards, and released the ninth annual Findings on the Worst Forms of Child Labor and a revised list of products produced by forced or indentured child labor. DHS continued to enforce the prohibition against importing such products under the relevant statute, the Smoot-Hawley Tariff Act of 1930. New legislation was proposed but not passed to increase enforcement capabilities in this area. DoD continued its demand reduction campaign to help make contractors, government personnel, and military members aware of common signs of human trafficking and hotline numbers to report suspected incidents. Enforcement of the zero-tolerance policy involved two service members who were punished for prostitution offenses, which included withholding promotions, reducing grades, levying fines, and restricting movement to the base.

State and local jurisdictions also engaged in a number of efforts to reduce demand for commercial sex. Some jurisdictions tested various combinations of arrests, shaming, and education of apprehended purchasers of prostitution. NGOs devoted to ending demand for commercial sex developed school curricula, conducted outreach campaigns, and worked with law enforcement. Reports continued to reflect significant numbers of arrests for commercial sexual activity. Data continued to reflect the arrests of more women than men for such activity; state and local law enforcement arrested 38,593 women versus 16,968 men for prostitution offenses and commercialized

vice in 2009, the year for which the most recent data is available.

Allegations against federal contractors engaged in commercial sex and labor exploitation continued to surface in the media. During the reporting period, allegations were investigated and one employee was dismissed by a DoD contractor. The Inspectors General at the Departments of State and Defense and USAID continued their audits of federal contracts to monitor vulnerability to human trafficking and issued public reports of their findings and reparations. USAID also created an entity dedicated to proactively tracking contractor compliance with the authority to suspend contracts and debar contracting firms, a positive step toward increasing enforcement in this area. No prosecutions occurred and no contracts were terminated.

The U.S. government continued prevention efforts within its temporary worker and student programs. The A-3 and G-5 visa categories allow persons to enter the United States as domestic workers of foreign diplomatic or consular personnel ("foreign mission personnel") or foreign employees of international organizations. The Department of State continued its ongoing work to help protect these visa holders, including implementing a system to track the visa application process of A-3 and G-5 visa holders, to require their payment into bank accounts, and to track allegations of abuse. During the reporting period, there were more than a dozen allegations of various forms of abuse and domestic servitude, including civil lawsuits against, and criminal investigations of, foreign mission personnel. The Department of State put procedures in place to closely review and, where appropriate, to deny A-3 and G-5 visas for 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 determines that there is credible evidence that a domestic worker was abused and that the mission tolerated the abuse; no suspensions occurred within the reporting period. However, the threat of suspension has been effective in alerting missions to the importance the Department places on the treatment of domestic workers and the need for missions to ensure that domestic workers are treated in accordance with Department guidance. The Department also issued new guidelines on prevailing wages for domestic workers employed by foreign mission personnel, including a prohibition against lodging deductions for live-in workers, and capping the percentage of salary that can be assessed for three meals per day at 20 percent. A-3 and G-5 visa holders who filed civil lawsuits against their former employers were eligible for temporary immigration relief and work authorization.

DOJ and DHS led several investigations and prosecutions for trafficking of temporary agricultural workers on H-2A visas and temporary hospitality, food service, and construction workers on H-2B visas. Employers who have committed certain violations of the temporary worker programs may be barred from filing future applications for a three-year period; five H-2B employers – the first ever – and three H-2A employers were barred during the reporting period, for a total of eight debarred employers. A DOL

regulation came into effect during the reporting period that strengthened protections for agricultural guestworkers by prohibiting foreign recruiters from charging workers certain fees. Reports indicate that recruiters adjusted their practices by charging fees after the workers had obtained their visas and levying charges under the guise of “service fees,” which are permitted under the regulation; indebtedness prior to arrival in the United States is a common mechanism of making victims vulnerable to control and compelled work. Recruiters discouraged former workers from reporting labor violations, claiming that U.S. embassies or consulates would not grant future visas for those who complain – assertions that are false and contrary to U.S. law. Workers also feared seeking assistance because of blacklisting and other retaliation against workers who complain about their conditions. The new regulation addresses these issues by imposing on employers an affirmative obligation against retaliation, the failure of which can result in removal from program participation.

During the reporting period, the Department of State received a significant increase in the number of complaints regarding the J-1 Summer Work Travel program, which provides foreign students an opportunity to live and work in the United States during their summer vacation from college or university. Complaints were reported from foreign governments, program participants, their families, concerned American citizens, the media, law enforcement agencies, other federal and local agencies, and the Congress. These included reports of fraudulent job offers, inappropriate jobs, job cancellations on arrival, insufficient number of work hours, and housing and transportation problems. To minimize the risk that J-1 Summer Work Travel program participants may become victims of crime, the Department adopted new program-wide regulations and undertook a pilot program requiring verified employment prior to arrival in the United States, prohibiting the use of third party staffing agencies, and enhanced oversight by the Department of State.

The U.S. government continued measures to inform and educate the public, including potential victims, about the causes and consequences of human trafficking. HHS distributed public multi-lingual awareness materials, including brochures, fact sheets and posters, as part of an extensive nationwide campaign that began in 2004 and funded an NGO to operate a national hotline. In FY 2010, the hotline received a total of 11,381 phone calls, an increase of more than 4,000 from the previous year. The hotline received a broad range of calls, from information requests and wage disputes to exploitation and abuse. Of all legally documented foreign nationals, the national human trafficking hotline received the highest number of calls from J-1, H-2A, H-2B, A-3 and G-5 visa holders. HHS also funded 18 projects to conduct outreach, public awareness, and identification efforts. Embassies and consulates worldwide continued distribution of a “know your rights” pamphlet and oral briefings for approved student or work-based visa applicants – efforts which resulted in 624 calls to the national hotline in FY 2010. DHS launched the “Blue Campaign,” an initiative to coordinate and enhance the Department’s anti-human trafficking activities. International and domestic awareness campaigns included multi-lingual television and radio announcements,

billboards, newspaper advertisements, victim assistance materials, and indicator cards for law enforcement. DHS also expanded online resources, including social media, and distributed a virtual toolkit to employers in the lodging, transportation, entertainment, agricultural, manufacturing and construction industries. DOL launched a nationwide campaign to inform low-wage workers in such industries as construction, janitorial work, hotel services, food services and home health care about their rights and how to recover wages owed; the campaign did not include specific anti-trafficking information.

The United States does not directly participate in UN peacekeeping and has only a minimal presence within those operations. Nevertheless, pre-deployment anti-trafficking training takes place for all military personnel. DoD updated its mandatory general human trafficking awareness training, with the potential to reach 3.5 million military members and civilian employees.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. DHS made seven criminal arrests resulting in five indictments and six convictions in child sex tourism cases in FY 2010.

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), which participated in the President’s Interagency Task Force in 2010. 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 insular areas are a destination for men and women subjected to forced labor, debt bondage, and forced prostitution.

In the Territory of American Samoa, there were no new reported human trafficking cases. The legislature did not pass a bill, introduced in October 2009, which would have criminalized human trafficking as a felony offense.

In CNMI, there were six reported human trafficking cases involving multiple victims held in clubs, restaurants and massage parlors. A trend was observed involving the cancellation of victims’ return airplane tickets upon admission, stranding them with no financial means to return and rendering them wholly dependent on their employers. During the reporting period, the Federal Labor Ombudsman identified 71 victims of trafficking or fraud in labor contracting, of whom about 20 percent were sex trafficking victims. In 2010, the NGO working on the local anti-trafficking task force assisted 36 human trafficking victims and 40 fraud in labor contracting victims; an additional 31 victims qualified for services but could not be assisted due to insufficient funds.

In the Territory of Guam, DOJ prosecuted a multi-victim sex trafficking case, convicting a karaoke bar owner who forced multiple young women from Chu’uk in the Federated States of Micronesia and one juvenile girl into

prostitution. The Guam legislature did not address a draft bill that would have closed loopholes that allow massage parlors to conduct illicit activities. There continued to be concern that a military build-up on Guam could involve labor exploitation and trafficking of the thousands of guestworkers expected; efforts were made by federal actors to have this considered in the planning stages. DOJ led a coordinated effort to identify human trafficking cases, provide services to victims, and bring the traffickers to justice in Guam and the CNMI. Uniquely, this effort included participation of foreign consulates from source countries and cross-training with investigators and other government officials from other Pacific jurisdictions.

In the Commonwealth of Puerto Rico there were no reported trafficking cases. NGOs worked to bring the issue to the attention of the legislature, law enforcement, service providers and the public at large. Puerto Rico had no local anti-trafficking law; there is an outstanding proposal to revise the penal code to include trafficking. There were no local government efforts or coordination with federal authorities to address human trafficking.

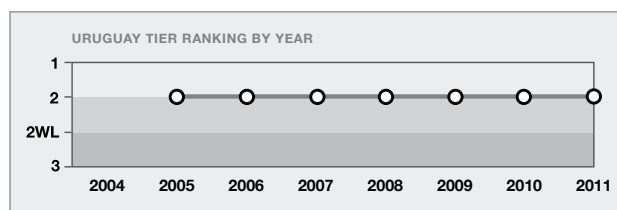
There were no documented cases of human trafficking in the U.S. Virgin Islands.

In the aftermath of the 2010 earthquake in Haiti, ICE officers in the U.S. Virgin Islands were placed on alert for potential human trafficking, but no victims were identified.

URUGUAY (Tier 2)

Uruguay is a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Most victims are women and girls trafficked within the country to border and tourist areas for commercial sexual exploitation; some boys are also trafficked for the same purpose. Lured by fraudulent recruitment offers, some Uruguayan women migrated to Spain and Italy, and were subsequently forced into prostitution. During the reporting period, there were specific cases of Uruguayan children subjected to sex trafficking in Brazil. Although there have been few confirmed cases of forced labor in Uruguay, there are reports of exploitation of foreign workers in the agricultural sector, including fisheries. There is anecdotal evidence that some cases of human trafficking were linked to local and international crime rings that smuggle narcotics and other contraband and which operate in industrial areas.

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 prevention efforts and convicted and sentenced two trafficking offenders under laws prohibiting the sexual exploitation of children. The government, however, continues to lag in employing its anti-trafficking law to prosecute and convict trafficking offenders and in proactively investigating potential forced labor cases. The Government of Uruguay also lacked a formal system for identifying trafficking victims, as well as specialized staff and services focused on the needs of victims.



Recommendations for Uruguay: Intensify efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders using the 2008 trafficking law; enact legislation that would establish victim protections; proactively investigate potential cases of forced labor; increase anti-trafficking training for law enforcement officials, prosecutors, judges, and social workers; establish a formal mechanism to identify trafficking victims among vulnerable populations, including prostituted women and girls; and expand specialized services for trafficking victims, particularly outside the capital.

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 used violence, intimidation, or deceit, and are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. For internal cases of forced labor, authorities can employ Article 280 of the penal code, which prohibits reducing a person to slavery and authorizes 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, with sentences of six to 12 years' imprisonment. More often, Uruguayan courts convict trafficking offenders under statutes relating to sexual violence against children or the exploitation of people in prostitution; however, these statutes carry lesser sentences and some can be commuted to community service or fines.

Uruguayan officials investigated several possible trafficking cases in 2010, most of which involved Uruguayan children and all but one of which involved sex trafficking. There have been no reported convictions achieved under the Article 78, or any reported prosecutions or convictions under Article 280 and 281 during the reporting period. As two judges in the specialized court on organized crime in Montevideo are the country's only authorities with jurisdiction over trafficking cases, it is possible that many trafficking cases are not delegated to these officials and are investigated and tried under other statutes. The government sentenced four convicted trafficking offenders under statutes prohibiting the sexual exploitation of children: sentences ranged from three years and six months' to four years and six months' imprisonment. Authorities also convicted another trafficking offender of pimping a child. In comparison, during the previous reporting period, the Government of Uruguay prosecuted two trafficking offenders and reported no convictions or sentences for human trafficking. The government maintained training on

identifying and assisting trafficking victims for members of its diplomatic service. The government coordinated several trafficking investigations with Argentine and Brazilian authorities. 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, with international donors providing significant funding for these services and few specialized services available. The government does not have a formal system for identifying trafficking victims among vulnerable populations, such as adults in prostitution or undocumented migrants. During the reporting period, one NGO reported providing services to between five and 15 trafficking victims: there were no government estimates of victims identified or assisted. Uruguayan authorities reported referring child victims of trafficking to government institutions for care. The government operated 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 could not accommodate the demand for services. Government operated shelters did not detain adult trafficking victims involuntarily. Adult male trafficking victims remain ineligible for services. The government did not provide funding to anti-trafficking NGOs and budgetary constraints limited the government's ability to comply with victim assistance mandates. 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. The government offered no specific alternatives to trafficking victims' removal to countries where they face retribution or hardship beyond asylum.

Prevention

The Uruguayan government increased its efforts to raise public awareness of the dangers of sex trafficking during the reporting period. The Ministry of Social Development chaired an interagency roundtable that coordinated government anti-trafficking efforts and met six times in 2010. A committee that addressed cases of commercial and noncommercial sexual exploitation of children met on a more regular basis. The Ministry of Tourism (MOT) conducted "train the trainer" courses in Montevideo for over 250 government officials who work in tourist locales and continued a campaign launched last reporting period to raise awareness about the commercial sexual exploitation of children. The MOT also continued an awareness campaign on commercial sexual exploitation of children and solicited hotels and service providers to sign on to an anti-trafficking code of conduct; 30 new service providers signed during the reporting period for a total of 148 signatories. Transparency in the government's anti-trafficking measures was minimal; it did not publicly

report on the effectiveness of its own efforts during the year, though it reported doing so internally. However, the government financed a study on the trafficking of minors in the border region with Brazil; the findings reportedly will be published later in 2011. Authorities provided anti-trafficking training to Uruguayan troops being deployed on international peacekeeping missions during the year. The government continued to distribute pamphlets on human trafficking to women in prostitution at their mandatory medical checkups. There were no known efforts to address the demand for forced labor.

UZBEKISTAN (Tier 2 Watch List)

Uzbekistan is a source country for men, women, and children subjected to conditions of forced labor and women and children subjected to sex trafficking. Uzbek men who have emigrated in search of work are forced to labor in Kazakhstan and Russia in the construction, cotton, and tobacco 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, Israel, Malaysia, South Korea, Japan, China, Indonesia, and also within Uzbekistan. Men and women from Uzbekistan are subjected to domestic servitude and forced labor in the agricultural and construction industries in Russia. Domestic forced labor remains prevalent during the annual cotton harvest, when many school-age children, college students, and adults are forced to pick cotton.

The Government of Uzbekistan does not fully comply with the minimum standards for the elimination of trafficking. The Uzbek government demonstrated negligible progress in ceasing forced labor, including forced child labor, in the annual cotton harvest and did not make efforts to investigate or prosecute government officials suspected to be complicit in forced labor; therefore, Uzbekistan is placed on Tier 2 Watch List for a fourth consecutive year. Uzbekistan was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the 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 is devoting sufficient resources to implement that plan. 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 Uzbek farmers to pay wages that would attract a consenting workforce. Provincial 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 permitted UNICEF to assess child labor in all 12 regions of the country. The government did not conduct any awareness campaigns regarding forced labor in the annual cotton harvest or other internal trafficking, but did continue its previous awareness campaigns about the dangers of transnational trafficking.



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 force 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; take steps to establish additional shelters outside of Tashkent; continue efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders; require officials from the Ministry of Labor and Social Responsibility or the Ministry of Education to monitor school attendance and ensure that schools are not closed during the harvest; work to ensure that identified victims are not punished for acts committed as a result of being trafficked; and continue efforts to improve the collection of law enforcement trafficking data.

Prosecution

The Government of Uzbekistan demonstrated mixed law enforcement efforts, including sustained 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. The Government of Uzbekistan did not demonstrate efforts to investigate or prosecute government officials suspected to be complicit in the use of forced adult and forced child labor during the 2010 cotton harvest, nor did they convict or punish any complicit government officials involved in transnational trafficking. 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. In 2010, law enforcement agencies reported conducting 529 trafficking investigations, including 399 labor trafficking and 123 sex trafficking investigations, compared with 1,978 investigations in 2009. Authorities reported prosecuting 632 trafficking cases involving 801 individuals in 2010, compared with 815 trafficking cases in 2009. Authorities reported convicting 736 trafficking offenders in 2010, compared with 1,198 in 2009. The government reported that 476 convicted trafficking offenders were sentenced to time in prison, compared with approximately 960 convicted offenders sentenced to some time in prison in 2009. The government provided in-kind support to NGOs and international organizations for training of government officials including law enforcement officials, prosecutors, and government employees in education, health, border control, and labor and social protection agencies. The government continued its partnership with UNODC to maintain a centralized

database of anti-trafficking law enforcement activities and reported increased success working with law enforcement in the UAE, though bureaucratic hurdles frequently prevented the data from being easily shared with other countries in a timely manner.

Although the government did not report investigations or prosecutions of any incidents of official complicity in trafficking or trafficking-related activities, media reports indicated that there were some convictions of Ministry of Labor officials accepting bribes in exchange for coordinating illegal employment overseas. The government did not, however, investigate or prosecute any government officials suspected of forcing children and adults to work the fields during the annual cotton harvest, nor did it convict or punish any officials complicit in such forced labor. 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 were reports of repercussions if public employees or students refused to work in the fields, including reports of beatings, expulsion, and threats of employment termination. There were reports that government officials withheld social benefit payments to mothers and the elderly until they picked a designated amount of cotton. Additionally, there were reports of border guards and low-level police officers involved in the fraudulent issuance of exit visas, as well as allegations of individual police officers accepting bribes from traffickers. The government did not report investigation or prosecution of acts of public officials' suspected complicity in trafficking during the reporting period.

Protection

The Government of Uzbekistan demonstrated mixed efforts to identify, assist, and protect victims of trafficking, including sustained efforts to assist victims of sex and international labor trafficking, but no efforts to assist victims of forced labor in the cotton harvest. The government operates a shelter for male, female, and child trafficking victims that assisted 225 victims in 2010, including 101 victims of sexual exploitation and 124 victims of forced labor. In 2010, the shelter expanded available psychological services, legal assistance, and vocational training opportunities to victims of trafficking. Victims are not detained in the shelter; they may freely enter and leave, including to pursue employment outside the shelter. Privately-funded NGOs ran two additional shelters in the country that provided assistance to 148 female trafficking victims in 2010; these shelters received some in-kind assistance from the government and victims were eligible for medical assistance from the government. The government identified 2,325 victims, a decrease from 4,660 victims identified in 2009. The leading NGO identified and assisted 612 victims in 2010. Officials did not provide information on a national referral mechanism. NGOs provided repatriation assistance to 261 Uzbek victims of trafficking in 2010; the government provided child victims of trafficking with a small amount of money upon repatriation. The national government reported

providing local governments with financial assistance for the long-term reintegration of victims. NGOs report that victims who cooperate with law enforcement receive some protection during the trial process; however, the government does not have a formal program to provide protections for witnesses. Though the law prohibits victims of trafficking from being punished for acts committed as a result of being trafficked; these laws were not uniformly enforced during the period. 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 its transnational labor and sex trafficking awareness efforts; however, it did not make efforts to prevent the use of forced labor of adults and children during the annual cotton harvest. Although 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 2010 cotton harvest, it again permitted UNICEF to conduct some monitoring of forced child labor during the harvest. The Ministry of Labor reported distributing 10,000 trafficking-awareness brochures in 2010. The Ministry of Labor also sponsored 26 radio broadcasts, 16 articles in the mass media, and six television programs to raise awareness on trafficking in persons. The government ran an awareness campaign entitled "Don't be Deceived," which included a radio program and poster distribution. The government reports that over 85 percent of Uzbeks are aware of the threat of transnational sex and labor trafficking. The government also provided venues for NGO training programs and awareness-raising activities and granted permission for an anti-trafficking NGO to expand its awareness campaign to include child labor.

VENEZUELA (Tier 3)

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. To a lesser extent, Brazilian women and Colombian women are subjected to forced prostitution in Venezuela. Some Venezuelan children are forced to work as street beggars or as domestic servants. Some Venezuelan women are transported from coastal areas by small boats to Caribbean islands, particularly Aruba, Curacao and Trinidad & Tobago, where they are subjected to forced prostitution. Organized crime is widely believed to be involved in sex trafficking in Venezuela. Venezuela is a transit country for men, women, and children from neighboring countries, such as Colombia, as well as a destination for migrants from China, who may be subjected to commercial sexual exploitation and forced labor in Venezuela.

The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch for the last four consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Venezuela is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. According to the public ministry's website, the government investigated potential cases of suspected human trafficking and arrested at least 12 people for trafficking crimes during the reporting period; however, there was no further publicly available information regarding those cases. Authorities maintained public awareness initiatives but did not implement formal procedures for identifying trafficking victims or provide victims with specialized care or services. The government drafted a comprehensive bill that would prohibit all forms of trafficking in persons, but did not enhance its interagency efforts to combat trafficking. The Government of Venezuela did not provide information on its efforts to combat human trafficking for this report, and there were no official statistics or comprehensive data on the extent and nature of the trafficking problem in Venezuela.



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 forced prostitution and forced labor, and convict and punish trafficking offenders; provide greater assistance and specialized services to trafficking victims; implement formal and proactive procedures for identifying trafficking victims among vulnerable populations; strengthen government anti-trafficking framework by developing and implementing a national plan or strategy to combat trafficking; enhance interagency cooperation; 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 carry penalties of 10 to 20 years' imprisonment. Article 16 of the Organic Law Against Organized Crime, enacted in 2005, prohibits trafficking across international borders for labor or sexual exploitation, 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. These anti-trafficking provisions, however, do not address the internal trafficking of men or boys. Prosecutors also could use Venezuela's Child Protection Act and various articles of the penal code to prosecute the internal trafficking of children, though 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 November 2010 the government presented a draft Organic Law against Trafficking in Persons to the National Assembly, written in consultation with civil society organizations. The draft law would increase the penalties for trafficking to 15-25 years' imprisonment, impose a penalty of 10-12 years' imprisonment on collaborators, and extend the prohibition against trafficking in women and girls to all persons, which would include men and boys, for cases of internal trafficking, in addition to establishing provisions for victim protection and interagency coordination.

The government investigated and arrested individuals in a small number of trafficking cases, most of which involved the forced prostitution of women and children. During the reporting period, there were no publicly available reports of convictions of human trafficking offenders; in comparison, authorities reported achieving one trafficking conviction and one conviction for child prostitution during the previous year. There was no public information regarding joint trafficking investigations between the Government of Venezuela and other foreign governments. 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. There were continued media reports of corruption among public officials related to the issuance of false identity documents.

Protection

The government sustained limited efforts to assist trafficking victims during the reporting period. According to NGOs, the government did not employ a formal mechanism for identifying trafficking victims among vulnerable populations, such as women in prostitution. The government did not operate shelters specifically for trafficking victims, but its shelters for victims of domestic violence or at-risk youth were open to trafficking victims. One NGO operated two shelters that provided specialized services for female sex trafficking victims as well as services for victims of domestic violence. In February 2011, local media reported that law enforcement officials took 11 girls who were forced into prostitution in Caracas to a government shelter for victims of sexual abuse after arresting their alleged traffickers. Government-provided psychological and medical examinations were available to trafficking victims, but additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, remained lacking. In May 2010, the Government of Venezuela established Women Help Units to provide legal, psychological and medical assistance to female victims of gender-based violence; it is unclear whether these units have assisted any trafficking victims.

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 trafficking victims during the reporting period.

Prevention

The Venezuelan government maintained efforts to prevent human trafficking over the year by raising public awareness through anti-trafficking campaigns and by training public officials. The government continued to operate a national 24-hour hotline through which it received trafficking complaints; however, NGOs reported it functioned only sporadically. The government aired public service announcements and distributed materials to raise awareness about commercial sexual exploitation. The extent of anti-trafficking training provided by government officials was unclear; however, the Ministry of Interior and Justice reported holding training sessions for law enforcement agencies, community organizations, and schools during the reporting period. The lack of a central coordinating body for the government's anti-trafficking efforts led to difficulties in obtaining comprehensive information about the government's efforts. Overall transparency in the government's anti-trafficking efforts was low, and the government did not report publicly on the extent of the problem or its policy or measures to combat human trafficking. In December 2010, local media reported that Venezuelan authorities arrested two individuals who allegedly operated an online network offering child sex tourism packages to Spanish citizens visiting Venezuela. No specific activities to reduce the demand for commercial sex acts or forced labor were reported during the year.

VIETNAM (Tier 2 Watch List)

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 through predominantly state-affiliated and private labor export companies in the construction, fishing, agriculture, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, South Korea, Laos, the United Arab Emirates, and Japan, as well as in China, Thailand, Saudi Arabia, Libya, Indonesia, the United Kingdom, the Czech Republic, Cyprus, Sweden, Trinidad and Tobago, Costa Rica, Russia, and elsewhere in the Middle East, and some of these workers subsequently face conditions of forced labor. Vietnamese women and children subjected to forced prostitution 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

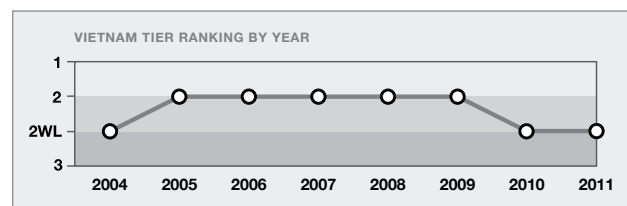
forced into prostitution in Thailand, Malaysia, Singapore, and in Europe.

Vietnam's labor export companies, most of which are affiliated with the state, as well as unlicensed middlemen brokers, may charge workers in excess of the fees allowed by law, sometimes as much as \$10,000, for the opportunity to work abroad. This forces them to incur some of the highest debts among Asian expatriate workers, making them highly vulnerable to debt bondage and forced labor. Upon arrival in destination countries, some workers find themselves compelled to work in substandard conditions for little or no pay despite large debts and 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 even 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 United Kingdom, where they were subject to debts of up to \$32,000. According to a UK government report released during the year, many of these Vietnamese victims flew with an agent to Russia, transported via trucks through the Ukraine, Poland, the Czech Republic, Germany, France, and then to the UK. During the year, 15 Vietnamese men who were victims of forced labor on a Taiwan-owned fishing vessel were freed in Costa Rica, and Vietnamese women in Thailand were reportedly forced to be surrogate birth mothers for foreigners. There are also reports of some Vietnamese children trafficked within the country as well as abroad for forced labor. In both sex trafficking 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 be subsequently 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 and forced begging in the major urban centers of Vietnam, though 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 gold mines. There continued to be evidence of forced labor in drug treatment centers in which drug offenders, sentenced administratively, are required to perform low-skilled labor, though this practice is reportedly declining. While the number of persons sent to such centers is approximately one-third of what it was three years ago,

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 United Kingdom, Australia, Europe, and the United States, though the 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 passed new anti-trafficking legislation and a new five-year national action plan on trafficking. Nevertheless, while a number of structural reforms were carried out during the year, there remained a lack of tangible progress in the prosecution of trafficking offenders and protection of trafficking victims during the reporting period. In March 2011, the government passed an Anti-Trafficking Statute that provides a comprehensive list of prohibited acts, including some forms of trafficking not previously prohibited by other statutes, and also provides for trafficking prevention efforts. While the government states that most trafficking acts, including labor trafficking, are already covered under Vietnam's Criminal Code, other acts of trafficking require additional legislation and implementing regulations before Vietnam's laws have criminal penalties for all forms of trafficking. The government did not provide information to substantiate reports that authorities criminally prosecuted and criminally punished labor trafficking offenders during the year. Vietnam, therefore, is placed on Tier 2 Watch List for a second consecutive year. Vietnam continued to promote increased labor exports as a way of addressing unemployment and alleviating poverty through foreign exchange remittances, though further measures are required to protect the rights of Vietnamese migrant workers and to prevent new incidents of labor trafficking, such as the implementation of adequate laws to regulate labor recruitment companies. The government also did not take steps to increase its efforts to address the problem of internal trafficking in Vietnam.



Recommendations for Vietnam: Supplement Vietnam's new anti-trafficking law with additional legislation, implementing regulations, or other appropriate mechanism to ensure that the criminal code prohibits all forms of trafficking in persons and prescribes stringent criminal penalties for these prohibited acts; criminally prosecute those involved in forced labor, the recruitment of persons for the purpose of forced labor, or fraudulent labor recruitment; identify 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, 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; increase efforts to protect Vietnamese workers going abroad through memoranda of understanding and agreements with destination countries that include measures to protect Vietnamese workers; criminally prosecute and punish state-licensed recruitment agencies and unlicensed brokers that engage in fraud or charge illegal commissions for overseas employment; 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; increase efforts to assist male victims of trafficking and victims of labor trafficking; increase the ability of workers to have effective legal redress from labor trafficking; report on greater efforts to work closely with destination governments to investigate and prosecute trafficking cases, including in particular labor trafficking cases; improve interagency cooperation on anti-trafficking efforts; improve data collection and data sharing 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

While the Vietnamese government demonstrated some efforts in addressing transnational sex trafficking, it demonstrated overall inadequate law enforcement efforts to combat all forms of human trafficking during the reporting period, including in particular labor trafficking. Authorities did not report any investigations or prosecutions of cases of internal trafficking and did not provide information to substantiate reports that it had prosecuted 14 cases of labor trafficking. In March 2011, the National Assembly passed a new Anti-Trafficking Statute, which provided further definitions on trafficking in persons, as well as victim care and trafficking prevention, but did not assign criminal penalties to the additional prohibited trafficking offenses enumerated in the law. The government acknowledged that there must be further implementing regulations, agency guidelines, or amendments to the Criminal Code to ensure that perpetrators are held criminally accountable for all trafficking crimes. During the year, the government reported that the majority of traffickers were prosecuted under Articles 119 and 120 of the Penal Code, which can be used to prosecute a variety of trafficking and related crimes. Authorities reported that Article 119 can be used to prosecute some forms of trafficking, including labor trafficking, and prescribes punishments of two to seven years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. It does not cover, however, all forms of trafficking, including some provisions enumerated in the new Anti-Trafficking Statute. Vietnamese law still does not include provisions that would specifically punish attempts to commit a trafficking offense. During the year, the government reported that it prosecuted most labor trafficking cases not under Article 119, but rather under criminal fraud statutes and under Vietnamese labor laws, the latter of which do not provide criminal penalties for labor trafficking.

Contract disputes between Vietnamese workers and their Vietnam-based export labor recruitment companies or companies overseas – including for fraudulent recruitment and conditions that are indicative of forced labor – are left largely to the export labor 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. Vietnam's National Supreme Court reported that between January and December of 2010, authorities prosecuted 153 cases of sex trafficking and convicted 274 individuals for sex trafficking offenses; however, these statistics were based on Articles 119 and 120 of the Vietnamese Penal Code, which include crimes other than trafficking, such as human smuggling and child abduction for adoption, and thus cannot be disaggregated. Most individuals convicted were sentenced to prison terms ranging from seven to 15 years' imprisonment. The government did not report any prosecutions or convictions of internal trafficking in Vietnam. 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 suggested trafficking-related corruption continued to occur at the local level, where officials at border crossings and checkpoints took bribes to look the other way. During the reporting period, police arrested a local official in Can Tho for accepting bribes to help register marriages between Vietnamese women and foreign men, though it is unclear whether these women had been trafficked. The government did not report any criminal prosecutions or convictions of officials for trafficking-related complicity during the year. 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 sustained some efforts to protect victims of transnational sex trafficking and outlined additional victim protection plans in its new anti-trafficking law, though it did not make sufficient efforts during the year to identify or protect victims of labor trafficking or internal trafficking. The government has yet to employ systematic procedures nationwide 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. Border guards and police at the district and provincial levels received limited training about identification of trafficking victims and handling of cases, which in some cases improved some officers' ability to monitor and investigate trafficking cases, but the lack of adequate training reportedly led to

poor investigations and techniques that were harmful to some victims. Vietnam's National Steering Committee on Trafficking in Persons reported that 250 Vietnamese trafficking victims were identified by Vietnamese and foreign police, and 500 victims were identified and repatriated by foreign governments, 100 of whom were trafficked to South Korea, Malaysia, and Singapore. Vietnamese statistics, however, include some cases in which children were abducted and sold for adoption; it is not clear if any of these cases constituted trafficking. While authorities have formal procedures for receiving victims and referring them to care, there is wide recognition that the referral system has significant deficiencies and remains inadequate, including because of challenges of identifying victims who do not return via official border crossings and victims who do not want to be identified by authorities due to social stigma and other reasons.

The government did not provide adequate legal protection or assistance in Vietnam or abroad from conditions of forced labor. During the year, more than 85,000 Vietnamese workers travelled abroad to work, and the total number of Vietnamese working overseas in 40 countries and territories is estimated to be around 500,000. Though no new agreements were signed during the reporting period, the government continued to seek agreements with countries to facilitate the employment of Vietnamese laborers abroad; it is unclear whether agreements signed with governments of demand countries had provisions to prevent human trafficking and protect trafficking victims. Vietnam maintains labor attaches in nine countries receiving the largest number of Vietnamese migrant workers, but it does not maintain embassies in some countries where there are reports of trafficking and in some cases responded weakly to protect migrant workers. Diplomats were reportedly unresponsive to complaints of exploitation, abuse, and trafficking by migrant workers in some cases. One Vietnamese embassy abroad reportedly intervened in an identified labor trafficking case to support the Vietnamese labor export company involved in the trafficking of Vietnamese workers. Government regulations also do not prohibit labor export companies from withholding the passports of workers in destination countries and companies were known to withhold workers' travel documents, a known contributor to trafficking. The Ministry of Labor, War Invalids, and Social Affairs (MOLISA) and the Ministry of Foreign Affairs (MFA) announced increased efforts to monitor labor conditions for Vietnamese workers in destination countries and to look for signs of trafficking, though the government did not publish data about individual cases where it identified or assisted Vietnamese migrant workers subjected to forced labor. Vietnamese workers do not have adequate legal recourse to file complaints in court against labor recruitment companies in cases where they may have been the victim of trafficking. Although workers have the right in principle to sue labor export companies, the cost of pursuing legal action in civil cases remains in effect prohibitively expensive, and there has been no indication of victims receiving legal redress in Vietnamese courts.

The government's Vietnamese Women's Union (VWU), in partnership with NGOs, continued to operate three trafficking shelters in Vietnam's largest urban areas, which

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 of assistance at some of the most heavily used crossing points. The government, however, lacks the resources and technical expertise to adequately support shelters, and as a result, in many areas shelters are rudimentary, underfunded, and lack appropriately trained personnel. Trafficking victims also are inappropriately housed at times in MOLISA shelters co-located with those of drug users' rehabilitation and reintegration of individuals leaving prostitution. There are no shelters or services specifically dedicated to assisting male victims of trafficking or victims of labor trafficking. The government reportedly encourages victims to assist in the prosecution of their traffickers, though Vietnam generally does not provide police-assisted witness protection to victims of crime. There were no data on the number of victims involved in prosecutions during the reporting period. Victims are 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. Vietnamese law does have provisions to protect trafficking victims from facing criminal charges for actions taken as a direct consequence of being trafficked. There are no legal alternatives for 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 continued some efforts to prevent trafficking in persons. In April 2011, the government passed a new five-year National Plan of Action on Human Trafficking, which at the time of publication was awaiting final approval from the prime minister. However, as the government continued to support an increased number of laborers going overseas to work, including travel to countries where abuses of migrant workers are rife, the Vietnamese government has not made sufficient efforts to prevent labor trafficking by requiring destination governments to provide adequate safeguards against forced labor of its migrant workers. Government regulations of labor and marriage brokers remained in general weakly enforced. MOLISA reported that in 2010, the government investigated 34 labor recruitment companies, issued fines to nine companies for insufficient pre-departure trainings, charging excessive recruiting fees, failing to properly register work contracts, and sending abroad more workers than were officially reported to MOLISA, and suspended two companies' operations for six months for underreporting the number of workers sent abroad and failing to follow regulations governing employee contracts. These two firms were fined \$1,250 and \$4,750, respectively, but were not criminally prosecuted.

The Vietnamese Women's Union and the Youth Union continued anti-trafficking education campaigns, including in border areas, on the dangers of sex trafficking, and the VWU began public awareness efforts on safe migration. The VWU continued to cooperate with its South Korean counterpart in pre-marriage counseling to prevent

trafficking of Vietnamese women through international marriage. The government distributed leaflets aimed at both foreign and domestic tourists to combat child sex tourism. Authorities did not report any other efforts to reduce the demand for commercial sex or forced labor. During the year, the government signed memoranda of understanding to cooperate on human trafficking with China and Laos. In July 2010, MOLISA promulgated an optional code of conduct for labor export companies, developed with the assistance of an international organization, and reported that 96 of 171 licensed labor recruiting companies have signed the agreement. During the year, authorities worked to evacuate over 10,000 Vietnamese workers, some of whom may have been trafficking victims, displaced by the conflict in Libya. Each returnee was provided with safe passage home and \$95 towards short-term resettlement expenses, and the government is working to connect returnees with new employment opportunities in Vietnam and abroad. Nevertheless, the government has yet to reach adequate agreements with all destination governments on safeguards against forced labor. Vietnam is not a party to the 2000 UN TIP Protocol.

YEMEN (Tier 3)

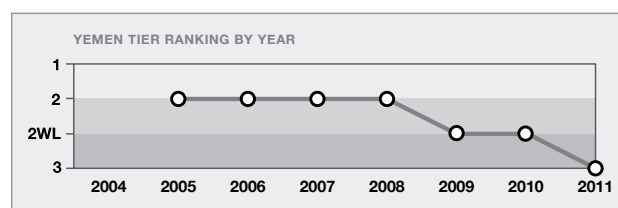
Yemen is a country of origin and, to a much lesser extent, a transit and destination country for men, women and children subjected to forced labor and sex trafficking. Yemeni children, mostly boys, migrate to the Yemeni cities of Aden and Sana'a or travel across the northern border with Saudi Arabia or, to a lesser extent, to Oman and are forced to work in domestic service, small shops, or as beggars. Some of these children are subjected to prostitution by traffickers, border patrols, other security officials, and their employers in transit or once they arrive in Saudi Arabia. The government and local NGOs estimate there are hundreds of thousands of children in forced labor in Yemen. An unconfirmed government report indicates that fewer Yemeni children may have been forced to work in Saudi Arabia in the reporting period due to a combination of awareness campaigns, collaboration between Yemeni and Saudi authorities, and the outbreak of civil war in northern Yemen. 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. In addition, some sources report that the practice of chattel slavery still exists in Yemen; although 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 Sana'a, and the Kuaidinah and Khairan Al-Muharraaq 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 Sana'a, 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 after reaching Saudi Arabia. Yemen is a transit and destination country for women and children from the Horn of Africa; Ethiopian and Somali women and children travel voluntarily to Yemen with the hope of working in other Gulf countries, but once they reach Yemen, they are subject to sex trafficking or domestic servitude. Others migrate voluntarily based on false promises of comfortable employment as domestic servants in Yemen, but upon arrival are subject to sex trafficking or domestic servitude. Female Somali refugees are forced into prostitution in Aden and Lahj governorates and Yemeni and Saudi gangs traffic African children to Saudi Arabia. Somali pirates capitalize on the instability in the Horn of Africa to subject Africans to forced labor and prostitution in Yemen, in addition to their piracy and human smuggling crimes.

Despite a 1991 law that stipulates that recruits to the armed forces must be at least 18 years of age, and assertions by the government that the military is in compliance with these laws, credible reports exist that children 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 began in August 2009. A local NGO estimated that children under the age of 18 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 Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking, and has been placed on Tier 2 Watch List for a third consecutive year. Pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, therefore, Yemen is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. Due to political unrest, the Government of Yemen was unable to provide data to contribute to this report. In November 2010, the Yemeni cabinet approved the country's accession to the 2000 UN TIP Protocol. In addition, the government reportedly prosecuted and convicted traffickers during the reporting period. Despite these efforts, the Yemeni government did not take steps to address trafficking for commercial sexual exploitation or to institute formal procedures to identify and protect victims of trafficking.



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 against slave "owners;"

expand victim protection services to rehabilitate 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; expand educational 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 made some progress in enforcing laws against trafficking during the reporting period. Article 248 of the 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 the prescribed penalty under this provision is commensurate with that prescribed for other serious crimes, such as rape, this transaction- and movement-based statute does not prohibit debt bondage or many forms of forced labor and forced prostitution. Article 161 of the Child Rights Law specifically criminalizes the prostitution of children. The government did not report official statistics on its efforts to arrest, prosecute, convict, or sentence trafficking offenders. Media reports, however, indicate the government prosecuted five trafficking cases, resulting in the conviction of at least three defendants who received sentences ranging from six to 10 years' imprisonment and fines. It is unclear whether these trafficking cases involved forced prostitution or forced labor. In addition, the Ministry of Interior continues to operate women's and children's units that could be used to investigate trafficking offenses; it is unclear, however, whether these units investigated trafficking cases during the reporting period. The government made no known efforts to investigate or punish the practice of chattel slavery, and in one case, a judge in Hajja sanctioned the transfer of the title deed of a slave from one master to another. There was no evidence of prosecutions or punishments of government officials for complicity in trafficking during the reporting period.

Protection

The government made no progress in protecting victims 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 those detained for illegal immigration. As a result, Yemen did not ensure that victims of trafficking are 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, continued operation of two reception centers in Sana'a and Harath to rehabilitate child labor trafficking victims and maintained contact with the Government of Saudi Arabia on cross-border trafficking issues, it did not report how many children were assisted in these centers. In addition, the government did not expand these reception centers to protect child victims of sex trafficking. 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 are repatriated as victims of trafficking, although NGOs provided limited assistance and helped reunite some victims with their families. There were no legal alternatives to the removal of foreign trafficking victims to countries in which they may face hardship or retribution.

Prevention

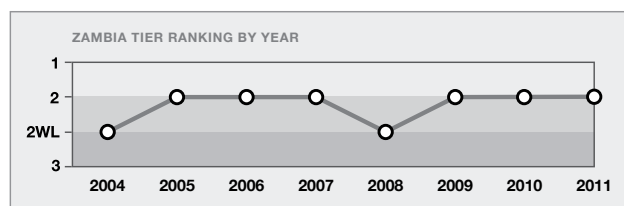
The Yemeni government made limited efforts to prevent trafficking during the reporting period. The government maintained an inter-ministerial committee to coordinate anti-trafficking initiatives among relevant agencies; it is unclear, however, whether this committee met during the reporting period. The government reportedly expanded public awareness campaigns to include information on trafficking for commercial sexual exploitation. In 2010, the Ministry of Social Affairs and Labor hosted a workshop attended by Ministry of Education and local NGO representatives to discuss combating the prostitution of children. Nonetheless, the government did not take any significant measures during the reporting period to reduce the demand for commercial sex acts, address the problem of child sex tourism, or ensure its nationals deployed to international peacekeeping missions do not facilitate or engage in human trafficking. The government did not make efforts to prevent sex trafficking of children or adults and remained reticent about addressing these issues. 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 therefore increasing their vulnerability to trafficking. It is unclear whether the government enforced its 2009 decree aimed at reducing trafficking via "temporary marriages." Yemen is not yet 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 agricultural, textile, and construction sectors. Zambian trafficking victims have also been identified in South Africa, the Democratic Republic of the Congo, and Namibia. While orphans and street children are the most vulnerable, children of more affluent village families are also vulnerable to trafficking, as sending children to the city for work is perceived as a status symbol. Some child domestic workers receive adequate room and board, but others are starved, beaten, deprived of sleep, or overworked to the point of exhaustion – practices indicative of forced labor. To a lesser extent, Zambia is a destination for migrants from Malawi and Mozambique who are exploited in forced labor or forced prostitution after arrival in Zambia. Asian and South Asian males continue to be trafficked to and through Zambia for forced labor in the mining and construction industries in Zambia

or South Africa. An increasing number of Chinese and Indian men recruited to work in Chinese- or Indian-owned mines in Zambia's Copperbelt region are reportedly kept in conditions of forced labor by the mining companies. Officials believe transnational labor trafficking of South Asians through Zambia is becoming increasingly organized and linked to criminal groups based largely in South Africa. Zambia's geographic location and numerous porous borders make it a nexus for trafficking from the Great Lakes Region to South Africa. While the movement of Congolese children to and through Zambia remains a concern, the destination of these children remains unclear; some may be trafficking victims.

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 reporting period, the government increased law enforcement efforts by convicting one trafficking offender under its 2008 anti-trafficking law and investigating and prosecuting three additional suspected trafficking cases. Government-provided protection for victims remained weak; though the government continued to provide services to victims through partnerships with international organizations and NGOs, the continued lack of shelters significantly hindered appropriate victim care, as victims were, at times, detained in jails alongside trafficking offenders.



Recommendations for Zambia: Train police, immigration officials, prosecutors, and judges on effectively investigating and prosecuting trafficking crimes; formalize and implement victim identification and referral procedures; improve government services for human trafficking victims as provided for in the new law, including the establishment of victim shelters; increase officials' awareness on the application of the specific provisions of the new anti-trafficking law, particularly among labor officials and magistrates; investigate and prosecute mining company personnel who operate mines using forced labor; institute a unified system for documenting and collecting data on human trafficking cases for use by law enforcement, immigration, and social welfare officials; and continue to conduct public awareness campaigns.

Prosecution

The Government of Zambia demonstrated increased anti-trafficking law enforcement efforts during the reporting period, convicting one trafficking offender under the 2008 anti-trafficking law and investigating and prosecuting additional suspected trafficking cases. Zambia's comprehensive Anti-Human Trafficking Act of 2008 criminalizes all forms of trafficking and prescribes penalties that range from 20 years' to life imprisonment,

which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2010, the government amended its Immigration Act, adding additional prohibitions against human trafficking. During the reporting period, the government convicted one trafficking offender, acquitted two suspected traffickers, and detained two suspects who are awaiting trial or sentencing; two investigations were ongoing at the end of the year. In December 2010, a Zambian court convicted a Zambian man under the anti-trafficking law, and sentenced him to 10 years' imprisonment for confining seven Indian nationals in a Zambian home with the intention of forcing them to labor in construction in South Africa. The sentence for this conviction was below the minimum prescribed penalty of the anti-trafficking law. Additional cases were investigated as trafficking offenses; however, with insufficient evidence on the intentions of the suspects to exploit the potential victims, the courts dropped the human trafficking charges and tried these as smuggling cases or dismissed them. One such case involved seven Congolese children who were traveling with individuals who were not their legal guardians, were locked in a small room, and were unaware of why they left the Congo or where they were going; though originally charged as a trafficking case, with insufficient evidence on the intent to exploit these children, this case is pending trial as a smuggling case. In partnership with IOM, the government provided anti-trafficking training for law enforcement and immigration officials. In addition, during the reporting period, the Director of the Research, Planning and Information Department of the Ministry of Home Affairs led trafficking awareness briefings for new police recruits and immigration officers at the Police Training Academy. An immigration official, charged with trafficking in 2010, was dismissed from his job and convicted of smuggling, as the court lacked sufficient evidence to support a conviction under the anti-trafficking law; he was given a suspended sentence in September 2010. The government reported no other investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking. The government did not take action to criminally prosecute mining company personnel who reportedly operated their mines through the use of forced labor; however, the government did not receive any new reports of trafficked labor in the mining sector during the reporting period.

Protection

The government continued to ensure victim care through partnerships with international organizations and local NGOs during the reporting period. These efforts remained lacking in critical areas, however, including the establishment of victim shelters, though such initiatives are mandated in the 2008 anti-trafficking law. The government did not develop or implement systematic procedures for the identification of trafficking victims, nor did it demonstrate use of a formal mechanism for referring victims to NGOs for protective services. Due to limited secure shelter space in certain parts of the country and limited means for transporting victims, foreign victims were jailed alongside traffickers for extended periods. The government acknowledged this shortcoming and, through a partnership with an international NGO, began to plan the construction of Zambia's first dedicated human trafficking

shelter. While existing NGO shelters offered limited accommodation for women and children, no services were available for men. The Department of Immigration and the National Secretariat identified 37 potential trafficking victims and informally referred 18 of these to IOM for care; IOM independently identified and assisted four additional victims with psychological counseling, medical treatment, and skills training during the reporting period. The government also sustained a partnership with IOM on the repatriation of victims; during the reporting period, 18 Congolese and one Zimbabwean were repatriated to their home countries. The government offers temporary residency and legal alternatives to the removal of victims to countries where they may face hardship or retribution; during the reporting period, the government granted temporary residency to at least 19 victims. Without proper procedures for the identification of victims and with the unavailability of shelters, the government likely arrested, jailed, and penalized victims for unlawful acts committed as a direct result of being trafficked. Officials encouraged victims to assist in the investigation and prosecution of traffickers; during the reporting period, one trafficking offender was convicted based on testimony provided by victims.

Prevention

The Zambian government maintained its efforts to prevent trafficking during the reporting period. In 2010, the government worked with partners to prioritize and implement key components of the 2009 National Anti-Trafficking Plan, including multi-media outreach, employer workshops, and the formation of child coalitions to raise awareness on human trafficking. During the year, the government developed the 2011-2012 National Anti-Trafficking Plan, which prioritizes the development of victim referral procedures. It also selected representatives of government ministries to serve on the national anti-trafficking Secretariat, created in 2009; however, they remain overburdened by their primary functions due to understaffing in their respective ministries. The six members of the Secretariat met monthly and, in addition, held several *ad hoc* meetings as necessary in response to specific cases. The government continued its "Break the Chain of Human Trafficking" campaign, with support from the UN Joint Programme and local NGOs. Beginning in October 2010, the government helped plan and participated in a UN Joint Programme-funded outreach campaign on gender-based violence and human trafficking, including forced labor, and involving school debates, cycle races, marathons, dramatic performances, with traditional leaders and community radio taking part. As a result of this campaign, child coalitions were formed in 10 districts to continue awareness-raising efforts. Throughout 2010, the Ministry of Community Development and Social Services spearheaded a 13-episode English language television program on human trafficking, as well as an interactive radio program in seven local languages. In 2010, a Zambian court sentenced a Zambian man to 18 years' imprisonment for selling his 7-year-old daughter for the purpose of harvesting her organs for use in ritual practices in Tanzania. Action to combat labor trafficking was hampered by an inadequate number of labor inspectors; during the reporting period, the Ministry of Labor and Social Security (MLSS) conducted 15 child

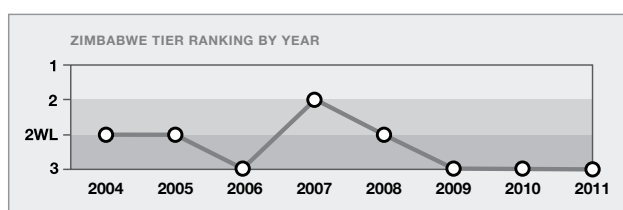
labor inspections, none of which resulted in prosecutions. In December 2010, the MLSS, in partnership with the UN Joint Programme, conducted a workshop for employers and trade unions on the demand for forced labor, working towards the development of employer guidelines, and both entities partnered to begin a study on internal trafficking to be completed in 2011. 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 sex trafficking in brothels that cater to long-distance truck drivers. Recent reports indicate that young women from rural areas are recruited into forced prostitution through the guise of beauty pageants held in cities. 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. Children are also utilized in the commission of illegal activities, including gambling and drug smuggling. Although security forces still maintain control of Marange district, sources indicate that forced labor abuses, including Zimbabwean security services forcing young men and boys to mine for diamonds, have ended.

Zimbabwean men 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. 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 given to thugs, who 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, the United Arab Emirates, Malaysia, Nigeria, and South Africa with false offers of employment in agriculture, construction, information technology, and hospitality, and some subsequently become victims of forced labor. Young women and girls are also lured to China, Egypt, the United Kingdom, and Canada under false pretenses, and then 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. Women and children from border communities in neighboring countries are trafficked to Zimbabwe for forced labor and prostitution. A small number of South African girls are exploited in Zimbabwe in domestic servitude.

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 showed an increased interest in trafficking issues, others denied the existence of a trafficking problem in Zimbabwe. The government did not report investigations, prosecutions, or convictions of trafficking cases. The government continued to rely on an international organization to provide law enforcement training, coordinate victim care and repatriation, and lead prevention efforts. During the year, draft anti-trafficking legislation was finalized and introduced to the Council of Ministers for debate; at the time of this report, the draft legislation had not yet reached Parliament for consideration. Reports indicate that the exploitation of children and adults in forced labor in the Marange diamond fields has ceased.



Recommendations for Zimbabwe: Prosecute, convict, and punish trafficking offenders; finalize and pass draft anti-trafficking legislation; formalize procedures for interviewing 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 did not record or release information on the number of trafficking investigations, prosecutions, or convictions it pursued over the year and the country remained without a comprehensive anti-trafficking law. Zimbabwean law does not prohibit all forms of trafficking in persons, though existing statutes prohibit forced labor and sex trafficking. The Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years' imprisonment, a fine of between \$5 and \$400, or both; 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, prescribing insufficiently stringent penalties of up to two years' imprisonment, a fine up to \$5,000, or both; if the victim is under 16, the sentence is increased to up to 10 years' imprisonment. The Act also prohibits coercing or inducing another person to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years' imprisonment, a fine, or both. Pledging a female for forced marriage or to compensate for the death of a relative or any debt or obligations, is punishable under the Act, prescribing penalties of up to two years' imprisonment, a fine up to \$5,000, or both. None of these penalties are

commensurate with penalties prescribed for other serious crimes, such as rape. In 2010, the attorney general and the Ministry of Home Affairs finalized draft anti-trafficking legislation and, in September 2010, it was introduced in the Council of Ministers for debate; however, neither the Ministry of Home Affairs or the Council of Ministers have transferred the bill to the Cabinet, which is the first step in introducing it for parliamentary consideration. The Prime Minister's Office, however, identified the draft anti-trafficking bill as priority legislation and it was included on the 2010-2011 legislative agenda. Despite these legislative plans, high level officials in the Ministry of Justice, including the minister, publicly denied the existence of the trafficking problem in Zimbabwe.

The government did not 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 referred several trafficking victims to the Department of Social Welfare for assistance, the VFU did not report investigating any of these cases. In August 2010, the Zimbabwean Labor Court ruled in favor of seven Zimbabweans, recruited in Zimbabwe by a Chinese national for forced labor in construction in Angola. The employers refused to pay the back wages, and filed an appeal to the High Court in January 2011. The government did not pursue criminal charges against the recruiters in this case. In 2010, there were no investigations or prosecutions of cases involving forced child labor. In February 2010, the newly formed Border Control Unit within the Criminal Investigating Department (CID) of the Zimbabwe police organized a number of trainings for its officers on human trafficking to raise awareness ahead of the 2010 World Cup; the training was provided and funded by an international organization. Overall corruption in law enforcement and the judiciary remained serious problems. Victims refused to report or pursue cases of trafficking because they feared that their traffickers would 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 are no reports of trafficking among Zimbabwean peacekeepers deployed abroad.

Protection

The Zimbabwean government provided trafficking victims with some protection and continued to ensure victims' access to shelter and care services provided by NGOs and international organizations. Although the government sustained its employment of a formal process for referring some types of trafficking victims to international organizations and NGOs for services, it continued to rely on these organizations to identify most trafficking victims. During the reporting period, IOM and local NGO partners identified and assisted at least eight Zimbabwean trafficking victims during the reporting period with safe shelter, psycho-social support, family tracing, and reunification; in contrast to 2009, the Zimbabwean police and Department of Social Services did not refer any victims to these organizations for care

in 2010. IOM and NGO partners referred six alleged child trafficking victims to the Department of Social Welfare for care and case evaluation. Government-run shelters are in place to assist vulnerable and orphaned children, including trafficking victims, through their provision of longer-term shelter; it is unknown whether they provided such services to trafficking victims during the year. The Ministry of Labor and Social Welfare operates programs in three districts to provide orphans and vulnerable children with counseling, as well as other services; it is unknown whether they provided such services to trafficking victims during the year. During the reporting period, partnerships between the police and NGOs and international organizations enabled the establishment of one new one-stop drop-in center for victims of gender-based violence, where victims can receive examinations, file police reports, and receive psycho-social counseling; it is unknown if any victims of sex trafficking were assisted by these centers. At its centers at Beitbridge and Plumtree border crossings, trained Department of Social Welfare staff referred identified victims to safe houses where short-, medium-, and long-term assistance could be provided, and worked closely with IOM and other NGOs at these centers to ensure the protection of vulnerable children. The government encouraged child and adult victims of exploitation, including trafficking, to testify in court and established Victim Friendly Courts specifically to support such testimony; however, due to resource constraints, their ability to operate as intended is limited. 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 formal 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. Victims could have received relief from deportation while their cases are being investigated, though none were known to have received such temporary residency.

Prevention

The government demonstrated minimal efforts to prevent trafficking. The inter-ministerial task force on trafficking, made up of senior government officials, met at least once during the reporting period, did not execute any anti-trafficking programming, and continued to lack a national plan of action. The government did not conduct any anti-trafficking awareness campaigns during the reporting period; however, NGOs and international organizations developed and aired an anti-trafficking information campaign around the World Cup in South Africa on state-run television and radio. State-run media continued to print and air stories about the dangers of illegal migration, false employment scams, underage and forced marriages, engaging in prostitution, and exploitative labor conditions. Information regarding any potential measures adopted by the government to ensure its nationals deployed to

peacekeeping missions did not facilitate or engage in trafficking was unavailable. The government did not make efforts to reduce the demand for commercial sex acts. Zimbabwe is not a party to the 2000 UN TIP Protocol.

COTE D'IVOIRE (Special Case)

In the months prior to the October 31, 2010 presidential election, the Government of Cote d'Ivoire made fair anti-trafficking progress. However, prospects for additional progress were extinguished by the political stalemate and civil war following the November runoff as incumbent Laurent Gbagbo refused to concede defeat to the internationally-recognized winner, Alassane Ouattara. During the four-month period that, critically, came at the end of the reporting period – months slated for implementation of the newly-passed child trafficking law – there was no national governing structure that could assume responsibility for addressing the country's human trafficking problem. Police were militarized, courts were non-functional, and prisoners were freed from jail. Basic public services were not available, including social services necessary to address the needs of victims. Government ministries were minimally staffed and effectively shut down due to a lack of funding for salaries. The country descended into a period of sustained violence that damaged the national infrastructure necessary to address the trafficking problem. During this period, Ouattara's legitimate, elected regime lacked control over government ministries and functions and the ability to engage in serious and sustained efforts to combat trafficking.

The following summary covers the anti-trafficking efforts of the Gbagbo government until the October 31, 2010 presidential election. The government failed to prosecute and convict trafficking offenders or take steps to identify trafficking victims among women and girls in prostitution. Although it referred some child victims to NGOs for care, the government did not provide services to adult victims, and it abandoned a plan to build two shelters for trafficking victims. Though the government acknowledged that certain forms of trafficking are a problem in the country, such as forced child labor, it did not recognize other forms, such as the forced prostitution of adults, and has never reported a prosecution of forced labor in the cocoa sector.

The following recommendations are provided to guide newly-installed government officials in undertaking future anti-trafficking initiatives in Cote d'Ivoire. The new government's policies and perspectives on Cote d'Ivoire's human trafficking problem are presently unknown.

Scope and Magnitude: Cote d'Ivoire is primarily a country of destination for children and women subjected to forced labor and forced prostitution. It is also a country of transit and origin for trafficking victims. Trafficking within the country's borders is most prevalent, with victims primarily recruited and transported from the north of the country to the more economically prosperous south. Boys from Ghana, Mali, and Burkina Faso are subjected to forced labor in Cote d'Ivoire's agricultural sector, including on cocoa, coffee, pineapple, and rubber plantations. Boys from Ghana are forced to work in the mining sector, boys from

Togo in construction, and boys from Benin in carpentry and construction. Girls recruited from Ghana, Togo, and Benin to work as domestic servants and street vendors often are subjected to conditions of forced labor. Women and girls are also lured to Cote d'Ivoire from Ghana and Nigeria with promises of jobs such as waitressing in restaurants and bars, selling clothing, or skills training, and are subsequently subjected to forced prostitution. During the year, an international organization reported receiving an Ivorian trafficking victim who had been forced into domestic servitude in Tunisia. There were reports that children may have been recruited, at times by force, into armed groups loyal to both Gbagbo and Ouattara.

Recommendations for Cote d'Ivoire: Increase efforts to investigate, prosecute, and convict trafficking offenders, particularly those who exploit children in the commercial sex trade or in forced labor, including in the agricultural sector; train judges and magistrates on the provisions of the new child trafficking law, as well as on existing legislation that criminalizes the trafficking of adults; form a basic government structure, such as a committee or task force with an allocated budget, to coordinate the government's anti-trafficking efforts across ministries; complete construction on two government-run shelters intended to care for trafficking victims; take steps to integrate screening, separation, and reintegration of any children that may be associated with security forces, militias, and armed groups into overall security sector reform; and train law enforcement officials to identify potential victims among vulnerable populations, such as women and girls in prostitution, and to refer them to protective services.

Government Efforts: While the Government of Cote d'Ivoire enacted legislation to address child trafficking, it did not prosecute or convict trafficking offenders using existing legislation during the reporting period. In September 2010, 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. Although most criminal acts covered under this law were already proscribed under various articles of the country's penal code, the new law increases penalties for compelling or offering children for prostitution to 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 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. The Criminal Police Unit reportedly arrested and investigated six persons suspected of human trafficking during the reporting period, four of whom remain in prison awaiting trial. Efforts to obtain additional information about these cases were unsuccessful.

The Ivorian government made inadequate efforts to protect victims of trafficking during the year. Law enforcement authorities did not demonstrate adequate efforts to proactively identify trafficking victims among vulnerable groups, such as foreign children entering the country without their parents or working in agriculture, though some victims were identified and referred to NGOs for care. One NGO shelter for trafficking victims cared for five victims, three of whom were Togolese, referred by the Police and the Ministry of Interior's Brigade de Mineurs during the year. The Ministry of Social Affairs referred 50 girls who had been exploited in domestic servitude to another NGO-run shelter. The government had no care facilities for foreign or domestic trafficking victims, and did not provide financial or material support to the NGOs it relied on to care for victims. Prior to the political crisis in October 2010, it had planned to build two shelters for trafficking victims, which were to be co-managed by the Ministries of Family and Labor. The Ministry of Family donated land to the project and the government allocated half of the approximately \$210,000 necessary to complete the project, but construction did not begin and was later postponed indefinitely as a result of the political crisis. It is not known whether trafficking victims were detained or prosecuted for acts committed as a result of their being trafficked, nor whether the government encouraged victims to assist in the investigation and prosecution of trafficking offenses.

The government demonstrated negligible efforts to prevent trafficking during the reporting period. It did not launch any campaigns to educate the public on the dangers of human trafficking. In the previous reporting period, a presidential decree established an independent coordinating body (service autonome) within the Ministry of Labor and Civil Service charged with addressing child labor. The office became operational in June 2010, but lacks a budget and does not appear to have taken any action since that time. While the service autonome was envisioned as the coordinating body for all government efforts against child trafficking, the National Committee for the Fight against Trafficking, chaired by a representative of the Ministry of Social Affairs, is currently responsible for issues of child trafficking. Discussions regarding coordinating the efforts of these two bodies were not completed. The government did not take any measures to reduce the demand for forced labor or commercial sex acts during the year. The government took steps to establish the identity of local populations by reinstating its issuance of identification cards to 5.7 million citizens over the age of 18. Cote d'Ivoire is not a party to the 2000 UN TIP Protocol.

HAITI (Special Case)

The massive physical destruction in the wake of the 2010 earthquake, including the destruction of governmental buildings, equipment, and loss of personnel, and the continued lack of fundamental infrastructure throughout the government, severely limited the government's ability to function in many areas, including in areas of law enforcement, social services and border control. This had a similarly limiting effect upon the government's ability to address trafficking in persons. For these reasons, Haiti remains a Special Case for the sixth consecutive year. The

extreme impact of the earthquake on the operational capacity of the Haitian government persisted throughout 2010 and into 2011. Twelve out of the 13 ministries collapsed in the earthquake, none of which have been rebuilt. Hundreds of civil servants and technocrats were killed, taking with them institutional knowledge and experience, and files were lost or destroyed. The Haitian government's ministries operated out of tents and in overcrowded makeshift buildings. Although Haiti has a significant child trafficking problem, the Haitian National Police Brigade for Protection of Minors (BPM), responsible for investigating crimes against children has a minimal staff of 35 for the entire country, and lacks vehicles or investigational materials to inspect childcare facilities around the country. Border patrol lacks capacity to monitor the four official border crossings effectively, let alone the entire territorial border. Finally, the justice system is largely non-functional, as detention backlogs go back years, and few cases advance without some form of bribes or political pressure. The slow pace of reconstruction after the earthquake and the lack of government infrastructure obstructed basic government efforts to address trafficking in the country.

The following background and recommendations are provided to guide government officials and organizations working on anti-trafficking initiatives in Haiti.

Scope and Magnitude: Haiti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The Haitian National Police and local NGOs reported an increase in alleged cases of forced labor and sex trafficking of children and adults since the earthquake. Young children without family support or secure housing appear to be increasingly at risk. The majority of trafficking cases are found among the estimated 173,000 to 225,000 *restaveks*—the term for the practice of child domestic servitude—in Haiti. The majority of children become *restaveks* 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, *restaveks* are particularly vulnerable to beatings, sexual assaults, and other abuses by family members in the homes in which they are residing. *Restaveks* are often dismissed when they become teenagers or difficult to control. Dismissed and runaway *restaveks* make up a significant proportion of the large population of street children, who frequently are subjected to sex trafficking or street crime by violent criminal gangs. Since the earthquake, local shelters have received a record number of *restaveks*. Many are also living in internally displaced persons camps.

Representatives from NGOs monitoring the Haitian-Dominican border reported that children frequently cross the border illegally, often in the company of an adult who is not the child's parent or guardian. This adult is generally paid approximately three dollars to pretend to be the child's parent until they get to the other side of the border. Some of these children are taken to be reunited with parents working in the Dominican Republic, but others are believed to be going to work in organized begging rings or in domestic servitude. 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.

Government Efforts: In a positive step, Haitian officials recognized that human trafficking, including the exploitation of *restavek* children, is a serious problem in the country; however, the lack of legislation prohibiting all forms of trafficking was a major obstacle to progress. The absence of legislation also contributed to confusion among elements of the Haitian government and some of its international donors among the crimes of human smuggling, human trafficking, and illegal adoption. Legislation criminalizing all forms of human trafficking has been pending in Parliament for several years. A draft bill on trafficking has been presented to Parliament for consideration in the next session, which is expected to occur near the end of the reporting period. The Haitian justice system did not make advances in prosecuting traffickers during the reporting period. The government did not report any investigations, prosecutions or convictions of trafficking offenders in Haiti. The BPM was severely understaffed and lacking in resources such as vehicles and computers, like many Haitian National Police units. The BPM, however, did refer cases, including cases of child domestic servitude, to the prosecutor's office, where they often languished as part of Haiti's large case backlog. The Haitian National Police provided a handbook for police cadets, written in collaboration with Interpol, on sex trafficking.

The government lacked formal victim identification and assistance policies and resources. Shelter services for adult trafficking victims did not exist. The government's social welfare agency worked well with NGOs to identify and refer some child victims to donor-funded NGOs who provided shelter, food, medical, and psychosocial support. One NGO, with international donor support, screened approximately 14,000 children during the reporting period and registered 200 of them as potential victims of child trafficking. The children were transferred into the social welfare agency's custody, and over 100 of them were reunited with their families. Haiti's border with the Dominican Republic was not well-monitored, but at the four designated border crossings, Haitian officers worked with NGO child protection officers (who have been seconded to the police) to screen children passing through the border for possible trafficking. In December 2010, police stopped a truck with four men and seven children in a suspected trafficking situation and worked with the NGO to reunite the children with their families.

Prevention efforts have been largely NGO-driven. The government did not register all births immediately and did not keep statistics concerning the number of births unregistered each year, increasing children's vulnerability to human trafficking. Haiti is not a popular destination for international child sex tourism; however, there were many foreign nationals in the country for non-tourist purposes, and there were some incidents of foreigners procuring child commercial sex acts. The government of Haiti worked with the Canadian government to deport a child rapist to Canada for prosecution.

A divergent definition of trafficking in persons within the NGO community further hindered coordinated anti-trafficking strategies. There have been reports of duplication of anti-trafficking efforts by international organizations unaware of local mechanisms already in place.

Recommendations for Haiti: Enact legislation criminalizing sex trafficking and all forms of forced labor, including domestic servitude, with penalties that are proportionate to the seriousness of the crime committed; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of victims to available services; provide in-kind support for victim services; consider partnerships with NGOs to establish and support community based social workers as protection and prevention measures; and improve access to quality education for all children.

SOMALIA (Special Case)

Somalia remains a Special Case for a ninth consecutive year due to the lack of a viable central government since 1991. Control of its geographic area is divided among the self-declared independent Republic of Somaliland, the semi-autonomous region of Puntland, and 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, terrorist groups, and extremist elements. The TFG remained preoccupied with the task of securing government representatives and installations from attacks by such elements; in this perpetual state of insecurity the government was not able to address human trafficking. 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.

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 who are subjected to conditions of 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. Sources note a rise in reported trafficking cases during the reporting period. Somali women and girls may have been subject to sex trafficking in Garowe, the Puntland-administered part of Las Anod (Sool region), and pirate towns such as Eyl and Harardheere. Sources report a clearer link between piracy and human trafficking during the reporting period; girls are reportedly taken from coastal regions, particularly Bossaso, and placed in pirates' homes to be exploited in domestic and sexual servitude. Some female brothel owners, who can profit as much as \$50 per client,

kept victims in harsh conditions and meted out physical abuse as a means of compelling victims to work. There was reportedly an increase in the use of drugs to render victims unconscious during transport. In Somali society, certain groups are traditionally viewed as inferior and are marginalized; 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 desperate 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 business, 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 traffickers utilize the same networks and methods as those used by smugglers. Men, women, and children in internally displaced persons (IDP) camps or congregated along coastal areas hoping to be smuggled to 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 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 for 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 commercial sexual exploitation. For example, in November 2010, U.S. authorities indicted 29 Somali gang members for prostituting four girls – including one 12-year-old – in several U.S. states. Ethiopian women are smuggled through Somalia to Yemen and onward to other destinations in the Middle East where they are forced into domestic servitude and prostitution.

According to the UN, the recruitment and use of children in armed conflict has been increasing over the past two years; although the exact figure is unknown, UN sources estimate that there are several hundred children in the forces of the TFG or its associated militias, and several thousand among the insurgent groups. Youth under the age of 18 continued to be recruited, including by force and deception, for direct participation in hostilities in central and southern Somalia. During the reporting period, extremist groups al-Shabaab and Hisbul Islam merged and jointly used systematic force and deception to target vulnerable children, sometimes as young as eight years old, for membership in their militias. These forces reportedly increased recruitment at schools and other educational facilities during the reporting period; al-Shabaab threatened to punish teachers and parents who

refused to send their children to the training camps. The groups used children to plant roadside bombs and other explosive devices in addition to carrying out assassinations, portering, and domestic servitude. In Kismayo, Baidoa, and Merka, al-Shabaab obligated all boys 15 years of age and older to fight or face death; in November, al-Shabaab executed two children in Hurwaa District of Banadir region. 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. While the TFG’s military reportedly improved its recruitment practices to prevent conscription of child soldiers into government ranks, UN sources reported that the TFG and its allied militias continued to unlawfully use children throughout the reporting period in their fighting forces. Without established birth registration systems, it remained difficult to determine the exact age of persons conscripted into armed groups.

The respective authorities operating in Somalia’s three regions made few concrete efforts to address human trafficking during the reporting period; there was generally a lack of anti-trafficking efforts 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. TFG officials recognized trafficking as a problem, but acknowledged that it is not a priority.

None of the three regions have laws that specifically prohibit human trafficking, though the pre-1991 penal code outlaws forced and compulsory labor and local laws prohibit forced labor, involuntary servitude, and slavery in Somaliland. In December 2010, the Puntland Parliament enacted provisions prohibiting and punishing offenses under Islamic law when smugglers cause the death of smuggled or trafficked persons, prescribing punishments of between one and five years’ imprisonment. However, there is neither a unified police force in the territory to enforce these laws, nor any authoritative legal system through which trafficking offenders could be prosecuted. There were no known prosecutions or convictions of human trafficking offenses, including by traditional or Shari’a courts, during the reporting period. Despite the existence of laws protecting children from conditions of forced labor, authorities did not enforce these against child traffickers. The government did not provide anti-trafficking training for government officials and made no known efforts to investigate, prosecute, or punish government officials involved in trafficking offenses.

The government did not provide any protection services to victims of trafficking. The International Organization for Migration (IOM) and local organizations began providing rented houses and reintegration services to rescued trafficking victims in Bossaso, Puntland. 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 10 victims of trafficking – eight in Puntland and two in Somaliland. IOM reported that clan elders brought a total of 50 suspected trafficking victims in Somaliland and Puntland to its attention. The government did not provide financial or in-kind assistance to these organizations. Government authorities did not utilize formal procedures to identify and protect victims of trafficking or refer them to available protection services. The government also did not provide assistance to any Somali nationals who were repatriated as victims of trafficking.

During the reporting period, there were no reports of formal conscription or forced recruitment of persons under the age of 18 into the TFG, Somaliland, or Puntland armed forces. During a November 2010 visit by the UN Special Representative of the Secretary General on Children and Armed Conflict, the TFG prime minister promised to investigate all reports of child soldiers, some of who may be trafficking victims, in the TFG army and, if found, to demobilize them. Also in December, the TFG named a Focal Point for Human Rights and Children with responsibility for addressing child soldier issues. Throughout the reporting period, the TFG also continued to improve its recruitment practices and participate in formal troop training to stop child soldier recruitment, including conscription. New recruits, trained in Uganda and Djibouti, were thoroughly vetted, and child soldiers were removed from the new units upon return to the country. However, there are reports that the TFG and allied forces continued to use a small number of children in armed service, some of whom may have been involuntary conscripts.

The government made no known efforts to prevent trafficking in persons. During the reporting period, the government did not conduct anti-trafficking information or education campaigns or make any discernible efforts to reduce the demand for commercial sex acts. Neither Somali national nor regional authorities implemented any programs to address forced child labor or provided assistance to non-governmental organizations to do so. Somalia is not a party to the 2000 UN TIP Protocol.

These children in Kidderpore, India face constant stigma at local schools because the majority of their mothers were teen-aged trafficking victims from Nepal or Bangladesh. The children are enrolled in a sponsorship program that helps them with fees and transportation to attend schools in which they are safe and can become less vulnerable to trafficking.

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	
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
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
Congo, Rep. of	X		X		X(a)		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 (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	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
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	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
Iran			X		X(a)	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
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
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
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	
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			X	X
Mauritius		X(a)	X	X		X	X	X	X
Mexico	X	X	X	X	X	X	X	X	X
Micronesia (FSM)				X		X			
Moldova	X	X	X	X	X	X	X	X	X
Mongolia		X(a)	X	X	X	X	X	X	X
Montenegro		X(a)	X	X	X(a)		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
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
Nicaragua		X(a)	X		X(a)		X(a)	X	X
Niger	X	X	X	X	X			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
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
St. Vincent & the Gren.	X	X	X		X(a)		X(a)	X	X
Saudi Arabia	X	X	X		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
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
South Africa	X	X	X		X(a)	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
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	X



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.



In the streets of Jakarta, Indonesia, very young children are often used for entertainment or begging.

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 UN implements its 2003 zero-tolerance policy “Special Measures for Protection from Sexual Exploitation and Sexual Abuse” (ST/SGB/2003/13) through a series of reforms that apply to approximately 99,000 UN uniformed personnel (troops, military observers, and police), UN international and national staff members, contractors, consultants, and UN volunteers serving in peacekeeping and humanitarian missions.

Prevention

- The UN requires peacekeeping personnel (civilian, police, and military) to sign a code of conduct on sexual exploitation and abuse that forbids sex with minors regardless of the local age of consent, sex with persons in prostitution, and offering favors or goods in exchange for sexual favors.
- The UN’s model memorandum of understanding (MOU) (GA resolution 61/267 B) includes provisions for addressing sexual exploitation and abuse by uniformed personnel. These provisions are also applicable to MOUs signed prior to July 2007.
- Many UN peacekeeping missions have prevention measures such as “off-limits premises and areas,” curfews, and telephone hotlines, and require mission personnel to wear uniforms at all times.
- The Department of Peacekeeping Operations (DPKO) is working with troop-contributing countries (TCCs) to increase the number of women deployed to UN peacekeeping missions. In 2010, the number of women totaled 3,332 or 3.33 percent of the total number of personnel deployed overseas, compared with 1,016 women in 2005. The presence of female personnel may foster greater adherence to the zero-tolerance policy for sexual exploitation and abuse.
- The DPKO has training modules for different levels of personnel to prevent sexual exploitation and abuse. The Department provides these modules to TCCs for pre-deployment training, but it is not able to verify if the training has been completed. The UN does provide training, however, for all personnel upon arrival at UN missions. Mission personnel are made aware of the standards of conduct and the zero-tolerance policy and are trained in prevention of sexual exploitation and abuse.
- Civilian managers and military commanders are responsible for ensuring implementation of the UN’s programs and policies to eliminate sexual exploitation and abuse. The heads of UN missions evaluate civilian managers on their implementation of the UN zero-tolerance policy.

Victim Assistance

- The UN’s victim assistance strategy (GA resolution 62/214) authorizes UN missions to provide victims with medical treatment, counseling, social support, legal services, or material care. Children born as a result of sexual exploitation and abuse by peacekeepers are also eligible to receive this assistance.
- All UN Missions have established victim assistance mechanisms. However, there is no data yet available on the number of alleged or confirmed victims receiving assistance through these mechanisms.

Investigations

- The Department of Field Support has a Conduct and Discipline unit at UN headquarters and conduct and discipline teams (CDTs) at 14 peacekeeping missions. These teams inform local communities of the UN’s zero-tolerance policy on sexual exploitation and procedures for reporting abuse. They also receive complaints, carry out initial assessments of allegations, and determine whether specific allegations should be reported to the Office of Internal Oversight Services (OIOS) as serious offenses warranting full OIOS investigations. CDTs also train UN peacekeepers and civilian mission staff on combating sexual harassment, exploitation, abuse, and other types of misconduct.
- The OIOS characterizes allegations as either Category 1 or Category 2 offenses. The OIOS is responsible for investigating all Category 1 allegations, including sexual exploitation and abuse. The TCC handles allegations against military contingents. Less serious allegations are handled by the peacekeeping mission itself.
- In 2010, there were 85 sexual exploitation and abuse allegations against UN peacekeeping personnel compared with 112 allegations in 2009. The majority of the allegations affected the UN missions in the Democratic Republic of the Congo, Liberia, Haiti and Sudan. Thirty of the allegations in 2010 involved children under 18 years of age, and in 17 other cases the age could not be determined.
- Also in 2010, the UN completed 44 investigations and deemed 22 of them credible; 62 cases were still pending investigation. 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 2010 it followed up 74 times with affected TCCs concerning the outcomes of disciplinary actions but only received 29 responses.

Further information on the UN’s sexual exploitation and abuse prevention measures is available at <http://cdu.unlb.org/AboutCDU.aspx> and www.un.org/en/pseataforce/index.shtml

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

NATO has measures in place prohibiting its personnel from engaging in human trafficking. There are no known reports of any NATO personnel or units engaging in or facilitating human trafficking. NATO has six ongoing missions involving more than 135,000 troops.

- In 2004, NATO Allies and Partners adopted an anti-trafficking policy. Provisions included 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. In 2007, an ongoing review resulted in additional provisions, including a commitment to improve witness protection in theatres of operation.
- Under that policy, military and civilian personnel deployed under NATO-led operations who violate NATO's zero-tolerance policy would be subject to prosecution and punishment under their national legislation. NATO relies on its Allies and Partners' troops or other sources to inform NATO of any allegations. Senior NATO commanders can also request for the repatriation of any offenders.
- NATO policy further provides that for each of its operations, specific policy provisions articulate the roles and responsibilities of NATO forces with respect to combating the trafficking of human beings. NATO mission personnel are instructed to support the responsible host-country authorities, including local law enforcement officials, in their efforts on human trafficking cases.
- While training and raising awareness among Allied forces are national responsibilities, NATO offers a number of courses for military personnel of both NATO and Partner countries at NATO's training facilities.
- 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 2010.

Further information on NATO's human trafficking prevention measures is available at <http://www.nato.int/issues/trafficking/>.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

The OSCE has measures in place to prevent personnel from engaging in human trafficking and sexual exploitation and abuse. There are no known reports of OSCE personnel engaging in or facilitating human trafficking. The OSCE has 18 field missions and 2,887 personnel. The OSCE Secretary-General is responsible for overseeing OSCE efforts to prevent misconduct by personnel.

- The OSCE's Code of Conduct for Staff and Mission Members (Appendix 1 to Permanent Council 550/Corr.1, 27 June 2003) 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 (Permanent Council 557/2003), the OSCE Department for Human Resources issued Staff Instruction No. 11/2004 in order to Prevent the Promotion and Facilitation of Trafficking in Human Beings, reiterating the high standards of behavior for all OSCE officials in mission areas, as well as for OSCE staff attending conferences and other official events.
- The Special Representative and Co-ordinator for Combating Trafficking in Human Beings is finalizing a two-part background paper on 1) the implementation and enforcement of codes of conduct in the private sector to reduce demand for the services of or goods produced by people who have been trafficked, and 2) the use of codes of conduct by military, peacekeeping, and international organizations in conflict areas to combat trafficking in human beings. The first part of the background paper would contribute to the preparation of the 2011 *Alliance Against Trafficking in Persons'* high-level conference focused on labor exploitation.
- The OSCE Ministerial Council Decision 16/05 "Ensuring the Highest Standards of Conduct and Accountability of Persons Serving International Forces and Missions" calls on participating states to prevent human trafficking and sexual exploitation and abuse and, as necessary, to discipline its personnel.
- The OSCE Ministerial Council Decision 15/06 "Combating Sexual Exploitation of Children" directs executive structures to incorporate the issue of child sexual exploitation in code of conduct trainings and awareness-raising materials for OSCE officials. The general orientation training for OSCE personnel includes an optional training component on sexual exploitation and trafficking in human beings.
- The OSCE Ministerial Council Decision 11/08 "Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach" directs participating states to include human trafficking policies and consequences in pre-deployment instruction for military and civilian personnel. The OSCE is working in partnership with other international organizations such as NATO to help participating States implement "peace forum training" which includes human trafficking policies instruction for military and civilian personnel and for OSCE contractors.
- The OSCE provides these documents to all personnel, including locally-hired mission staff, during orientation trainings. Officials and staff are subject to disciplinary action including dismissal. But OSCE member States and Partners are responsible for taking legal action against nationals participating in missions who violate the policy. Field mission personnel are instructed to refer victims to local NGOs for legal or social services and to cooperate with local law enforcement officials on human trafficking cases.

For further information on the OSCE's human trafficking prevention measures please go to <http://www.osce.org/what/trafficking>.

INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS

Organization	Framework Documents Relevant to TIP	TIP Focal Point
United Nations www.un.org www.unodc.org www2.ohchr.org/english/bodies/chr/special/themes.htm www.ungift.org/knowledgehub/	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)	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.au.int/	Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006) (Being updated for 2011-2013)	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) ASEAN Trafficking in Persons Handbook on International Cooperation (2010)	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 Combating 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 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)
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

Organization	Framework Documents Relevant to TIP	TIP Focal Point
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 (2011)	European Commission Anti-Trafficking Coordinator
International Labour Organization (ILO) www.ilo.org	ILO Convention No. 29 on Forced Labour ILO Convention No. 105 on Abolition of Forced Labour ILO Convention No. 182 on the Worst Forms of Child Labour	N/A
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 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/	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 CLOSING NOTE FROM THE DRAFTERS OF THE REPORT



“Typically, servants needed to work for at least four years to pay off the debt, but it was not uncommon for them to die during the harsh conditions of bondage.”

- Smithsonian Magazine, March 2009

While some of the accounts in these pages are disquieting, they are but a faint echo of the daily suffering of trafficking victims. For every hero or survivor highlighted, millions more remain unacknowledged and unnamed. It is time for that to stop.

The child pictured above was killed at age 15. From his age, his ethnicity, and skeletal damage, forensic specialists say he was a European child whose short life was one of hard labor – an indentured servant at a time when both Africans and Europeans were held in servitude in the New World. He likely tried to block the blows that felled him, breaking his forearm in a classic defensive wound. Buried in a hastily scraped grave in a cellar and covered over with discarded trash, he died anonymously and unknown. It was 1665, and the winds of slavery were spreading across the Americas.

This child’s story speaks across the centuries, reminding us of the millions who have suffered alone, abused in places where government and society turn away from their cries.

And his story symbolizes the responsibility of governments to act. Not just to pass laws or discuss human trafficking as a diplomatic issue, but to *act*.

For his story is entwined with the first slavery laws in America. In 1661, concerned about the level of brutality, the colony of Virginia passed a law to bring transparency to slaves’ treatment by requiring deaths to be registered. But in the years that followed, abusive masters avoided the law by resorting to secret “cellar burials” like the one in this photo. Whether in 1661 or 2011, laws alone can only do so much. Words on a page cannot free slaves or bring their abusers to justice. It takes enforcement, protection of the vulnerable, and sustained political will. In short, it takes a government.

So as we close this year’s TIP Report, we are mindful of those on whose behalf we write. For those who deserve a real life, not an anonymous death – in honor of this child’s mute testimony from the grave – we must once and for all prevent the shadow of slavery from finding new victims.

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Made of the chocolate that
flows the way into our streets
and homes is people with voices
have been closed (children
that are trafficked children).
To find out what you can do
to end this shocking practice
visit www.stopthetraffik.org

STOP THE TRAFFIK
TRAFFIC IN HUMANS, NOT JUST IN GOODS



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